

ORDINANCE NO.: 2009-121

Granting an encroachment to Mark Lovern for installation and maintenance of landscaping; an irrigation system; decorative metal fence; concrete block and stucco columns; and a knee wall within the right of way of the unopened portion of College Street and adjacent to 830 Laurens Street, Richland County TMS #11405-12-01

WHEREAS, Mark Lovern (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property at 830 Laurens Street, Richland County TMS #11405-12-01, for installation and maintenance of a masonry and stucco wall approximately four (4) feet in height and seven (7') feet six (6") inches in length with concrete block and stucco columns each measuring approximately five (5) feet in height and sixteen (16") inches in diameter; and, within the unopened portion of College Street adjacent to his property to install and maintain a masonry wall consisting of stucco columns with a knee wall topped with a decorative metal fence to be stair stepped to follow the grade of the property measuring approximately ninety (90) feet in length. The concrete block and stucco columns each measuring seven (7') feet in height and sixteen (16") inches in diameter, and a knee wall/metal fencing having a combined height of six (6') feet and within both areas landscaping and an 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 17th day of February, 2010, that Grantee, his successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to his property at 830 Laurens Street, Richland County TMS #11405-12-01, for installation and maintenance of a masonry and stucco wall approximately four (4) feet in height and seven (7') feet six (6") inches in length with concrete block and stucco columns each measuring approximately five (5) feet in height and sixteen (16") inches in diameter; and, within the unopened portion of College Street adjacent to his property to install and maintain a masonry wall consisting of stucco columns with a knee wall topped with a decorative metal fence to be stair stepped to follow the grade of the property measuring approximately ninety (90) feet in length. The concrete block and stucco columns each measuring seven (7') feet in height and sixteen (16") inches in diameter, and a knee wall/metal fencing having a combined height of six (6') feet and within both areas landscaping and an 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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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, Grantees, their 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

ORIGINAL
STAMPED IN RED

aforesaid encroachment.

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. Any gates must swing into property.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets;
4. Fence posts must be located outside of the drip line of City trees.
5. All items must comply with D/DRC Certificate of Design Approval.
6. Reseeding of any disturbed areas shall be the responsibility of the homeowner.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantees, their 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 Grantees, their 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.

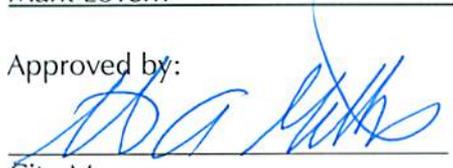
BE IT FURTHER ORDAINED that Grantees, in consideration of the above privilege, shall at their expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

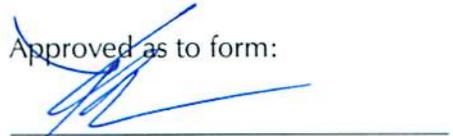
Mark Lovern

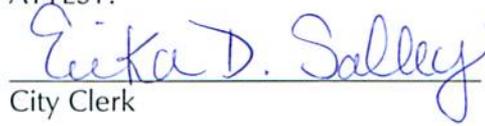

MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 2/3/2010
Final Reading: 2/17/2010

ORIGINAL
STAMPED IN RED

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 (343-8778 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: _____ Property Owner: MARK LOVERN
 Applicant's Name if different from Property Owner: _____
 Contact Information: Telephone Number: 803-361-6276 Fax Number: _____
 Mailing address: 530 Long Pointe Lane, Columbia 29223 E-mail address: MAALOVERN@AOL.COM
 Encroachment Location (Address): 830 Laureus St at College Parkway
 (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: 11405-12-01

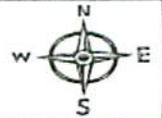
Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other

If Other - specify: _____
 Dimensions (height/width/length): 8x16" stucco columns w/ interlocking knee wall and decorative metal

(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: concrete block columns and knee wall / metal fence
 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: _____ (or 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.

Contact	Department	Telephone Number	Fax Number
John Dooley	Utilities and Engineering	545-3240	733-8674
Joey Jaco	Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Marc Mylott	Planning and Development Services	545-3426	255-8935
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Chip Timmons	Risk Management	343-8778	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
Lucinda Statler	Planning and Development Services	545-3222	733-8647

LR 7/30/2009

Matter No.: 09/11701
 Attorney: 76/324
 Date In: 11-12-09
 File No.: 2009-121
 Date Out: 11/10



front wall
solid stucco
H-max by code
5' wide
6' column
4 7/12 length
2009-121

I am currently building my private residence at 830 Laurens Street in the University Hill Historic district. I am asking for a continuing encroachment from the City of Columbia to move the perimeter fence (with associated landscaping) on the north side of my property approximately 7.5 feet onto city property along the College Parkway. The design of the fence as already been approved by the appropriate city departments; there are no planned changes in fence design (stucco columns with intervening knee wall with decorative metal)

The purpose of the requested encroachment is to:

- increase space for personal use along north side of home
- increase security for home by providing larger buffer from unrestricted public space
- improve esthetics by providing landscaping along perimeter fence that compliments existing landscaping along College Parkway
- reduce the amount of unimproved land along south side of College Parkway, which has seen a chronic vagrancy problem. By reducing the amount of unimproved public space, hopefully, this will reduce the vagrancy problem at this site.
- by moving fence, room is created both behind and in front to allow more landscaping to minimize erosion
- currently there is an oak tree near property line that may be saved if the fence can be moved

Limiting the encroachment to 7.5 feet will still allow city crews access to mow the Parkway and keeps the perimeter fence away from a fiber optic cable located on south side of Parkway. I would ask the City to reseed the strip of land between the fence landscaping and existing landscaping in the Parkway.

Mark Lovern
530 Long Pointe Lane
Columbia, SC 29229
8033616276

Lance Paulick
L. Paulick construction
9122109992

I am currently building my private residence at 830 Laurus Street in the University Hill historic district. I am asking for a continuing encroachment from the City of Columbia to move the perimeter fence (with associated landscaping) on the north side of my property approximately 7.5 feet onto city property along the College Parkway. The design of the fence as already been approved by the appropriate city departments; there are no planned changes in fence design (stone columns with intervening knee wall with decorative metal).

The purpose of the requested encroachment is to increase space for personal use along north side of home - increase security for home by providing larger buffer from unattended public space - improve aesthetics by providing landscaping along perimeter fence that complements existing landscaping along College Parkway - reduce the amount of unimproved land along south side of College Parkway which has seen a chronic agency problem by reducing the amount of unimproved public space - hopefully this will reduce the vagrant problem at this site - by moving fence, room is created both behind and in front to allow more landscaping to minimize erosion - currently there is an oak tree near property line that may be saved if the fence can be moved.

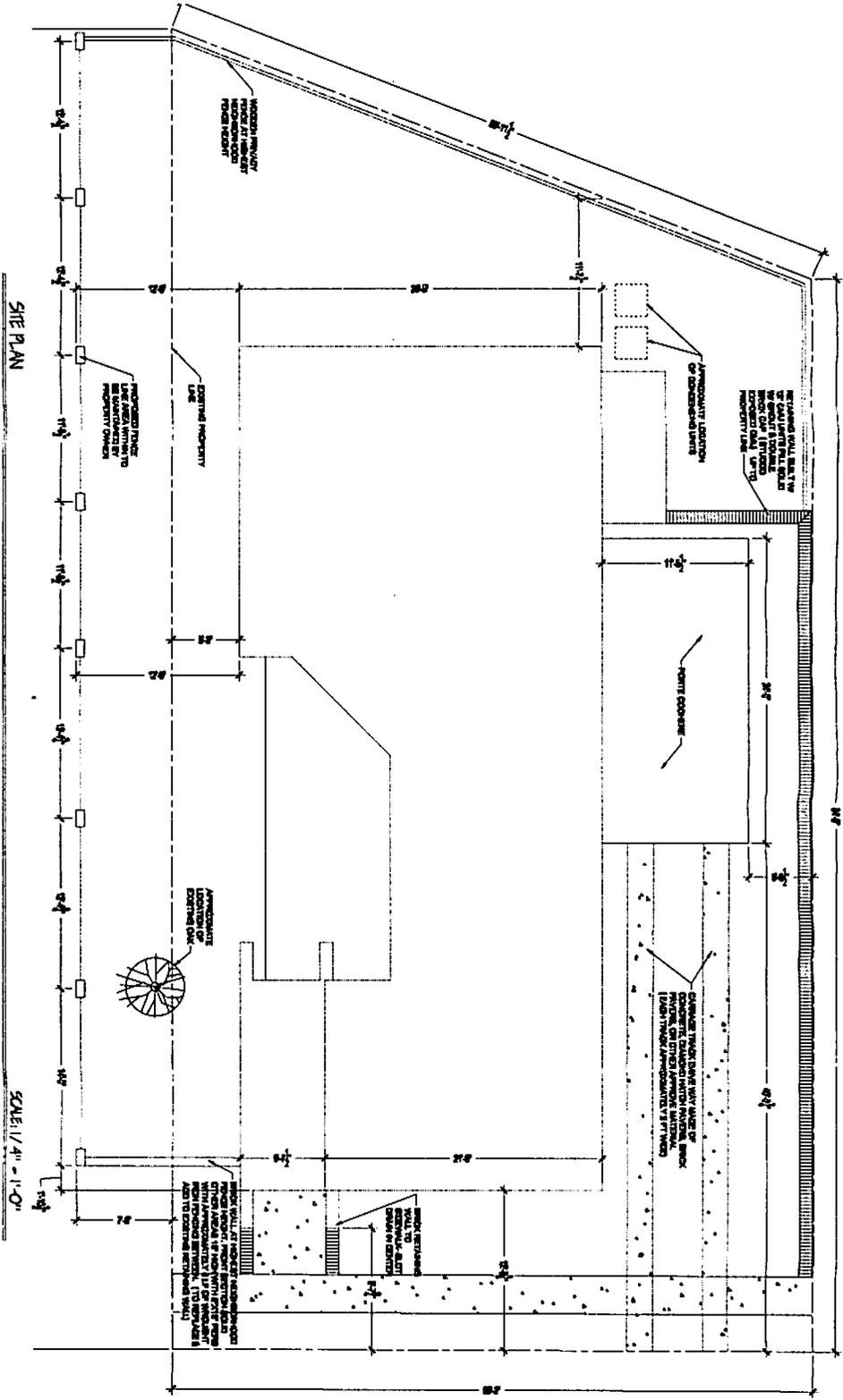
Limiting the encroachment to 7.5 feet will still allow city crews access to mow the Parkway and keep the perimeter fence away from a fiber optic cable located on south side of Parkway. I would ask the City to assess the strip of land between the fence landscaping and existing landscaping in the Parkway.

Mark Lovern
730 Long Point Lane
Columbia, SC 29229
8033018276

Lance Kautick
L. Paulick Construction
6122109903

RR

Parkway



SITE PLAN

SCALE: 1/4" = 1'-0"

Lavernus

<p>A-0</p>	<p>DATE: 10/10/11</p> <p>PROJECT: LOVERN RESIDENCE</p> <p>SCALE: 1/4" = 1'-0"</p>	<p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>NO. 6</p> <p>NO. 7</p> <p>NO. 8</p> <p>NO. 9</p> <p>NO. 10</p> <p>NO. 11</p> <p>NO. 12</p> <p>NO. 13</p> <p>NO. 14</p> <p>NO. 15</p> <p>NO. 16</p> <p>NO. 17</p> <p>NO. 18</p> <p>NO. 19</p> <p>NO. 20</p>	<p>LOVERN RESIDENCE</p>	<p>NEEDS DESIGNS</p>
	<p>ARCHITECT: NEEDS DESIGNS</p> <p>PROJECT: LOVERN RESIDENCE</p> <p>SCALE: 1/4" = 1'-0"</p>	<p>NO. 1</p> <p>NO. 2</p> <p>NO. 3</p> <p>NO. 4</p> <p>NO. 5</p> <p>NO. 6</p> <p>NO. 7</p> <p>NO. 8</p> <p>NO. 9</p> <p>NO. 10</p> <p>NO. 11</p> <p>NO. 12</p> <p>NO. 13</p> <p>NO. 14</p> <p>NO. 15</p> <p>NO. 16</p> <p>NO. 17</p> <p>NO. 18</p> <p>NO. 19</p> <p>NO. 20</p>	<p>LOVERN RESIDENCE</p>	<p>NEEDS DESIGNS</p>



Lawrens and College looking EAST LAWRENS 5-Points

UNIVERSITY HILL NEIGHBORHOOD ASSOCIATION

November 17, 2009

Legal Department
CITY OF COLUMBIA
Post Office Box 147
Columbia, South Carolina 29217

RE: 830 Laurens Street Encroachment Request

Dear Sir or Madam:

Mark Lovern, the owner of the lot at 830 Laurens Street (Tax Map Number R11405-12-01), has made application to the City for an encroachment of 7.5 feet into the College Parkway along the north side of his property line for the purposes of constructing a perimeter fence line and landscaping this area. The City's Design-Development Review Commission has already approved the design for the perimeter fence.

At its November 16, 2009 meeting, the Executive Council of the University Hill Neighborhood Association unanimously approved a resolution in support of this request for encroachment. Working collaboratively with Dr. Lovern, his fence and landscaping will compliment the Association's efforts to restore the planting beds along the south side of the Parkway to improve the safety and appearance in the College Parkway.

Sincerely yours,



Marcus A. Manos, President
University Hill Neighborhood Association

MAM/hjr
cc: Mark Lovern

1700 Senate Street, Columbia, South Carolina 29201
mmanos@nexsenpruet.com
Work (803) 253-8275
Home (803) 254-4523

**CITY COUNCIL
ENCROACHMENT SUMMARY
2009-121**



830 LAURENS STREET

Subject Property: 830 Laurens Street, TMS# 11405-12-01

Council District: 3

Proposal: Request approval for installation and maintenance of a decorative metal fence and concrete block and stucco columns and knee wall as well as landscaping and irrigation system.

Applicant: Mark Lovern

Staff Recommendation: Approve

Conditions:

- 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;
- Any gate must swing into the property;
- Irrigation must be designed to avoid spraying sidewalks and causing problems of slippage;
- Fence posts must be located outside of drip line of City tree;
- Must comply with D/DRC Certificate of Design Approval
- Reseeding of disturbed area the responsibility of homeowner.

Detail: The applicant recently constructed a house at 830 Laurens Street. This lot is adjacent to the "College Street Parkway" which is a pedestrian connection from the University Hill Neighborhood to Five Points; it is an unopened right-of-way. The applicant proposes to construct a brick and metal fence that will encroach into this right-of-way. The neighborhood has expressed support for the proposal and if the above conditions are followed, there should be no adverse impacts.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval with Conditions: 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.
Zoning	Recommend Approval.
Historic Preservation	Recommend Approval provided work complies with CDA
Streets	Recommend Approval provided any gates swing into the property.
Utilities & Engineering	Recommend Approval.
Traffic Engineering	Recommend Approval.
Fire Department	Recommend Approval provided irrigation must be designed to avoid spraying sidewalks and causing problems of slippage
Forestry	Recommend Approval provided any landscaping is kept out of the roadway. Reseeding of disturbed area the responsibility of homeowner.
Land Development	Recommend Approval



Average Scale: 1 inch = 40.6 feet

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R/R Looking West towards LAERENS