

**ORDINANCE NO.: 2011-013**

*Amending Ordinance 2009-015 granting encroachment to Michael Drennan for installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths, an arbor and a bench to include a wooden privacy fence, brick pillars and a walk gate within the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way, Richland County TMS #11312-11-05*

ORIGINAL  
STAMPED IN RED

WHEREAS, Ordinance 2009-015 approved March 25, 2009 granted Michael Drennan (hereinafter "Grantee") an encroachment to utilize a portion of the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way, Richland County TMS #11312-11-05, for the installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths both approximately three (3') feet in width, one being approximately thirty-five (35') feet in length and the other being approximately sixty-five (65') feet in length, an arbor approximately eight (8') feet in width and eight (8') feet in height; and a six (6') foot bench; and,

WHEREAS, Grantee desires to amend Ordinance 2009-015 to include the encroachment of a an aluminum fence approximately four (4') feet in height and approximately one hundred forty (140') feet in length; eleven (11) brick pillars four (4') foot six (6") inches in height and twenty (20") inches in diameter; and a walk gate approximately four (4') feet in height and six (6') feet in width, within the right of way area of the 2300 block of Blossom Street adjacent to 2227 Terrace Way, Richland County TMS #11312-11-05, 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 2nd day of August, 2011, that Ordinance 2009-015 is amended and Grantee, his successors and assigns, is hereby granted the right to utilize a portion of the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way, Richland County TMS #11312-11-05, to include the installation and maintenance an aluminum fence approximately four (4') feet in height and approximately one hundred forty (140') feet in length; eleven (11) brick pillars four (4') foot six (6") inches in height and twenty (20") inches in diameter; and a walk gate approximately four (4') feet in height and six (6') feet in width, within the right of way area of the 2300 block of Blossom Street adjacent to 2227 Terrace Way, Richland County TMS #11312-11-05, 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.

ORIGINAL  
STAMPED IN RED

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

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. Landscaping to be maintained by homeowner.
3. Gates must swing into property.
4. Fence posts must be located outside of the drip line of City trees to insure protection of City trees.
5. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
6. Obstructions more than be four (4) feet are prohibited within the sight-visibility triangle.

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:

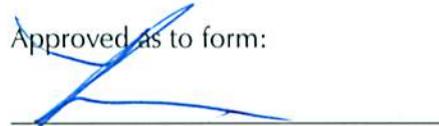
Michael Drennan

  
\_\_\_\_\_  
MAYOR

Approved by:

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

Approved as to form:

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

ATTEST:

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

Introduced: 7/19/2011  
Final Reading: 8/2/2011

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2011-013**



**2300 BLK BLOSSOM STREET  
Adjacent to 2227 TERRACE WAY**

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**Subject Property:** 2300 Block of Blossom Street adjacent to 2227 Terrace Way  
**Council District:** 3  
**Proposal:** Request approval for installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths, an arbor and a bench to include a wooden privacy fence, brick pillars and a walk gate  
**Applicant:** Michael Drennan  
**Staff Recommendation:** Approve  
**Conditions:** 1) Ensure protection of any street trees;  
2) No obstructions above four feet within the sight-visibility triangle;  
3) Ensure irrigation has no negative impacts on sidewalk.

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**Detail:** The property at 2227 Terrace Way is a through lot that has frontage on Blossom Street. The owner of the parcel proposes improvements in the right-of-way to include fencing and walkways. The owner has worked with staff to address concerns about the appearance of the fence in this section of Blossom and access to City trees. After meeting on site, the owner has made revisions that address these concerns. Staff recommends approval of the request with conditions.

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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

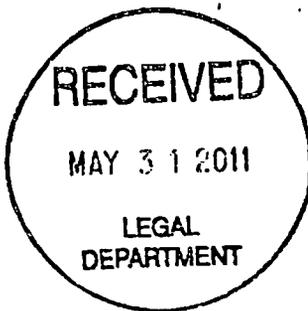
<b>Planning &amp; Development</b>	Recommend Approval provided there are no obstructions about four feet in height within the sight visibility triangle.
<b>Streets</b>	Recommend Approval provided irrigation has no negative impacts on sidewalks
<b>Utilities &amp; Engineering</b>	Recommend Approval
<b>Forestry</b>	Recommend Approval provided street trees are protected and access maintained.
<b>Land Development</b>	Recommend Approval



Encroachment Ordinance 2011-013 - adjacent to 2227 Terrace Way

**Phone:** 803-447-7025

**Fax:** 866-606-2430



**FAX**

**To:** 18037374250

**From:** Michael Drennan

**Re:**

**Date:** 05/31/2011

Hi Shari,

I am submitting a revised encroachment request to build a fence in the city right of way behind my property at 2227 Terrace Way, Columbia, SC 29205. My lot is a through lot and so the fence will front Blossom Street at Heidt Street.

Previously I submitted a request in March and have modified it to conform to input from various city departments. I believe that the request now complies with all of the city staff requirements.

Please contact me at [michael@michaeldrennan.com](mailto:michael@michaeldrennan.com) or 803-447-7025 if you have any questions regarding my request for an encroachment ordinance.

Kindest Regards,  
Michael Drennan

2227 Terrace Way, Columbia, SC 29205

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, streets), 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., churches) Business signs are NOT permitted via 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 homeowners policy with limits being increased to \$600,000 as required by Sec. 11-71. 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 attachment(s) to Shari Ardis by e-mail at slardis@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 caltimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: May 26, 2011 Property Owner: Michael Drennan and Matthew Kisner

Applicant's Name if different from Property Owner: \_\_\_\_\_

Contact Information: Telephone Number: 803-447-7025 Fax Number: 966-606-2430

Mailing address: 2227 Terrace Way, Columbia, SC 29205 E-mail address: michael@michaeldrennan.com

Encroachment Location (Address) 2227 Terrace Way, Columbia, SC 29205

(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: R11312-11-05

Encroachment type: Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  Walkway/Side walk  Underground Utilities  other \_\_\_\_\_

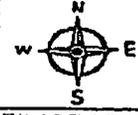
If Other - specify: \_\_\_\_\_

Dimensions (height/width/length): 4' high aluminum panel fence with 4 1/2" tall brick columns at the corners and gate location in the right of way along Blossom Street behind residence. 4' high aluminum fence on sides of property.

Construction material: black aluminum panels and brick columns

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) Location(s) 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 planters: \_\_\_\_\_ Awning: \_\_\_\_\_ (dimensions - size/material) \_\_\_\_\_ Other: \_\_\_\_\_ (for complete applicable 'Encroachment type' section above)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Table with 4 columns: Contact, Department, Telephone Number, Fax Number. Lists various city departments and their contact information.

\* KEVIN BUSH is the contractor for this project 803-600-0773\*

LR 6/9/2010 \* SUBMITTED 5/31/2011



11030302 750/80 5/31/11 0011-013

June 1, 2011

**RE: Request for an Encroachment Ordinance to construct a fence in the city right of way along Blossom Street at the rear of my home located at 2227 Terrace Way, Columbia, SC 29205**

This Request for an Encroachment Ordinance amends and replaces the previous Request submitted March 1, 2011.

The following changes have been made at the request of city staff in various departments:

- 1) The height of the proposed fence has been reduced from 6 feet to 4 feet
- 2) The height of the columns have been reduced from 6 ½ feet to 4 ½ feet
- 3) A 1 to 2 foot setback from the sidewalk has been added
- 4) The fence panels have been changed from wood to aluminum rails
- 5) The bottom course or brick has been eliminated

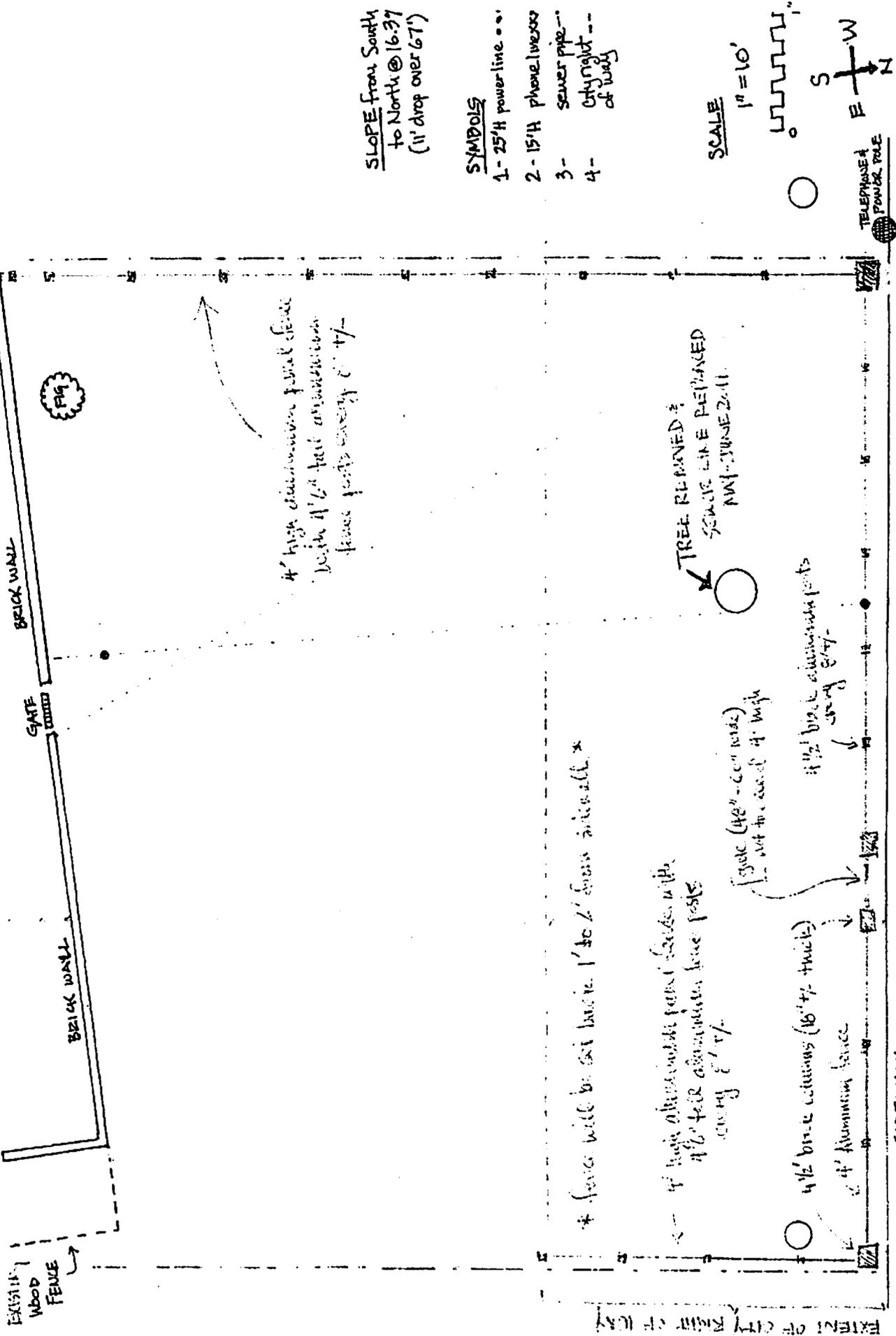
The fence as proposed will look similar to the picture below:



Notes:

- 1) A previous encroachment permit was granted in 2008 for the planting of a hedge, additional landscaping, an arbor, paths and soaker hose irrigation. That encroachment ordinance remains in effect.
- 2) In 2008, a privet hedge was planted along the sidewalk in the right of way per the above encroachment ordinance. City staff expressed concern that privet was an invasive species. I will replace the privet hedge with another evergreen species such as holly, a clumping bamboo, or other hedge.
- 3) The panels in the fence will be removable for access to the right of way. While I hope work crews will be careful to minimize damage, I understand that I will bear the costs for repairing damage resulting from necessary city work.

# 2227 TERRACE WAY BACKYARD PROPOSED FENCE (IN CITY RIGHT)



SLOPE from South to North @ 16.37 (11' drop over 67')

SYMBOLS

- 1- 25'H power-line ---
- 2- 15'H phone-line ---
- 3- sewer pipe ---
- 4- City right ---

SCALE

1" = 10'



TELEPHONE  
POWDER POLE

EXISTING WOOD FENCE

BRICK WALL

GATE

BRICK WALL

4' high aluminum post and rail fence with 4" x 4" post dimensions fence posts every 8' +/-

\* fence will be set back 1' to 2' from sidewalk

4' high aluminum post and rail fence with 4" x 4" post dimensions fence posts every 8' +/-

Spoke (48" - 60" wide) set to extend 4' high

4 1/2" brick columns (18" +/- thick) 4' aluminum fence

TREE REMOVED? SCARF LINE REPAIRED NW - JUNE 2011

EXTENT OF CITY RIGHT OF WAY

SIDEWALK

BLOSSOM STREET

