



*The Lowcountry's Hometown*

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## Staff Report

### 219 High Hill Tree Removal

**DATES:** January 25, 2022

**TO:** Moncks Corner Planning Commission

**FROM:** Douglas Polen, Community Development Director

**SUBJECT:** Grand Tree Removal

**SUBJECT PROPERTY:** 219 High Hill

**ACTION REQUESTED:** Consider an appeal to remove a grand magnolia

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#### Background:

The applicant, Tiffany Morrison, removed a 27" magnolia without a permit in early December. According to the application, the tree was hanging over a power line and was compromising her lawn and other trees on the property.

Per visual inspection of the trunk and clippings by Town Staff, the tree did not appear to be dead or an imminent safety hazard.

Due to the size of the tree, mitigation would either be 27" of new plantings or \$75 per inch of tree, or \$2,025.

#### 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.

The Tree in question does meet any of these conditions.

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:**

The tree in question does not meet any of the conditions for removal as described in the Code of Ordinance. As such, Staff recommends full mitigation and **DENIAL** of a tree permit.