

# Longcreek Plantation LLC

## Longcreek HOA Board Interpretation and Position Paper

### Additional Structures on a Lot, Including Accessory Dwelling Units

#### Summary

The Longcreek Covenants provide the community-specific requirements for construction of residential housing and other structures on each lot. This Board position paper addresses the Architectural Control Committee's (ACC) role regarding additional structures on a lot.

#### References

(Covenants) Restrictions and Easements, Longcreek Plantation Subdivision (Book U 196 Page 001).

Charleston County Zoning and Land Development Regulations Ordinance, downloaded June 2024 from [Document Viewer | Zoning and Land Development Regulations \(encodeplus.com\)](#).

Charleston County Permitting ([Permit Center | Charleston, SC - Official Website \(charleston-sc.gov\)](#)).

#### Covenant Requirements

The referenced Covenant provides the following requirements (review the Covenants for all requirements):

*“Lot” shall mean and refer to any numbered plot of land comprising a single dwelling site and shown upon any recorded subdivision plat of the Property, now or hereafter made subject to this Declaration.*

*Building Construction. No structure shall be erected on any Lot other than one (1) single-family dwelling and one (1) detached or attached garage of similar design. All additional structures on any Lot (including guest houses or employees' quarters) shall require approval from the Architectural Control Committee and the Board.*

*Review and Approval of Plans and Landscape Plans. No grading, filling, building, fence, wall, sidewalk, or other structure shall be commenced, erected or maintained on any Lot, nor shall any exterior addition to or alteration thereof be made until the plans and specifications showing the grading, filling, nature, kind, shape, height, exterior color, materials and locations of the same shall have been submitted to the Architectural Control Committee and approved, in writing, as to harmony of external design, color, and location. in relation to surrounding structures and topography, by the Architectural Control Committee...*

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*Every person who submits plans or specifications to the Architectural Control Committee for approval agrees, by submission of such plans and specification, and every Owner agrees, that he will not bring any action or suit against any member of the Architectural Control Committee, to recover for any such damage.*

*Aesthetics, Nature Growth, Screening, Underground Utility Service. All Owners must comply with the Charleston County Tree Ordinance. For new construction, the Owner must provide building plans and plot plans to be submitted to the Architectural Control Committee. Clotheslines, garbage cans and equipment shall be screened to conceal them from view of neighboring Lots and streets. All residential utility service and lines to residences shall be underground. All fuel tanks must be buried or screened.*

The intent in the covenants is clear; each lot is intended to be limited to one (1) single family home. The HOA Board has consistently supported this position.

The ACC approves physical changes to each lot; this includes additions to an existing dwelling. Additions to an existing dwelling usually requires a building permit (refer to [Permit Center | Charleston, SC - Official Website \(charleston-sc.gov\)](https://www.charleston-sc.gov/PermitCenter)). Charleston County will typically not approve a permit request until the HOA ACC has first approved the plans or specifications.

*Note: The HOA Board reviews and approves decisions proposed by the ACC.*

### **ACC Review Purpose**

The ACC is intended to ensure that the community rules established in the Covenants and By-Laws are followed by all residents. The following are examples of changes to a lot or property that require an ACC review:

- Grading or fill dirt additions that might change water runoff onto neighboring properties.
- Ensuring that setback requirements are met for any changes.
- Fencing that is visible from the street.
- Additions to a residence.
- Building an additional structure such as a barn or storage facility.
- Ensuring that a new structure does not encroach onto a neighboring property (setback requirement).
- Verifying that a new structure's aesthetics are compatible with the existing residence.

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### **Structures Not Requiring ACC and Board Review**

The following types of new structures typically do not require ACC review:

- Storage shed or greenhouse less than 120 square feet and less than 12 feet high with no plumbing, electrical, or heating.
- Pergola.
- Pavilion without plumbing, electrical, or heating.
- Garden fencing not visible from the street.
- Children's play structures.

There are some types of structures and modifications to structures that might not receive an ACC review, such as:

- Docks, which are reviewed and approved by the South Carolina Department of Environmental Services (DES).
- Residential maintenance, such as a roof replacement or deck repairs.
- Paving or resurfacing an existing driveway.
- Drilling a replacement water well or repairing an existing septic system.
- Interior remodeling projects.

### **Charleston County Zoning Criteria for Accessory Dwelling Units**

Some Longcreek lots contain additional living quarters in addition to the single-family residence. These living quarters are provided in a variety of structure types:

- In a separate building.
- Inside a barn.
- Included in a detached garage.
- Included as part of a storage building.

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The Charleston County term for these living quarters is “accessory dwelling units”, which is not specifically addressed by the Covenants. Whenever the Covenants do not address a topic, Charleston County requirements apply and Charleston County provides the following guidance for an accessory dwelling unit within Longcreek’s zoning (AG-15):

### *Sec. 6.5.9 Accessory Dwelling Units*

*In Agricultural and Residential Zoning Districts, one accessory dwelling unit may be established on an existing zoning lot if reviewed and approved, subject to the following standards:*

- A. The zoning lot must have a minimum area at least 50 percent larger than the minimum area required for a principal residential structure.*
- B. Only one accessory dwelling unit shall be permitted per zoning lot.*
- C. The heated gross floor area of the accessory dwelling unit shall not exceed 800 square feet in any Residential district or shall not exceed 1,500 square feet in any Agricultural district.*
- D. Accessory Dwelling Units placement shall comply with all dimensional standards of the applicable zoning district, as contained in Chapter 4, Base Zoning Districts, of this Ordinance, including all setback, buffer, lot coverage, height requirements, and waterfront development standards.*
- E. Accessory Dwelling Units placement on parcels that contain or abut an OCRM Critical Line shall meet the Waterfront Development Standards of Article 4.22.2.*
- F. Separate electrical meters shall not be allowed for attached accessory dwellings.*

### **Conclusions**

The purpose of the ACC is to maintain compliance with the Covenants and By-Laws, particularly with (Covenants) Restrictions and Easements, Longcreek Plantation Subdivision (Book U 196 Page 001). This is an important function that should be respected by all residents.