

# Longcreek Plantation LLC

## Longcreek HOA Board Interpretation and Position Paper

### Subdividing a Longcreek Lot

#### Summary

The Longcreek HOA Board affirms that it will not approve subdividing a single 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 \(encodeplus.com\)](#).

#### Covenant Requirements

The referenced Covenant provide the following 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.*

*Subdivision of Lots. No Lot shall be subdivided to create an additional Lot or Lots unless approved in writing (1) by Charleston County (2) by the Architectural Control Committee, and (3) by the Association Board. In the event any permitted subdivision creates more than forty-nine (49) Lots in Longcreek Plantation Subdivision, it shall be the responsibility of the person requesting the subdivision to either pay all costs of paving all streets and making other improvements as required by Charleston County or to obtain approval from the Association to bear the cost of paving all streets and making other improvements as required by Charleston County which will apply if more than forty-nine (49) Lots are created at Longcreek Plantation Subdivision.*

#### Charleston County Zoning Criteria

Charleston County provides the following guidance for subdividing an existing lot within AG-15 zoning:

*4.4.5 One Time Subdivision of Nonconforming Lot of Record Existing Prior to April 21, 1999 A one time subdivision creating one lot from a nonconforming lot of record (lot existing prior to April 21, 1999) shall be allowed, if each lot resulting from the subdivision meets the minimum lot area requirement of the AG-15 Zoning District. An Ingress/Egress Easement may be utilized to access a proposed lot (singular) to the rear of the property. The setback*

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*from the edge of the easement will be the required side setback required for Zoning District. The side setback from the edge of the easement will only be utilized to create one (1) proposed lot from the provision of: ONE TIME SUBDIVISION OF A NON-CONFORMING LOT OF RECORD EXISTING PRIOR TO APRIL 21, 1999.*

### **Conclusions**

Longcreek is zoned AG-15, which sets limits on housing density and subdividing existing lots is not a straightforward effort. Adding a second dwelling other than a defined accessory dwelling unit on an existing lot would effectively create a subdivided lot. As noted in the Longcreek referenced Covenant, Charleston County would have to approve this action, in addition to the HOA Board and the ACC. Discussions with the Charleston County Zoning Commission indicate that they would require a separate water well, septic system and street address for a second dwelling on a lot.

Note also that the Charleston County criteria would not allow subdividing a single lot into more than one additional lot. In other words, an existing 15-acre lot could not be subdivided into 5 three-acre lots.

The Longcreek Covenants anticipate this possibility by stating that any associated costs to subdivide and have more than 49 lots will be the responsibility of the person attempting this change. Although the Longcreek roads are paved, they do not meet Charleston County roadway standards. And the HOA Board would not attempt to have the other 48 owners bear the cost of any repairs or upgrades.

Although there are lots within Longcreek that could meet the Charleston County criteria to split one lot, the ACC and the HOA Board have repeatedly confirmed that subdividing is not and will not be approved.