

**ORDINANCE NO.: 2014-093**

*Granting an encroachment to Robert A. Koons and Nancy R. Koons for removal and replacement of a tree, relocation of existing sidewalk and curbing; construction and maintenance of new sidewalk and curbing, driveway, pavers, landscaping and irrigation system within the right of way area of the 1000 block of Gregg Street adjacent to 1026 Gregg Street, Richland County TMS #11405-14-17*

ORIGINAL  
STAMPED IN RED

WHEREAS, Robert A. Koons and Nancy R. Koons (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 1000 block of Gregg Street adjacent to their residence at 1026 Gregg Street for removal and replacement of a tree that obstructs the use of the existing driveway, relocation of existing sidewalk and curbing; construction and maintenance of new sidewalk with approximately eight (8') feet in width and (110') one-hundred ten feet in length; a driveway approximately fifty (50') feet in length and twelve (12') feet in width with brick pavers; a brick paver walkway approximately eight (8') feet in width and twenty-nine (29') feet in length; two Willow Oak trees with a six (6") inch caliper; landscaping and irrigation system, as shown on the attached drawing; 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 16th day of December, 2014 that Grantees, their successors and assigns is hereby granted the right to utilize a portion of the right of way area of the 1000 block of Gregg Street adjacent to their residence at 1026 Gregg Street for removal and replacement of a tree that obstructs the use of the existing driveway, relocation of existing sidewalk and curbing; construction and maintenance of new sidewalk with approximately eight (8') feet in width and (110') one-hundred ten feet in length; a driveway approximately fifty (50') feet in length and twelve (12') feet in width with brick pavers; a brick paver walkway approximately eight (8') feet in width and twenty-nine (29') feet in length; two Willow Oak trees with a six (6") inch caliper; landscaping and irrigation system, as shown on the attached drawing.

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, his 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 is subject to the Grantee complying with the following conditions, restrictions or limitations:

ORIGINAL  
STAMPED IN RED

1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.

2. All trees shall be protected and no large tree roots shall be removed from any existing trees.

3. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.

4. Obstructions of more than four (4') feet in height are prohibited within the sight-visibility triangle.

5. Landscaping to be maintained by property owner.

6. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

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

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, his successors and assigns, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

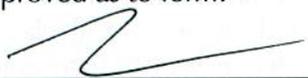
Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

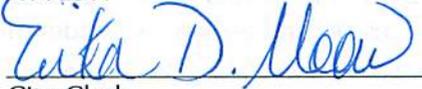
Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 12/2/2014

Final Reading: 12/16/2014

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2014-093**



**1000 BLOCK OF GREGG STREET  
ADJACENT TO 1026 GREGG STREET  
DRIVEWAY, PAVERS, IRRIGATION AND SIDEWALK**

|                              |   |
|------------------------------|---|
| <b>Subject Property:</b>     | Right-of-way adjacent to 1026 Gregg Street, TMS#11405-14-17   |
| <b>Council District:</b>     | 2   |
| <b>Proposal:</b>             | The applicant is requesting an encroachment for installation and maintenance of a driveway, pavers, irrigation system and sidewalks |
| <b>Applicant:</b>            | Robert A. Koons and Nancy R. Koons  |
| <b>Staff Recommendation:</b> | Denial based upon comments from Forestry and Beautification (see below).  |

|                |  |
|----------------|--|
| <b>Detail:</b> | <p>The applicant is requesting an encroachment for the removal and replacement of a tree that obstructs the use of the existing driveway, relocation of existing sidewalk and curbing; construction and maintenance of new sidewalk with curbing approximately eight (8') feet in width and (110') one-hundred ten feet in length; a driveway approximately fifty (50') feet in length and twelve (12') feet in width with brick pavers; a brick paver walkway approximately eight (8') feet in width and twenty-nine (29') feet in length; two Willow Oak trees with a six (6") inch caliper; landscaping and irrigation system, as shown on the attached drawing;</p> <p>Staff recommends denial of this request based upon precedent. The applicant proposes to cut a large street tree that does not meet the requirements for removal and staff has denied a similar request within close proximity (1707 Pendleton Street).</p> <p>Should council grant this request, staff would ask that the following conditions be imposed.</p> <ol style="list-style-type: none"> <li>1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.</li> <li>2. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.</li> <li>3. Landscaping to be maintained by property owner.</li> <li>4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li> </ol> |
|----------------|--|

**CITY AGENCY COMMENTS FOR ENCROACHMENT**

|                 |   |
|-----------------|---|
| <b>Forestry</b> | Recommend denial based upon precedent. The applicant proposes to cut a large street tree that does not meet the requirements for removal and staff has denied a similar request within close proximity (1707 Pendleton Street). |
| <b>Streets</b>  | Recommend approval.   |

|                                  |                            |
|----------------------------------|----------------------------|
| <b>Utilities and Engineering</b> | <b>Recommend approval.</b> |
| <b>Traffic Engineering</b>       | <b>Recommend approval.</b> |
| <b>Planning</b>                  | <b>Recommend approval.</b> |
| <b>Land Development</b>          | <b>Recommend approval.</b> |
| <b>Fire</b>                      | <b>Recommend approval.</b> |

REQUEST FOR AN ENCROACHMENT ORDINANCE

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, street), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., church) business signs are NOT permitted as an encroachment. An encroachment must comply with all existing City codes, rules and regulations. The Americans with Disabilities Act, if applicable, and is subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your homeowner policy with limits being increased to \$600,000 as required by Sec. 11-21. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management.

Please complete and submit this form along with any attachments to Shari Ardis by e-mail at [stardis@columbiasc.net](mailto:stardis@columbiasc.net); fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or [cattimmons@columbiasc.net](mailto:cattimmons@columbiasc.net)) should be contacted regarding the insurance requirements.

Date: \_\_\_\_\_  
 Property Owner: Robert Hoop  
 Applicant's Name (if different from Property Owner): Robert Hoop  
 Contact Information: Telephone Number: 803 513-6767 Fax Number: 803 505-6428 E-mail address: GIVEN@WINSTON.NC  
 Mailing address: 907 Pine Road Lexington SC 29023  
 Encroachment Location (Address): 1026 GRAY STREET Columbia SC  
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 Block of Laurel Street)  
 Tax Map Number for Encroachment Location: TMS: 11405-14-17  
 Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 If Other - specify: \_\_\_\_\_  
 Dimensions (height/width/length): \_\_\_\_\_  
 (i.e., 6x42' wooden privacy fence; two 12'x4' concrete steps; two 12'x12'x24" brick columns; 4x15' brick paver walkway)

Construction materials: \_\_\_\_\_  
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.  
 Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)  
 Locations signs are to be placed (i.e., Northeast corner of Main Street)



Businesses only:  Outdoor dining \_\_\_\_\_  
 No. of chairs: \_\_\_\_\_  
 No. of Tables \_\_\_\_\_  
 Hours of operation for outdoor dining: \_\_\_\_\_  
 Number of parkers: \_\_\_\_\_  
 Awnings: \_\_\_\_\_  
 (dimensions - size/material) \_\_\_\_\_  
 (or complete applicable 'Encroachment type' section above)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-60 days.

| DEPARTMENT  | PHONE        | FAX          | E-MAIL   |
|---|--------------|--------------|--|
| Development Services (Administration)             | 803-645-3420 | 803-645-3420 | <a href="mailto:ktrhampton@columbiasc.net">ktrhampton@columbiasc.net</a> |
| Development Services (Land Development)           | 803-645-3333 | 803-645-3333 | <a href="mailto:jchamberl@columbiasc.net">jchamberl@columbiasc.net</a>   |
| Development Services (Planning)                   | 803-645-3222 | 803-733-8647 | <a href="mailto:nbriley@columbiasc.net">nbriley@columbiasc.net</a>       |
| Development Services (Planning)                   | 803-645-3222 | 803-733-8647 | <a href="mailto:jefellowa@columbiasc.net">jefellowa@columbiasc.net</a>   |
| Development Services (Planning)                   | 803-645-3222 | 803-733-8647 | <a href="mailto:kdook@columbiasc.net">kdook@columbiasc.net</a>           |
| Development Services (Building Inspections)       | 803-645-3420 | 803-733-8699 | <a href="mailto:jthompson@columbiasc.net">jthompson@columbiasc.net</a>   |
| Development Services (Permits)                    | 803-645-3420 | 803-733-8699 | <a href="mailto:forpchney@columbiasc.net">forpchney@columbiasc.net</a>   |
| Development Services (Historic Preservation)      | 803-645-3222 | 803-733-8647 | <a href="mailto:asmoores@columbiasc.net">asmoores@columbiasc.net</a>     |
| Utilities & Engineering (Administration)          | 803-645-3400 | 803-888-8189 | <a href="mailto:jfjoo@columbiasc.net">jfjoo@columbiasc.net</a>           |
| Utilities & Engineering (Construction Management) | 803-645-3372 | 803-645-4130 | <a href="mailto:drhiggins@columbiasc.net">drhiggins@columbiasc.net</a>   |
| Public Works (Administration)                     | 803-645-3780 | 803-733-8648 | <a href="mailto:rsanderson@columbiasc.net">rsanderson@columbiasc.net</a> |
| Public Works (Street Division)                    | 803-645-3780 | 803-645-3785 | <a href="mailto:rgswartz@columbiasc.net">rgswartz@columbiasc.net</a>     |
| Public Works (Traffic Engineering)                | 803-645-3650 | 803-733-8648 | <a href="mailto:ddrewer@columbiasc.net">ddrewer@columbiasc.net</a>       |
| Public Works (Foresty & Beautification)           | 803-645-3650 | 803-733-8648 | <a href="mailto:seholler@columbiasc.net">seholler@columbiasc.net</a>     |
| Public Works (Solid Waste)                        | 803-645-3600 | 803-733-8648 | <a href="mailto:jthooka@columbiasc.net">jthooka@columbiasc.net</a>       |
| Columbia Development Corporation                  | 803-888-8040 | 803-888-8040 | <a href="mailto:cdc@columbiasc.net">cdc@columbiasc.net</a>               |
| Risk Management                                   | 803-733-8245 | 803-733-8245 | <a href="mailto:cattimmons@columbiasc.net">cattimmons@columbiasc.net</a> |
| Fire Department                                   | 803-545-3701 | 803-401-8839 | <a href="mailto:cfdgadams@columbiasc.net">cfdgadams@columbiasc.net</a>   |
| Fire Department                                   | 803-545-3701 | 803-401-8839 | <a href="mailto:steferson@columbiasc.net">steferson@columbiasc.net</a>   |
| Parking Services                                  | 803-645-3070 | 803-733-8523 | <a href="mailto:spade@columbiasc.net">spade@columbiasc.net</a>           |



804-093(14091672)

# City of Columbia

## 1026 Gregg



Tuesday, October 14, 2014



### CITY OF COLUMBIA GIS DATA DISCLAIMER

The City of Columbia GIS data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.





Robert and Nancy Koons  
1026 Gregg Street  
Columbia, SC 29201

November 5, 2014

Jonathan E. Chambers  
Land Development Administrator  
Planning and Development Services  
1136 Washington Street, P.O. Box 147  
Columbia, SC 29217

Dear Mr. Chambers:

As you know, we are asking for permission to remove the oak tree which is blocking our driveway, and whose roots have caused structural damage. The tree, itself, has been damaged as a result of numerous incidents of vehicles and equipment backing into the tree.

First, we enclose pictures demonstrating Structural Damage to the driveway and tree caused by the tree's system being too close. This structural damage will continue even if the driveway is replaced and will ultimately cause any new driveway and tree to fail, if the tree is not removed.

Second, we enclose pictures demonstrating Structural Impediment to the driveway caused by the tree. We can not replace the driveway in the proper location because of the tree's current placement.

You and the City of Columbia should know that we are willing to replace the tree, at our cost, with two other trees. Therefore, third, we enclose the plan developed by the landscaper which proposes the removal of the existing oak tree and the placement of two willow oak trees (6" circumference) to match the other willow oak trees on the street.

If you need any further materials or information from us, please let us know. We would be happy to supplement the present application, or provide additional information in a future application which we hope will not be necessary.

Thank you.

Sincerely,  
  
Nancy R. Koons



~~Driveway~~ Damage

Damage caused  
to driveway and  
Sidewalk  
by tree roots



Structural Damage

17 Damage caused  
to tree roots  
by vehicles  
and equipment  
making out

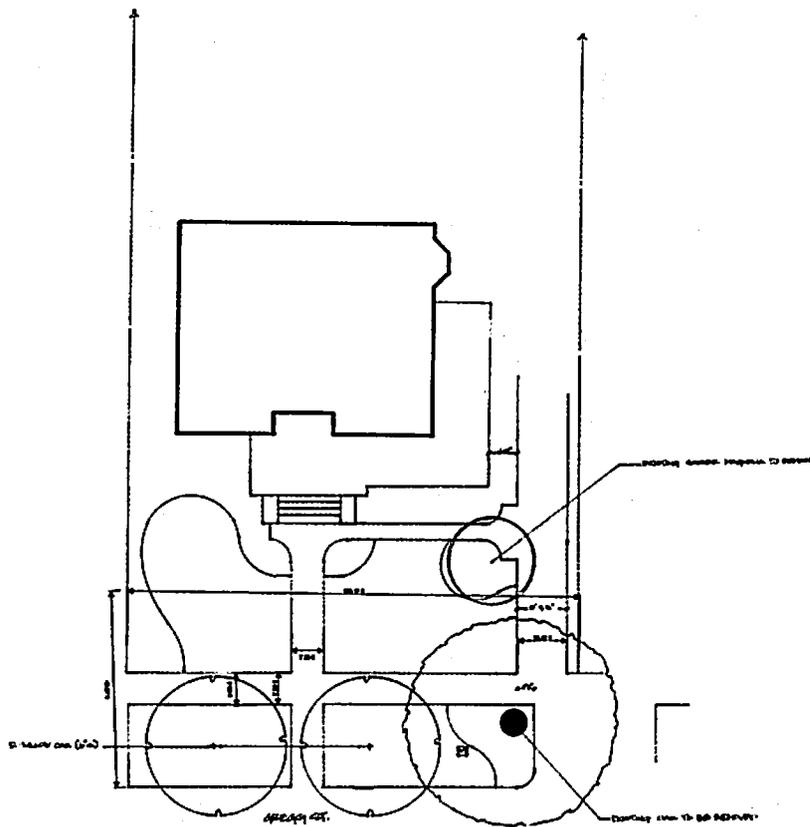


Structural Impediment

Continuation  
of driveway

5





| ORDER REC. TRAINING                      |  |
|--|--|
| PO#                                      |  |
| DATE                                     |  |
| VIC. AREA: [unclear] [unclear] [unclear] |  |
| [unclear]                                |  |

