

From: jboska@verizon.net
Sent: Thursday, May 20, 2021 4:55 PM
To: 'Pat Webb'
Cc: 'Mayor Womack'; 'Stephen Steese'; 'Eric Greenwood'
Subject: RE: Concerns on City Rules on Storm Drainage Easements
Attachments: 2021-05-19 Easley FAQ on fences.jpg

Ms. Webb,

Thank you for your quick response. I will provide further details of my concerns:

1. The Requirement for a City Permit for Fences or Sheds:

Many of my neighbors went to the City of Easley website and in the Search block typed in "fence" to see what the City requirements were. The first item that comes up is an FAQ, which I have attached to this email. I retrieved this from the website yesterday. The FAQ says "Do I need a permit for a fence? No you do not."

So then we submitted an architectural change request (ACR) to the HOA. The ACR came back "approved" and we built the fence. Now we are being told to remove the fences. We feel like we did everything correctly and don't understand what went wrong.

I recently learned that Ordinance 2020-19 was approved by the City Council on 6/29/20. I cannot find an approved copy of this Ordinance on the City website, just a draft in which all dates and signatures are blank. This Ordinance added the requirement that fences and sheds need review and approval by the City ("a permit"). Prior to that date I find no Ordinance that required homeowners to get a City permit for fences or sheds. So I would assume that all fences and sheds constructed prior to 6/29/20 are Legal.

2. The ECU 30 foot wide easement for the forced (pumped) sewage line:

The homeowners are upset that the builder (Ryan Homes) did not explain the conditions of this easement when we bought the lots (no fences or other structures or trees), but have accepted the fact that this easement needs to remain clear. I am not aware of anyone asking for anything to be located on this easement.

3. When I met with Eric Greenwood today he gave me a copy of section 52.068, Easements, of the City code. Chapter 52 is written to provide instructions to developers and is not something that homeowners would read. Section 52.068 says "Easements shall stipulate that no trees, shrubs, structures, excavation, or fill be placed, and no regrading be performed within the area of the easement without written approval from the City of Easley, upon review by the SWMD and/or City Engineer." I have looked at my lot survey and there is no such stipulation about my easements. It would appear that the developer did not follow these instructions and the City Approval Board still approved it. When I bought the property from Ryan Homes they did not mention any restrictions on the drainage easements. Section 52.033 says that "The Director of Public Works may grant a written variance from any requirement of this chapter if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of this chapter." I believe it would be appropriate to grant such a waiver to subdivisions such as Stonehurst where the easement is for a surface drain or a single buried stormwater pipe.

4. The lots at Stonehurst are very small, and the homeowners were not informed of the easement requirements prior to purchase. My back yard is 60 feet by 88 feet. After accounting for the 30 foot and 20 foot easements and other easements on my lot survey, I would be able to fence in only 45 feet by 20 feet. That is quite a penalty. The other lots are similar.

5. The buried stormwater pipe that results in the 20 foot wide easement is a very robust pipe. The need for maintenance should be very infrequent. It seems unfair to penalize homeowners by restricting their fencing for an event that may never happen in their lifetimes. As the owner of the easement, the City has the legal right to come on the property to make repairs and does not have to restore any of the structures following the repairs.

6. The homeowners at Stonehurst understand the need for stormwater management. We are financially responsible for the upkeep of our stormwater pond (in our case, a large 4 acre pond that is quite expensive). We recognize the need to maintain stormwater flow as it was designed for the subdivision. The HOA has the authority and the capability to enforce stormwater requirements. We are requesting that the City recognize the fact that removing all fences and sheds from the 20 foot wide stormwater easement is an unnecessary hardship.

Sincerely,
John Boska
131 Thames Valley Dr
jboska@verizon.net

From: Pat Webb <pwebb@cityofeasley.com>
Sent: Thursday, May 20, 2021 2:35 PM
To: jboska@verizon.net
Cc: Mayor Womack <mayorwomack@cityofeasley.com>; Stephen Steese <ssteese@cityofeasley.com>; Eric Greenwood <egreenwood@cityofeasley.com>
Subject: Re: Concerns on City Rules on Storm Drainage Easements

Dear Mr. Boska,

I am not sure I understand your request.

In accordance with the provisions of the Stormwater Ordinance, all fences and storage buildings constructed or erected in Easley require the securing of a permit from the City. When the Permit Application is received, a representative of the city reviews the application and the drainage plan for the subdivision. As a part of that review, staff may visit the site for a review as well. Then, based on this review, the permit is either granted or denied. The ordinance states that fences and structures such as storage buildings are not allowed in the drainage easements. There is a 5' wide drainage and utility easement on either side of each lot in your subdivision. This easement may or may not have a pipe installed within it. It may be constructed as a "swale" to carry stormwater to the road drainage system. Fences and buildings restrict or prohibit the passage of stormwater.

There is also, a wider easement provided along the exterior perimeter of the subdivision. The width of this easement is dependent on what drainage features and/or utility systems are placed within these easements. Again, these easements are for the passage of stormwater and/or the location of utility lines such as the pumped sewer line.

There is also a zoning issue with the placement of ancillary buildings on lots. They have to be set back at least 5' from the side property lines and as I remember, 10' from a rear lot line. These requirements would be pointed out on any permit application at the time the application is made.

I believe that many of the residents who have constructed, or caused to be constructed, fences and storage buildings on their property have not secured the required permits for these fences or buildings. If they had, the applicant would have been informed of the prohibition of fences and other structures within the easements and been given the required set-backs at the time of issuing the required permits.

Contrary to what you have said, we find that maintenance on these drainage easements and on the utilities located within these easements is often needed. Our stormwater crews are kept busy repairing damaged or stopped up stormwater conveyance systems all year long. Also utility lines fail, break, or have to be up-graded. When that maintenance has to happen, we cannot predict. But I think that over the life of the house, it will happen more often than you anticipate. And often these maintenance requests must be addressed quickly to prevent flooding of a house or to restore power or internet access.

Now, is it your request that these illegally erected fences and improperly placed storage buildings be allowed to stay in place because the owners of the homes (and any future owners) will be willing and able (at such time in the future as these easements need maintenance) to remove the offending structures at their own expense (and replace them) should our crews need to access these water conveyance systems and utility lines? How can you assure us that these owners will agree to meet the City or the Utility Provider's schedule for maintenance?

Is that what your asking? How can you speak for the current owners and how can you assure the compliance of the future owners? How will you be able to deal with the lending agencies who find that these structures have zoning violations?

I don't fully understand what you are asking. Please clarify how you think such an arrangement would work? And what about the other residents who have not placed fences or buildings? Will the next folks be required to follow the City ordinance when the first folks did not have to?

Help me out here, please.

Pat Webb
Ward 3
Sent from my iPad

On May 20, 2021, at 11:20 AM, jboska@verizon.net wrote:

To City of Easley Officials,

I am a homeowner in Stonehurst subdivision who is concerned about what appears to be a new City position on storm drainage easements. The position is that no fences or sheds or other structures can be built on the storm drainage easements which are located above buried storm drain pipes. All lots in Stonehurst are very small, and almost all lots have a 20 foot wide storm drain easement in the back yard. Many of the lots also have a 30 foot wide easement for the ECU pumped sewage line (which already has a rule against any structures). This will force us to move our fences and sheds, and the remaining area that can be fenced is tiny. We understand that in the unlikely event maintenance is needed on the buried storm drain pipes the fences and sheds will have to be removed to facilitate the maintenance and the homeowner will bear the expense of fixing these structures after maintenance. We are requesting that this arrangement be allowed so that we can have some use of our back yards.

Sincerely,

John Boska
131 Thames Valley Dr
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✓ I have just moved into a mobile home in a mobile home park, but I don't have power. When will it be turned on?

✓ May I store my car on my property until I can afford license plates and insurance?

✓ May I place small signs on the road side to advertise my business? What type of permanent sign can I install for my business?

▲ Do I need a permit for a fence?

No, you do not.



Fences in the front yard may not exceed 4 feet in height or 8 feet in any other setback area or along any other property line, unless otherwise specified.