



*The Lowcountry's Hometown*

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## Staff Report

### 120 Pinewood Drive Tree Removal

**DATES:** June 28, 2022

**TO:** Moncks Corner Planning Commission

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

**SUBJECT:** Protected Tree Removal

**SUBJECT PROPERTY:** 120 Pinewood Drive

**ACTION REQUESTED:** Consider an appeal to remove protected trees

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#### Background:

The applicant, Angela Horne, removed two trees from her property at 120 Pinewood Drive on or about November 16, 2021 without a permit. Both trees were protected, measuring 23" and 17" at the stump. Measuring at breast height was impossible as the trees were cut at the time of measure.

Code enforcement became involved when Town trash services found the piles of trees along Pinewood Drive. Code Enforcement reached out to the property owner and received no response. By January 18, 2022 the debris along the road was removed. An official Notice of Public Nuisance was sent to Ms. Horne on April 22, at which point her neighbor Ben Coker reached out to the Town and requested this appeal on her behalf. Ms. Horne has yet to file an application for a tree permit.

Due to the size of the trees, mitigation would either be 40" of new plantings or \$75 per inch of tree, or \$3,000.

#### Analysis:

Per the Town Tree Ordinance, protected 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.

Furthermore, per the Town Tree Ordinance:

Protected trees removed without a permit shall be mitigated at a rate of one hundred (100) percent of the diameter of the protected trees removed, unless otherwise approved by the Planning Commission. Illegally removed trees shall be mitigated on site unless otherwise approved by the Planning Commission. The funds generated by this provision shall be deposited in the Town Tree Fund.

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 trees were removed without a permit, the debris was left on the side of the road for two months, and Staff attempted to communicate with Ms. Horne for five months before any response was granted. Staff recommends that the trees be mitigated as per the Ordinance.