

ORDINANCE NO. 2003-023

Granting encroachment to Paul Yazel for construction and maintenance of a fence and landscaping at 200 S. Edisto Avenue and Tugaloo Avenue

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STAMPED IN RED

WHEREAS, Paul Yazel (hereinafter "Grantee") desires to utilize a portion of the right of way area of Tugaloo Avenue adjacent to his property at 200 S. Edisto Avenue for construction and maintenance of a privacy fence six (6') feet in height and approximately ninety (90') feet in length, and for landscaping; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 21st day of May, 2003, that Grantee is hereby granted the right to use a portion of the right of way area of Tugaloo Avenue adjacent to his property at 200 S. Edisto Avenue for construction and maintenance of a privacy fence six (6') feet in height and approximately ninety (90') feet in length, and for landscaping.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall

at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 5/14/2003

Final Reading: 5/23/2003

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MEMORANDUM



TO: The City of Columbia
FROM: Paul Yazel, Resident - 200 S. Edisto Ave,
DATE: February 22, 2003
SUBJECT: Request for a "Variance" to Install a Fence

I am requesting permission from the Columbia City Council to install a six-foot privacy fence (see attached picture of the type of fence to be installed) around the back yard area (and some of the side areas) of my home located at 200 S. Edisto Ave. in Columbia. My home is located at the southeast corner where S. Edisto Avenue intersects with Tugaloo, with the front of my house facing S. Edisto Ave. (Being shown on the plat as lot#10 Block "B" on plat for Rose Hill Development by Goode Homes, dated Feb. 1914 and recorded in the Richland County R.M.C. Office in plat book "H", page 34.)

I want to install a fence that will begin on the Tugaloo side of my house, enclose part of the side and the entire back yard, and continue up the side between myself and the adjoining house, to a point where the next-door neighbor has a rock wall running from his house to the property line (almost at the front corner of my house). The layout of the proposed fence is shown on the attached copy of the "official" Plat for my property. Both the side and rear neighbors have indicated that they want me to put the fence on the property line, to avoid having a "dead" space outside the fence-line.

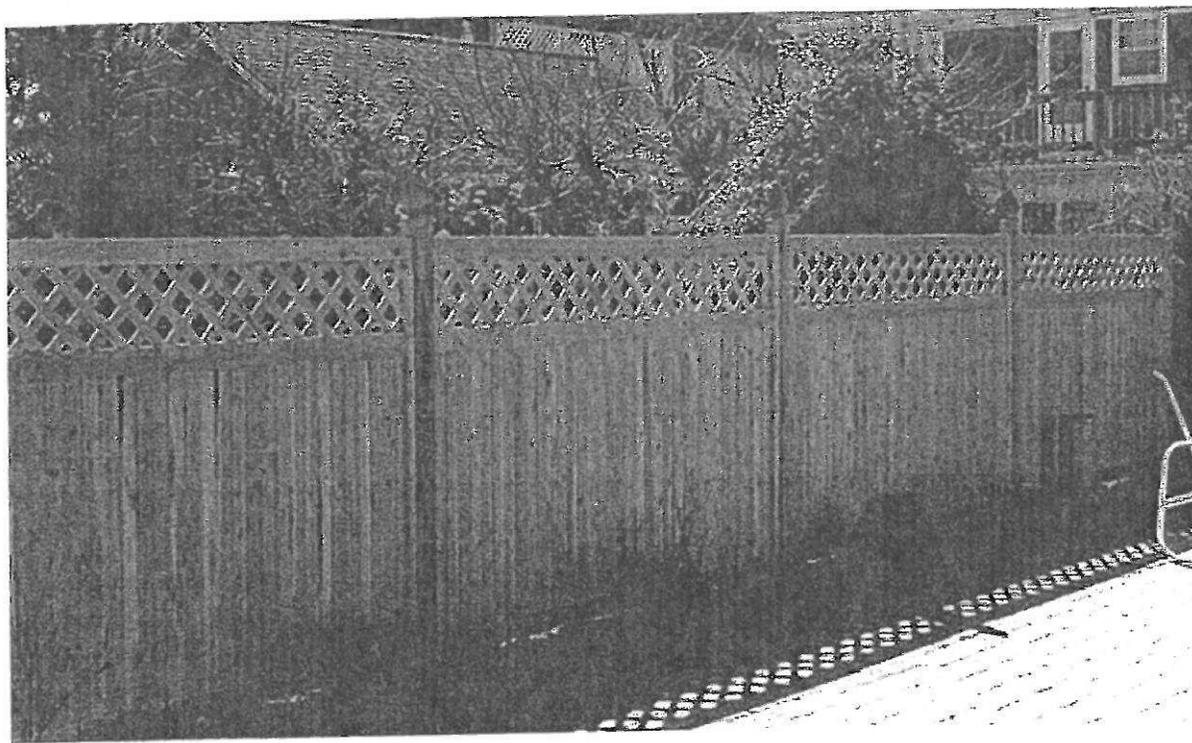
The variance I am requesting is for the Tugaloo side of my property. On this side of my property, there is a sidewalk in the area outside the property line that varies in distance from the property line from approximately one to three feet. I would like permission to place my fence next to the sidewalk, instead of on my property line. This will mean that I would be enclosing a line of city property that runs along the sidewalk between my property line and the sidewalk. My reason for the request is to avoid having a small and difficult strip to landscape, and the need to remove (or some-how work around) a very large tree that straddles the property line. I also believe the fence will be much more aesthetically pleasing if it runs along the side-walk instead of down the property line.

Thank you for considering this request.

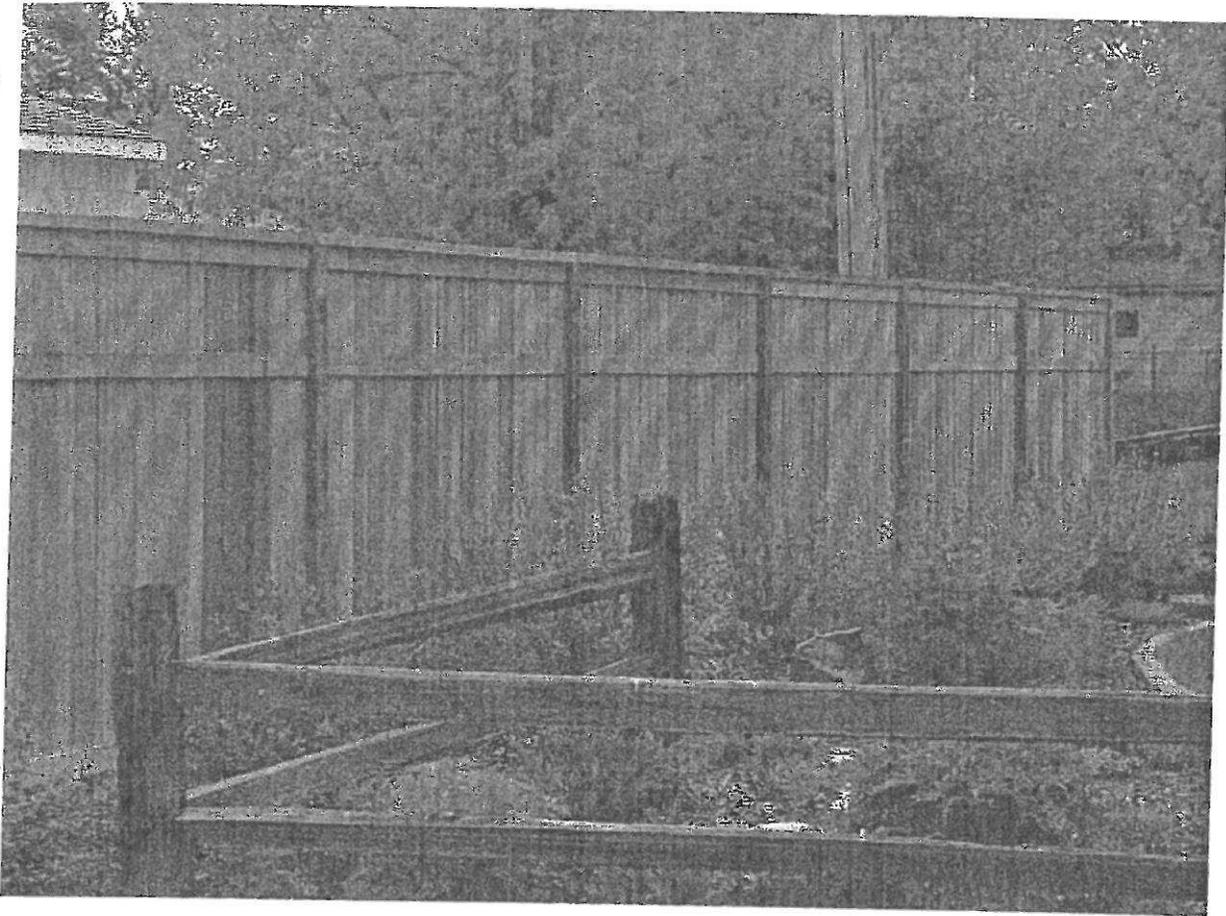
Regards,

Paul B. Yazel
Paul B Yazel

(h) 256-3417
(w) 777-6076
(c) 463-7157



Tugata side



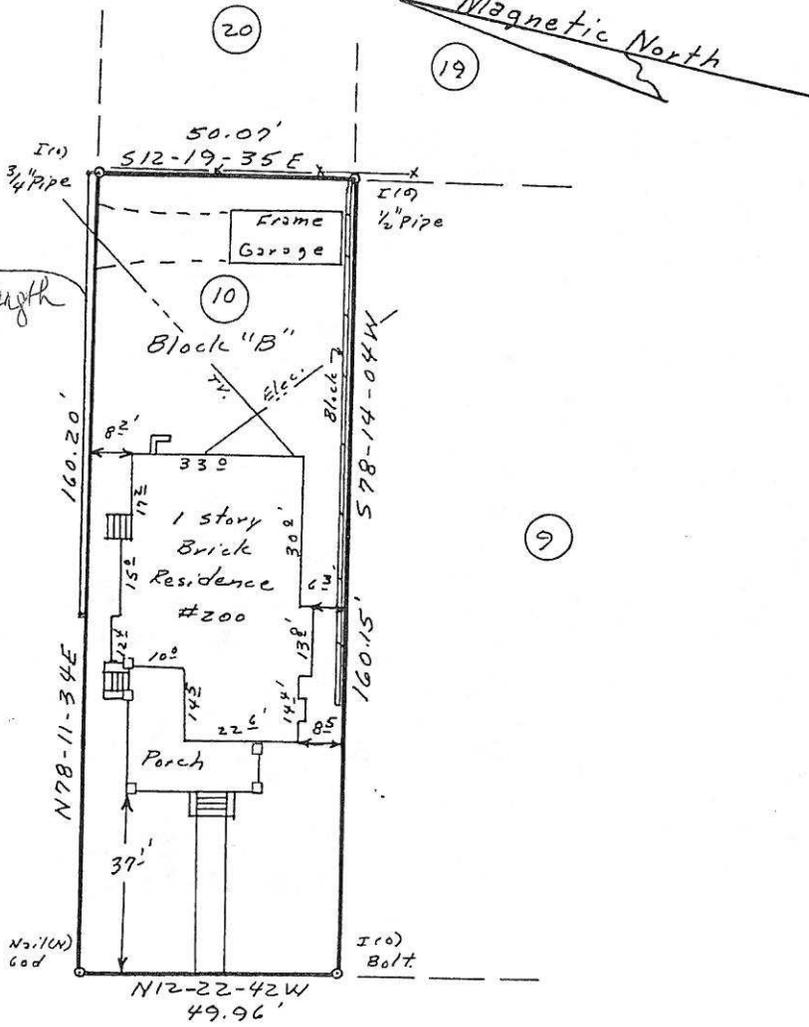
6' Cedar privacy fence.

back yard / side yard

PROPOSED
FENCE
VARIANCE

90' length

Tugalo Avenue 56' R/W



South Edisto Avenue 60' R/W

Plat Prepared for:

Paul B. & Julie A. Yazel

Richland County
Scale: 1" = 30'

in Columbia, S.C.
Dec. 13, 2001

Surveyed by Michael T. Arant & Assoc., Inc.

1020 Old Congaree Run - Eastover, S.C. 29044 - (803) 695-4320

The same being shown as lot #10 Block "B" on plat for Rose Hill Development, by Goode Homes, dated Feb. 1914 and recorded in the Richland County R.M.C. Office in plat book "H" at page 34.

I hereby state that to the best of my knowledge, information, and belief the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets the requirements for a Class "B" survey as specified therein, also there are no visible encroachments or projections other than shown.

I hereby state that the above lot is not located in a flood prone area as shown on flood map # 45079C0094G with effective date Jan. 17, 1994.



Michael T. Arant
R.P.L.S. # 4547



Map # 11310-16-01

