



We Are Columbia

**MEETING DATE:** November 1, 2016

**DEPARTMENT:** Legal

**FROM:** *Shari Ardis, Legal Administrator*

**SUBJECT:** Ordinance No.: 2016-065 - Granting encroachment to Judy H. Tighe for installation and maintenance of a slag parking area and two stone knee walls within the right of way area of the 1700 block of Bannockburn Drive adjacent to her property located at 1729 Bannockburn Drive, Richland County TMS#13911-08-02

**FINANCIAL IMPACT:**

**ATTACHMENTS:**

- 2016-065 encroach 1729 Bannockburn (PDF)

<b>RESULT:</b>	<b>APPROVED ON FIRST READING [UNANIMOUS]</b>	<b>Next: 11/8/2016</b>
	<b>10:00 AM</b>	
<b>MOVER:</b>	Moe Baddourah, Councilman - District III	
<b>SECONDER:</b>	Howard E Duvall, Councilman - At Large	
<b>AYES:</b>	Benjamin, Davis, Devine, Baddourah, Duvall, McDowell	

**ORDINANCE NO.: 2016-065**

*Granting encroachment to Judy H. Tighe for installation and maintenance of a slag parking area and two stone knee walls within the right of way area of the 1700 block of Bannockburn Drive adjacent to her property located at 1729 Bannockburn Drive, Richland County TMS#13911-08-02*

WHEREAS, Judy H. Tighe (hereinafter "Grantee") desires to use a portion of the right of way area of the 1700 block of Bannockburn Drive adjacent to her property located at 1729 Bannockburn Drive, Richland County TMS#13911-08-02 for installation and maintenance of slag parking area approximately fifty-five (55') feet in length and twelve (12') feet in width and two (2) stone knee walls approximately twenty-four (24") inches in height, twelve (12") inches in width and twenty-five (25') feet in length, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 \_\_\_ day of \_\_\_\_\_, 2016, that the Grantee is hereby granted the right to use a portion of the right of way area of the 1700 block of Bannockburn Drive adjacent to her property located at 1729 Bannockburn Drive, Richland County TMS#13911-08-02 for installation and maintenance of slag parking area approximately fifty-five (55') feet in length and twelve (12') feet in width and two (2) stone knee walls approximately twenty-four (24") inches in height, twelve (12") inches in width and twenty-five (25') feet in length, as shown on the attached drawings.

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 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. All trees shall be protected.
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 be four (4') feet in height are prohibited within the sight-visibility triangle.
5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
6. All trees shall be protected and no large tree roots shall be removed from any existing trees.
7. South Carolina Department of Transportation encroachment permit is required.

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

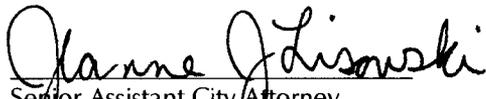
\_\_\_\_\_  
Mayor

Approved by:

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

Approved as to form:

ATTEST:

  
\_\_\_\_\_  
Senior Assistant City Attorney

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

Introduced:

Final Reading:

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2016-065**



**1700 BLOCK OF BANNOCKBURN DRIVE  
ADJACENT TO 1729 BANNOCKBURN DRIVE  
PARKING AREA AND STONE WALLS**

<b>Subject Property:</b>	Right-of-way adjacent to 1729 Bannockburn Drive, TMS#13911-08-02
<b>Council District:</b>	4
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a slag parking area and two stone walls
<b>Applicant:</b>	Judy H. Tighe
<b>Staff Recommendation:</b>	Recommend approval with staff comments.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for the installation and maintenance of a slag parking area approximately fifty-five (55') feet in length and twelve (12') feet in width and two (2) stone walls each measuring approximately twenty-four (24") inches in height, twelve (12") inches in width, twenty-five (25') feet in length, as shown on the attached drawing;</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. South Carolina Department of Transportation encroachment permit is required.</li> </ol>
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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

<b>Forestry</b>	Recommend approval.
<b>Streets</b>	Recommend approval
<b>Utilities and Engineering</b>	Recommend approval.
<b>Traffic Engineering</b>	Recommend approval.
<b>Planning</b>	Recommend approval.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.

**REQUEST FOR A PERMANENT RESIDENTIAL OR CHURCH DIRECTIONAL SIGNS 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 catimmons@columbiasc.net ) should be contacted regarding the insurance requirements.

Date: 7-08-2016 Property Owner: JUDY H. TIGHE  
 Applicant's Name if different from Property Owner: Same  
 Contact Information: Telephone Number: 803-782-8686 Fax Number: \_\_\_\_\_  
 Mailing address: 1729 BANNOCKBURN DR. E-mail address: JUDYTIGHE103@GMAIL.COM  
 Encroachment Location (Address): 1729 BANNOCKBURN DR. 29206  
 (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: R13911-08-02

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

If Other - specify: SLAG PARKING AREA  
 Dimensions (height/width/length): [ 24" h x 12" w x 25' l ] 2 walls  
SLAG PARKING 12' x 55'

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete step; two 12"x12" x24" brick columns; 4'x15' brick paver walkway)  
 Construction material: BLOCK STONE SLAG  
 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) \_\_\_\_\_

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.

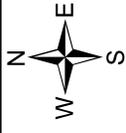
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	jddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3790	803-545-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jphooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cfdgkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net

# City of Columbia

## 1729 Bannockburn Drive - Encroachment Application

Monday, July 18, 2016



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerotid, IGN, IGF, swisstopo, and the GIS User Community, Est. HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



### CITY OF COLUMBIA GIS DATA DISCLAIMER

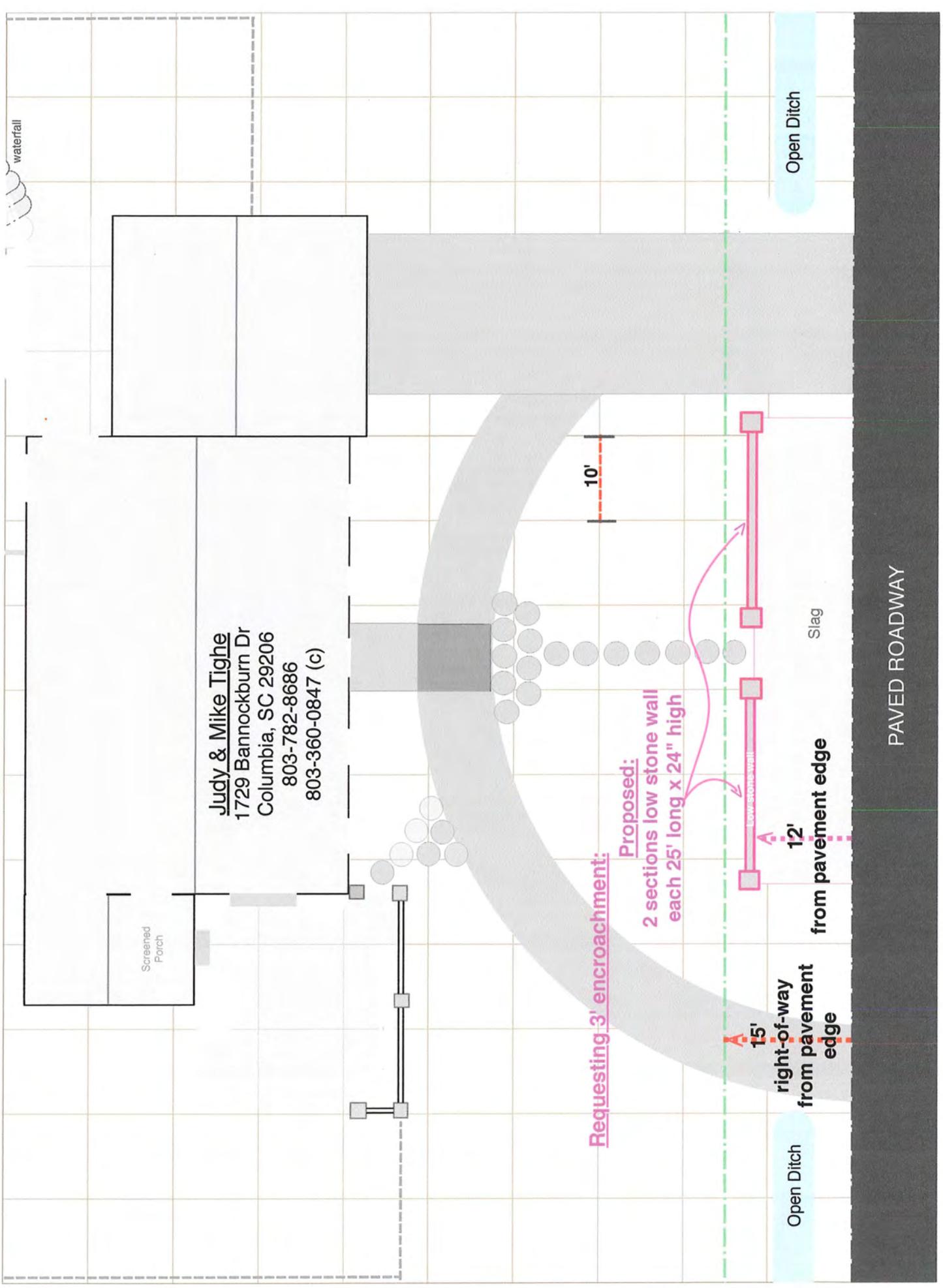
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Bannockburn Dr



Bannockburn Dr



waterfall

Screened Porch

**Judy & Mike Tighe**  
 1729 Bannockburn Dr  
 Columbia, SC 29206  
 803-782-8686  
 803-360-0847 (c)

10'

**Requesting 3' encroachment:**

**Proposed:**  
 2 sections low stone wall  
 each 25' long x 24" high

15'  
 right-of-way  
 from pavement  
 edge

Open Ditch

12'  
 from pavement  
 edge

Slag

Open Ditch

PAVED ROADWAY



The wall we will construct is like this one; however, it will be set 12 feet back from the edge of the road to provide parking out of the roadway.

Judy Tighe  
1729 Bannockburn Drive  
Columbia, SC 29206  
803-782-8686