

*MAYOR*  
Barbara Blain-Bellamy

*MAYOR PRO TEM*  
B. Alex Hyman



*COUNCIL MEMBERS*  
Amanda Butler  
William M. Goldfinch, IV  
Beth Helms  
Justin D. Jordan  
Larry A. White

**PLANNING DEPARTMENT**

**CITY OF CONWAY**

**TREE BOARD MEETING AGENDA**

**Wednesday, June 8, 2022 | 4:00 p.m.**

**City of Conway Planning & Building Dept. – 196 Laurel Street**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES – January 26, 2022**

**III. TREE REQUESTS**

**A. 206 Lakeland Drive:** The applicants, Rosa and George Van Pelt, are requesting retroactive permission to remove a Landmark Live Oak Tree from their property at 206 Lakeland Drive (PIN 339-09-01-0015).

**IV. PUBLIC INPUT**

**V. BOARD INPUT**

**VI. STAFF INPUT**

**VII. ADJOURN**

**CITY OF CONWAY**  
**TREE BOARD MEETING**  
**WEDNESDAY, JANUARY 26, 2022**  
**Public Safety Building – 1600 Ninth Ave**

Present: Troy Roehm, McKenzie Jordan, Duc Watts, Autry Benton, Gerry Wallace, Jamie McLain, Jacqueline Kurlowski (via Phone)

Absent: None

Staff: Jessica Hucks, Planner; Allison Hardin, Planning Director; Anne Bessant, Planning Assistant; Wanda Lilly, Arborist

Other: Pete Hughes

**I. CALL TO ORDER**

Chairman Roehm called the meeting to order at approximately 5:34 p.m.

**II. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON**

Wallace made a motion, seconded by Watts to elect McKenzie Jordan as Chairperson. The vote in favor was unanimous and the motion carried. Watts made a motion, seconded by Jordan to elect Jamie McLain as Vice Chairman. The vote in favor was unanimous and the motion carried.

**III. TREE REMOVAL REQUEST**

- A. 800 Melson Street:** The applicant, SR Individual Lots LLC, request approval to remove a Landmark Live Oak tree from the property located at 800 Melson Street (PIN 368-02-04-0005).

The tree in question is a *Quercus virginiana* (Live Oak) with a D.B.H. of 33-inches.

The tree is a Landmark Live Oak that is located on the (left) side of the parcel.

This is a corner lot, at the corner of Melson Street and Eighth Ave (a 40' ROW). Because it is a corner lot, the lot is subject to corner front yard setbacks from Eighth Ave. In November 2021, this

property received a variance from the Board of Zoning Appeals for the corner front yard setbacks to be reduced from the required 20' to 10'.

Staff recommends that the board thoroughly review the request. The applicant could request a variance in accordance with Section 3-4-9, b.3, above.

Hucks stated to the board that the current site plan shown before them was not the same site plan used at the time of the Board of Zoning Appeals meeting.

Wallace made a motion to request a variance for the 5-foot setbacks to save the tree. Watts seconded the motion and the motion carried unanimously.

- A. **1604 Sixth Ave:** The applicant, Zenobia Steele, requests approval to remove a Landmark Live Oak tree from the property located at 1604 Sixth Ave (PIN: 368-03-02-0042).

Hucks stated that the tree in question is a *Quercus virginiana* (Live Oak) with a D.B.H. of 76-inches (6-ft, 4"). The tree is a Landmark Live Oak that is located in the back left of the parcel.

The tree has limbs that will affect two adjacent parcels. 1606 Sixth Ave – the home of Deloris Bryant, is to the left of this property, and there are limbs that are over the parcel and home of Ms. Bryant. The tree also affects the parcel to the rear, at 1607 Highland Ave – owned by Ronald Jordan.

There are several limbs over the storage building of his property.

The owners of all three parcels would like the tree to be removed due to concerns with it failing. The tree has been struck by lightning in the past, which has caused injury to the tree in the middle from the top of the base. The tree is multi-stemmed approx. 3-ft up from the base. The split is approx. in the center of the tree with the weight of the canopy evenly distributed to each side. This leaves primarily the center to hold the weight of each side. Unfortunately, the past lightning strike has left the center of the tree vulnerable to splitting down the middle. Thus, the integrity of the center and base of the tree is compromised. The bark of the tree continues to fall off due to the lightning strike.

Additionally, there is a hole at the base of the tree, extending one foot into the tree. This is also a weak spot in the tree. There are numerous rotting areas and cavities throughout the tree at the base and canopy.

There are three (3) residential properties that could potentially be damaged if the tree should fail. For these reasons, staff recommends removal of the tree.

Watts made a motion to grant the request as presented. Roehm seconded the motion and the motion carried unanimously.

**IV. PUBLIC INPUT**

None

**V. BOARD INPUT**

None

**VI. STAFF INPUT**

None

**VII. ADJOURN**

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting at 4:55 p.m. The vote in favor was unanimous and the motion carried.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
McKenzie Jordan, Chairperson

**ISSUE:**

The applicant, Rosa Van Pelt, along with her husband George, requests retroactive permission to remove a Landmark Live Oak Tree from their property located at 206 Lakeland Dr (PIN 339-09-01-0015).

**BACKGROUND:**

On 5/13/22, staff was alerted to tree removal activities in progress at 206 Lakeland Dr. Staff researched and found that no tree removal permits had been issued for the project, so a site visit was performed. Staff observed the remains of several large trees, including a large oak stump in the rear of the property.

Staff evaluated the stump and determined that it was a *Quercus virginiana* (Live Oak) with a D.B.H. of 32 inches. This measurement put the tree into the Landmark category. Per city code, only the Tree Board may approve the removal of a Landmark tree.

In discussion with the homeowner on site, they claim that the tree was leaning over the roof when they cut it down. Stump development indicates the tree had grown away from the house in the formative decades, and photo evidence is missing to show that it changed course to grow over the house.

The applicant has received tree removal permits before, on other properties they own, and were aware of the process in the City of Conway. The applicant had also received pruning advice from the city arborist on previous occasions. They had not received a site visit from the city arborist to discuss pruning options, nor had they received permission to take the landmark tree down, prior to starting work the week of May 9-13, 2022.

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***City of Conway Tree Preservation Ordinance:***

***Section 3-4-8 – Tree Preservation***

- (b) *Landmark trees.* The following trees shall be considered landmark trees and shall not be removed from any lot in the city limits of Conway without a landmark tree removal permit:
- (1) All live oak trees designated on the map entitled "The Oaks of Conway, South Carolina," researched and prepared by Evelyn Snider, Joseph N. Pinson, Jr., and Eugene Holbert;
  - (2) Any live oak tree equal to or in excess of 30 inches d.b.h.;
  - (3) Any tree that city council designates as a landmark tree.

The proposed removal of any tree listed above shall be subject to mitigation of trees approved for removal, *Section 3-4-10.*

***Section 3-4-9 – Tree Permits Required***

- (b) Landmark Tree Removal Permit. This permit is necessary to remove any landmark tree on any lot within the City of Conway. **Requests to remove landmark trees shall be reviewed on a**

**case-by-case basis by the city arborist; then by the Conway Tree Board. The Conway Tree Board may authorize the city arborist to issue a landmark tree removal permit for the removal of a landmark tree provided the board determines one or more of the following:**

- (1) The tree is classed as a hazard tree, is in irreversible decline, and cannot be properly pruned to alleviate such condition;
- (2) The tree is diseased or infectious as certified by a registered forester or certified arborist or the city arborist and cannot be properly treated or pruned to alleviate such condition;
- (3) The tree is located on an undeveloped lot in such a position that the lot cannot be developed in a reasonable and prudent manner. In this instance, the tree board shall consider a request for a variance from a particular zoning requirement if it would alleviate the need to remove such landmark tree; and if so determined, initiate such request with the board of zoning appeals. In this instance, if no alternative to the removal of the landmark tree can be obtained, the tree board may attach any conditions to the permit the tree board deems necessary to ensure compliance with the intent of this chapter;
- (4) The tree is causing visible structural damage to a building and no feasible alternative other than removal of such tree exists, as certified by a structural engineer.

All landmark tree removal permits are valid for 6 months from the date of issue.

A condition of the landmark tree removal permit shall be mitigation as defined in *Section 3-4-10*.

***Sec. 3-4-10 - Mitigation of trees approved for removal.***

In cases where any type of tree removal permit is issued, mitigation planting may be required to compensate for the loss of the removed tree(s). The species of replacement trees shall be selected from one (1) of the following sources:

- (1) Shade trees or ornamental trees listed in the recommended plant list of the Conway zoning ordinance (section 11.1115);
- (2) Trees listed as protected trees in [section 3-4-8\(a\)](#) of this chapter;
- (3) Other trees as approved by the city arborist.

All mitigation tree selections shall be reviewed and approved by the city arborist or the Conway tree board. An effort should be made to include a diversity of species when planting mitigation trees.

***Sec. 3-4-14 - Violations and enforcement.***

The city arborist shall have the authority to inspect property for compliance with this chapter and issue stop work orders on any actions found in violation of this chapter.

(a) *Protected and landmark tree violations.* Protected and landmark trees cut, removed, or pruned in violation of this chapter are subject to the following penalties: plant replacement trees on site; and/or; pay a fine to the City of Conway Tree City account. **The Conway tree board shall make the final**

**determination of any penalty for the removal of a protected or landmark tree without a permit. The following table may be used by the Conway tree board as a guide for penalties of violations.**

*Table 2. Penalties—Removal of Protected or Landmark Trees Without a Permit.*

Diameter of Tree Removed (d.b.h.) Rounded Up	Number of Replacement	Minimum Caliper of Replacement	Alternate Fee
4" through 6"	Double the total d.b.h. of the removed tree	2"	Current nursery market value for required replacement plus associated costs of installation
7" through 12"	Double the total d.b.h. of the removed tree	4"	Same as above
13" or greater	<b>Triple the total d.b.h. of the removed tree</b>	4"	<b>Same as above</b>

***Section 3-4-15 – Appeals***

(b) Denial of landmark tree removal permit. Any person denied a landmark tree removal permit by the tree board may appeal to Conway City Council. An appeal must be filed in writing within 10 working days of the denial of the permit to the city arborist.

**VIOLATION DISCUSSION:**

City code allows the Tree Board to use the violations discussed in Section 3-4-14 to guide the penalties assigned when trees are removed without permits. The penalties start with the measurement (in inches) of the tree removed; this figure is then multiplied by three (since the tree removed was more than 13" D.B.H. when removed).

Applicants may replant trees to mitigate the loss. Replacement trees are allowed at a minimum of 4" D.B.H., with any leftover inches rounded up to an additional tree. Applicants are allowed to replant the number of inches of trees, or pay the amount of each 4" tree needed to offset the violation equation.

Current nursery values used for 4" live oak trees are \$450 each.

**SUBJECT SITE CALCULATIONS – TREE DIAMETER INCHES:**

For this subject tree, the measurement was 32" D.B.H.

**32" x 3 = 99" inches of mitigation for the Live oak removed**

99" divided by 4" (minimum tree diameter required) = 24.50, which rounds up to **planting 25 trees if all trees are the minimum 4" diameter.**

*(Note: larger trees could be used, and by doing so, the number of trees to plant would be reduced.)*

SUBJECT SITE CALCULATIONS – FINES:

If the applicant is unable to put 25 of the 4" D.B.H. trees on their property (either this one or others owned by the same owner), they may choose to pay \$450 per mitigation tree that can't be planted. Alternatively, they may pay \$450 per mitigation tree for all required mitigation and not replant any trees on their property/ies.

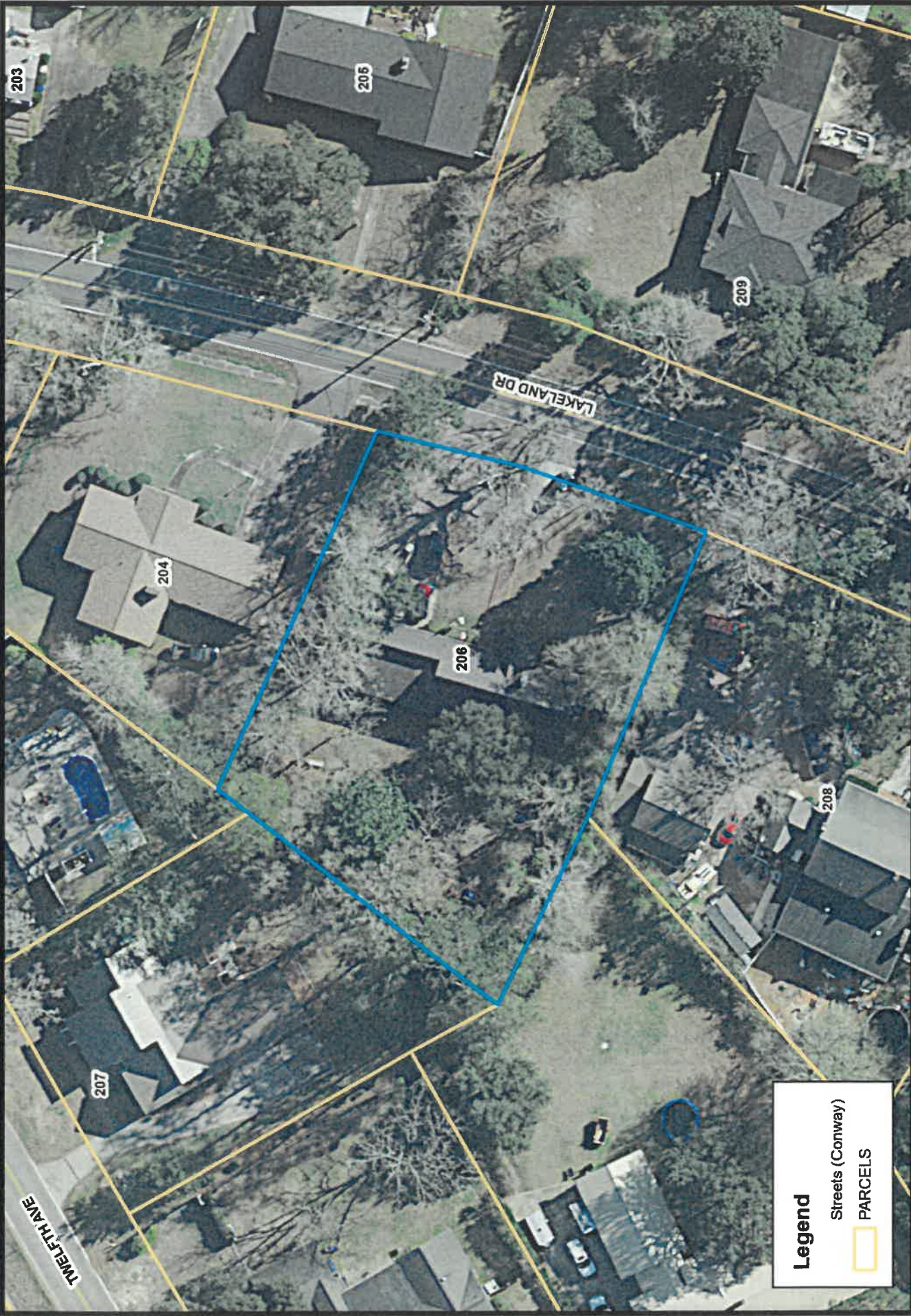
For the subject property, the **maximum fee** would be **25 x \$450, or \$11,250 in mitigation fees** if no trees are replanted.

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RECOMMENDATION:

**Staff recommends that the board thoroughly review the request.**





PIN 339-09-01-0015 - ROSA VANPELT ET AL - TREES REMOVED WITHOUT PERMIT



**Legend**

- Streets (Conway)
- PARCELS

Disclaimer: This map is a graphic representation only. It is NOT a survey map. The City of Conway needs to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



