



The Lowcountry's Hometown

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Staff Report

224 Carolina Avenue Tree Removal

DATES: November 15, 2022

TO: Moncks Corner Planning Commission

FROM: Douglas Polen, Community Development Director

SUBJECT: Grand Tree Removal

**SUBJECT
PROPERTY:** 224 Carolina Ave

**ACTION
REQUESTED:** Consider an appeal to remove a 30" grand oak tree

Background:

The applicant, Michael Auclair of Carolina Benchworks, would like to remove a 30" grand live oak tree from his lot at 224 Carolina Avenue.

Per his permit application, "tree is in my driveway and interferes with my daily operations. Difficult to see around or make right turns. Santee Cooper said it would never mature and they will need to keep cutting it."

Mr. Polen met with the applicant and Santee Cooper onsite in 2021. The Santee Cooper representative said that they would cut the tree if the Town requested it, but otherwise would not. Likewise, Mr. Polen stated that if Santee Cooper felt that the tree needed to be removed, they could do so. Santee Cooper did not feel that the tree had to be removed, so the Town made no request to remove the tree.

Due to the size of the trees, mitigation would either be 30" of new plantings or \$75 per inch of tree, or \$2,250.

Analysis:

Per the Town Tree Ordinance, grand trees may be removed without mitigation under the following circumstances:

- A. Tree(s) is/are dead.
- B. Tree(s) which pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
- C. Trees which are located in the footprint of a proposed building or drive which cannot be reasonably relocated.
- D. Trees which are being cut as a commercial timber operation in accordance with the South Carolina Right to Practice Forestry Act. The Town requests but does not require that a 50-foot wide perimeter buffer of all existing trees be maintained in an undisturbed manner. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article with respect to their removal from the commercial site upon which they are grown.
- E. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or South Carolina Office of Coastal Resource Management are exempt from the provisions of this article.
- F. Removal because of density or interference with the development of other trees.
- G. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
- H. Trees identified by the South Carolina Exotic Pest Plant Council Non-Native Plant Species List.

Per the Town Tree Ordinance, any person aggrieved by a Staff decision pursuant to the ordinance may appeal Staff's decision to the Planning Commission. The Zoning Ordinance states the following concerning appeals:

"The board of appeals shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance."

As such, the Planning Commission is to decide whether there is an error in judgment as to how Staff came to their decision.

Staff Findings & Recommendation:

While Staff understands the access difficulties placed by the tree, Staff must also balance that difficulty with the nature of the tree. The tree is a grand live oak street tree less than 60' from Live Oak Drive – an area where such trees were planted by the government and are increasingly being removed as they die or whenever they become a burden to the property owner. Keep Berkeley Beautiful has been giving away live oak trees to bolster the population of this tree which serves as the Town's symbol.

This particular tree was in place when the applicant purchased the property, the applicant removed a very large limb off of the south side of the tree to aid ingress and egress and is neither dead, dying, diseased, dangerous, nor in the way of construction. Per the code, removing this tree requires 100% mitigation, and Staff recommends such mitigation should the tree be removed.