

**ORIGINAL  
STAMPED IN RED**

**ORDINANCE NO.: 2021-026**

*Granting an encroachment to Lawrence McGuckin and Sandra McGuckin for the use of the right of way area of the 2000 block of Wheat Street and 500 block of Congaree Avenue for the installation and maintenance of a brick and iron fence adjacent to 500 Congaree Avenue, Richland County TMS#11312-13-11*

WHEREAS, Lawrence McGuckin and Sandra McGuckin (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 2000 block of Wheat Street and 500 block of Congaree Avenue adjacent to 500 Congaree Avenue, Richland County TMS#11312-136-11, for the installation and maintenance of a brick and iron fence measuring approximately four (4') feet in height, approximately three hundred fifty-seven (357') 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 1<sup>st</sup> day of June, 2021, that Grantee is hereby granted the right to use the right of way areas of the 2000 block of Wheat Street and 500 block of Congaree Avenue adjacent to 500 Congaree Avenue, Richland County TMS#11312-13-11, for the installation and maintenance of a brick and iron fence block retaining wall measuring approximately four (4') feet in height, approximately three hundred fifty-seven (357') feet in length, as shown on the attached drawings.

PROVIDED FURTHER that all work shall comply with the requirements of The City of Columbia, South Carolina Department of Transportation (SCDOT) and Federal Emergency Management Agency (FEMA) 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 Grantee's 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; and,

PROVIDED further that in the event the City has to make repairs or maintain utility lines located within the encroachment area the City will replace any items removed for the utility repair or maintenance with like items to those removed; and,

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; and,

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.


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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.
3. Grantee is responsible for maintaining landscaping and improvements.
4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
7. All trees shall be protected and no large tree roots shall be removed from any existing trees.
8. Brick columns shall be positioned to not interfere with the existing sanitary sewer line and associated easement.
9. Certificate of Design Approval (CDA) must be obtained prior to the issuance of the permit.


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:

Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

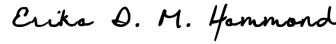
Approved by:

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

Approved as to form:

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

ATTEST:

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

Introduced: 5/18/2021  
Final Reading: 6/1/2021

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2021-026**



**2000 BLOCK OF WHEAT STREET AND 500 BLOCK OF CONGAREE AVENUE  
ADJACENT TO 500 CONGAREE AVENUE  
BRICK AND IRON FENCE**

<b>Subject Property:</b>	Right-of-ways adjacent to 500 Congaree Avenue, TMS#11312-13-11
<b>Council District:</b>	3
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a brick and iron fence.
<b>Applicant:</b>	Lawrence and Sandra McGuckin
<b>Staff Recommendation:</b>	Approval with conditions.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for installation and maintenance of a brick and iron fence measuring approximately four (4') feet in height, approximately three hundred fifty-seven (357') feet in length, as shown on the attached drawings.</p> <p>Conditions of the proposed encroachment are as follows:</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 maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li> <li>3. Grantee is responsible for maintaining landscaping and improvements.</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> <li>5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.</li> <li>6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.</li> <li>7. All trees shall be protected and no large tree roots shall be removed from any existing trees.</li> <li>8. Brick columns shall be positioned to not interfere with the existing sanitary sewer line and associated easement.</li> <li>9. Certificate of Design Approval (CDA) must be obtained prior to the issuance of the permit.</li> </ol>
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<b>CITY AGENCY COMMENTS FOR ENCROACHMENT</b>	
<b>Lucinda Statler Planning &amp; Development Services</b>	Recommend approval.
<b>Robert Sweatt, Street Division</b>	Recommend approval.
<b>Denny Daniels, Columbia Water Engineering Department</b>	Recommend approval.
<b>Andrew Ritter, Traffic Engineering</b>	Recommend approval.
<b>Caleb King, Forestry</b>	Recommend approval.

<b>Johnathan Chambers, Land Development</b>	Recommend approval.
<b>Kris Scott, Fire Department</b>	Recommend approval.

# City of Columbia

## 500 Congaree



Monday, February 1, 2021



### 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.



# 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: \_\_\_\_\_ Property Owner: Lawrence P. + Sandra B. McGuckin

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

Contact Information: Telephone Number: 803-429-3460 Fax Number: \_\_\_\_\_

Mailing address: \_\_\_\_\_ E-mail address: SANDRABMCGUCKIN@GMAIL.COM

Encroachment Location (Address): 500 Congaree Ave 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: R11312-13-11

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

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

Dimensions (height/width/length): Perimeter of front + Side Yard - 4' high - BRICK or IRON as designated by CITY

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete step; two 12"x12" x24" brick columns; 4'x15' brick paver walkway)

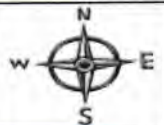
Construction material: Brick and Iron (if avail)

Please provide photographs and drawing or site plan **drawn to scale** - no larger than 8-1/2 x 11. Attached

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**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**

Johnathan Chambers  
 John Fellows  
 Brian Cook  
 Jerry Thompson  
 Fanessa Pinckney  
 Amy Moore  
 Robert Harkins  
 Denny Daniels  
 Robert Anderson  
 Robert Sweat  
 David Brewer  
 Sara Hollar  
 John Hooks  
 Chip Timmons  
 David Koon  
 John David Spade

**DEPARTMENT**

Development Services (Land Development)  
 Development Services (Planning)  
 Development Services (Zoning)  
 Development Services (Building Inspections)  
 Development Services (Permits)  
 Development Services (Historic Preservation)  
 Development Services (Plans Review)  
 Utilities & Engineering (Construction Management)  
 Public Works (Administration)  
 Public Works (Street Division)  
 Public Works (Traffic Engineering)  
 Public Works (Forestry & Beautification)  
 Public Works (Solid Waste)  
 Risk Management  
 Fire Department  
 Parking Services

**PHONE**

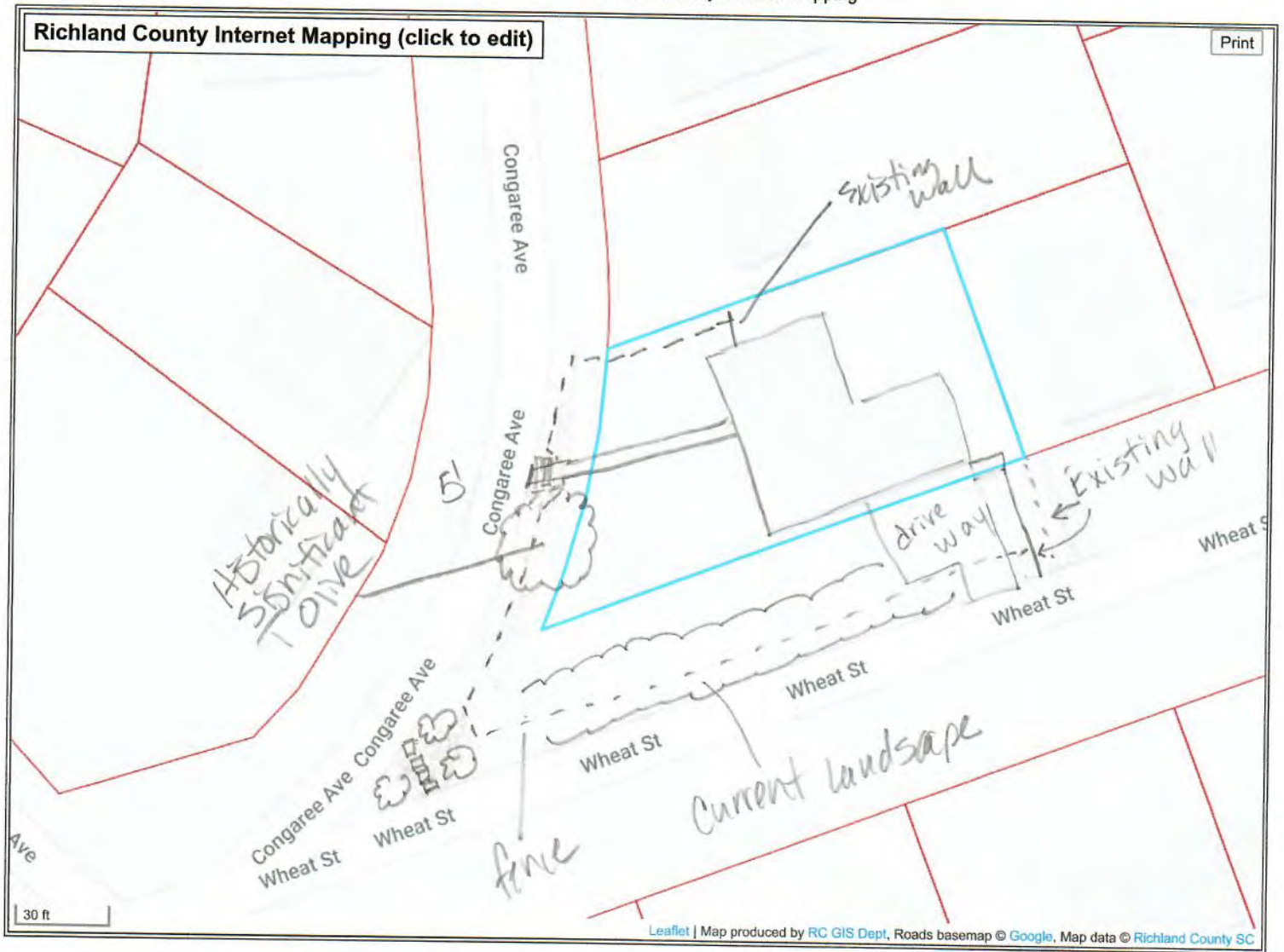
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 803-545-3070

**FAX**

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 803-733-8648  
 803-733-8245  
 803-401-8839  
 803-733-8523

**E-MAIL**

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 raanderson@columbiasc.net  
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 ddbrewer@columbiasc.net  
 sehollar@columbiasc.net  
 jphooks@columbiasc.net  
 catimmons@columbiasc.net  
 cfdgkoon@columbiasc.net  
 spade@columbiasc.net



inset from Congaree  
apx 5'

21 - set back  
Congaree

inset from Wheat  
apx 11' 7"

39 Set Back  
Wheat



Leaflet | Map produced by RC GIS Dept., Map data © Richland County SC, Streetview data © Google, Satellite basemap © Google

1/27/2021

Richland County Internet Mapping

Richland County Internet Mapping









1820

**Lawrence and Sandra McGuckin  
500 Congaree Ave.  
Columbia SC 29205**

Johnathan Chambers  
Development Services Land Development  
City of Columbia SC

Dear Johnathan,

Attached please find the proposed layout for a fence at 500 Congaree Ave. Since we purchased our home a few years ago, the need for security has become more and more apparent. While we appreciate the college kids in our neighborhood, at times late in the evening, they have been known to invade our yard, and, on several occasions, have asked to come inside. Luckily, my husband was at home each time, but I worry that the evening will come that he will not be home to protect our home. We would like to provide more of a deterrent for this behavior.

We would like to add a protective fence around the front perimeter of the yard, by 1) adding to the height of the existing brick wall in the front (Congaree Ave) and 2) building a new fence along the Wheat street side of the house. We have worked to ensure it will be in keeping with the neighborhood as well as with our home. Our current plan is to use brick and if available, iron above the brick.

Using the measuring feature on the Richland County Internet Mapping site, I have illustrated the proposed change including distances from the curb where appropriate. A couple of notes:

- There is a historically significant Tea Olive Tree in the front yard that we do not want to damage in the process (this was apparently written up in the state paper at some point in the past, however this was prior to our ownership, so we have no documents on this).
- There is existing landscaping (trees, shrubs etc) on the Wheat street side that we are planning to leave as is, and place the fence several feet back from the curb, leaving the view from the street more natural.
- There is a peninsula at the corner of Congaree and Wheat that protrudes out significantly. We have added stepping stones to allow pedestrians the ability to cut through without feeling that they are trespassing. We plan to add a bench as well as it is a beautiful place to sit under the large crape myrtles. The fence would be well inside of that as well.
- The back and sides of the house are already enclosed in a brick wall. Our plan is to extend this wall to enclose the front as well by connecting the new wall to the existing wall end points. We would add a sliding gate at the driveway to allow ingress and egress from the property.
- The current wall on Congaree is next to the sidewalk and approx. 2 ft tall retaining wall. We propose to add 4 feet to this retaining wall, allowing for a 4 foot fence from the elevation of our front yard.
- The new wall on Wheat street would also be 4 ft tall (approx.) and would be set back from the curb approx. 11 ft, allowing the view from the road to be of the existing trees and shrubs.

Please let me know if you require additional information of better drawings. These are my drawings based on where we feel the fence would look best in keeping with the neighborhood. We have spoken with Rachel Walling and are proposing a brick fence (we would prefer brick and iron, but apparently with Covid, Iron is hard to come by these days, and while brick is more expensive, we would have a lattice style pattern that would allow one to see through it). Rachel feels that this design would be approved. I will provide pics for this as well.

Thank you so much Johnathan for your guidance as we navigate this issue.

Very Sincerely,

Sandra McGuckin