

Pinckney Place Property Owners Association

1681 Ware Bottom Lane

Mount Pleasant, SC 29464

Mail Slot #31

pinckneyplacehoa@gmail.com



Architectural Review Board (BOD/ARB) Criteria

The Architectural Review Board (ARB) is appointed by the Board of Directors (BOD) to advise on matters of home and property improvement. The ARB is appointed by the BOD on an ad hoc basis, and is composed of three (3) or more association members selected for their expertise, independence, or availability. The BOD may dual-hat as the BOD/ARB. The BOD is the final authority in case of conflict or disagreement. All parties—BOD, BOD/ARB, and Association members—have shared values as stated in the preamble to the covenants:

(a) To maintain the value and the residential character and integrity of the Pinckney Place subdivision;
(b) to preserve the quality of the natural amenities of the Pinckney Place subdivision;
(c) to prevent any owner or any other persons from building or carrying on any other activity in the Pinckney Place subdivision to the detriment of any other owner in Pinckney Place;
(d) to keep property values in Pinckney Place high, stable, and in a state of reasonable appreciation.

BOD/ARB Criteria are to be viewed as baseline guidance. Proposal specifics will vary in detail and may require a deeper conversation about the nature and location of the initiative.

Guiding Principle and Legal Authorities

Authority for this criterion is derived from the Covenants (ARTICLE V, SECTION1. IMPROVEMENTS):

“No building, fence, wall or other structure or planting or landscaping shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein including without limitation any plantings or landscaping be made until the plans and specifications showing the nature, kind, shape, height, materials, colors, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the BOD, or by an ARB composed of three (3) or more members to be initially appointed by the BOD for a term not to exceed the term of the BOD. The BOD may dual-hat as BOD/ARB members.”

Failure of a property owner to obtain BOD/ARB approval for an alteration can result in a lawsuit by the Association or any other property owner to enjoin or remove any structure, activity, use, change alteration or addition.

Authority to enforce the BOD/ARB criteria is vested in the BOD per the covenants.

Application Procedures and Responsibilities

Homeowner

Submit copies of the plans and specifications showing the nature, kind, shape, height, materials and location of the same, to the BOD/ARB...

- Deliver a completed application using the attached format. Provide detail so that a reasonable homeowner can understand the nature of the alteration without further research.
- Do so in a timely manner so as to preclude rushed deliberations by the BOD/ARB, and/or schedule delays in contracting. Thirty (30) days is deemed sufficient lead time to submit the application.
- Elements of a GOOD application:
    - Includes plans and specifications for an alteration that details the nature, kind, shape, height, material, location, color, and if applicable, the cost.
- Specifically comment on the alteration's IMPACT on any and all ADJOINING NEIGHBOR'S PROPERTY. (Look at the alteration from their point-of-view.)
- Specifically comment on the alterations IMPACT on the COMMON PROPERTY of the Association. (Look at the alteration from the BOD's point-of-view.)

BOD/ARB

...evaluate such plans and specifications in light of the purpose of Article V.

- Acknowledge receipt of the application via e-mail with a copy to pinckneyplacehoa@gmail.com for historical recording.
- Schedule any information gathering meeting with the applicant in an agreed upon timely manner. A single BOD/ARB member may represent the entire board for such information gathering purposes.
- Formally convene a BOD/ARB and adjudicate the application in accordance with the established Criteria and Covenants in a timely manner. Thirty (30) is deemed the maximum time for deliberation and adjudication.
- For APPROVALS:
    - Notify the BOD if acting as a separate ARB
    - Retain a written and digital copy of the application and approval signoff sheet.
    - Notify the applicant in writing and by email of the APPROVAL and for historical recording.
- For DISAPPROVALS:
    - Notify the BOD who will discuss the matter with the applicant and use the same deliberation process to attain a FINAL adjudication of the proposal.

Disclaimer

Also from the Covenants (ARTICLE V, SECTION 2. PROCEDURES):

(b) Approval for use in connection with any Lot of any plans and specifications shall not be deemed a waiver of the BOD/ARB's right, in its discretion, to disapprove similar plans and specifications or any of the features or elements included therein if such plans, specifications, features or elements are subsequently submitted for use in connection with any other Lot. Approval of such plans and specifications relating to any Lot, however, shall be final as to that Lot and such approval may not be reviewed or rescinded thereafter, provided that there has been adherence to, and compliance with, such plans and specifications, as approved, and any conditions attached to any such approval.

(c) Neither Declarant, nor any other member of the BOD/ARB shall be responsible or liable in any way for any defects in any plans or specifications approved by the BOD/ARB, nor for any structural defects in any work done according to such plans and specifications approved by the BOD/ARB. Further, neither declarant nor any member of the BOD/ARB shall be liable in damages to anyone by reason of mistake in judgment, negligence, misfeasance, malfeasance, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove such plans or specifications or the exercise of any other power or right of the BOD/ARB provided for in this declaration. Every person who submits plans and specifications to the BOD/ARB for approval agrees by submission of such plans and specifications, that every owner of any lot agrees, that he will not bring any action or suit against the association, its board members or officers or any member of the BOD/ARB, to recover any such damages and hereby releases, remises, quitclaims, and covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any law which provides that a general release does not extend to claims demands, and causes of action not known at the time the release is given.

Criteria No. 1 – Landscaping and Plantings

Allowed	Not Allowed
Maintaining existing garden beds in view of Ware Bottom Lane by means of flora replacement (i.e., existing plants, shrubs, trees, etc.) can be accomplished without BOD/ARB approval.	New garden beds or significant changes to existing garden beds in view of Ware Bottom Lane must be vetted by the BOD/ARB for approval.

Criteria No. 2 – Fences and Walls

Allowed	Not Allowed
Fences and wall shall be constructed of one of the following materials: wrought iron, brick or stucco covered block, ornamental aluminum, wood or vegetation in the form of hedges. Living fences constructed with welded wire will be considered on a case-by-case basis, and only where not visible from street/alleys (i.e. between houses). Fencing and walls not greater than two (2) feet in height are allowed along sidewalk and allowed to turn at property corners and convert to an eight (8) ft privacy fence (maximum) once passing the depth of the house by ten (10) feet. All fences and walls will be painted with a color that is harmonious with the color of the residence. Proposed paint colors shall be subject to review and pre- approval of the BOD/ARB. Fences must be painted within two (2) weeks from start of fence construction. “Attractive” side of fence must face outwards toward neighbors/street view. Outside of fence must be suitably landscaped.	No fence or wall may be constructed of exposed concrete, exposed concrete blocks, chain or chain link, plastic or other synthetic material. No fence or wall may be constructed closer than 10 feet back from the front corner of a primary living structure located on a property without express written consent of the BOD/ARB. No privacy fence or wall may exceed eight (8) feet in height above the ground level of the adjoining lots. The fencing along the facing of yard (paralleling the sidewalk) cannot exceed four (4) feet if picket or closed view but on a case-by-case basis may allow five (5) feet open view fencing. No dog eared fencing allowed.

Criteria No. 3 – Antennas, Aerials, Disc, Satellite Dishes, Solar Panels and Flagpoles

Allowed	Not Allowed
Outside antennas, antenna poles, antenna masts satellite television reception devices, electronic devices, antenna towers or citizen band (CB) or amateur hand (ham) antennas are permitted if approved by an BOD/ARB. One flag per property may be flown from poles (not greater than six feet in length) attached to columns or elsewhere on the residence.	No free-standing flagpoles shall be permitted in yards. No flagpoles shall be used as an antenna. Satellite dishes must not be larger than 18” and be on roof tops or rear of property in order to screen from neighbor/road view. No dishes allowed on front roof pitch. There is a maximum of one dish per residence allowed. To preserve the integrity and appearance of the neighborhood, some residences may be unable to find an acceptable location for a dish.

Criteria No. 4 – Signs, Window A/C, Lawn Art

Allowed	Not Allowed
A “For Sale” sign of not greater than five (5) square feet in size and being of the standard preprinted type commonly used by realtors, which may only be located in the front yard of the lot, and which must be removed within forty-eight (48) hours after the sales closing. Preprinted standard political signs supporting candidates for election, which must be removed within twenty-four (24) hours after the election is concluded. Holiday decorations are permitted but should be removed within two weeks following the end of the holiday.	No signs, freestanding or otherwise installed, shall be erected or displayed to the public view of any lot or from within any residence without the prior express written permission of the BOD/ARB, with the exception of those allowed. Lawn art and such objects of reasonable taste are permitted but cannot indicate religious, racial or political messages. No window air conditioning units are permitted.

Criteria No. 5 – Exterior Structures

Allowed	Not Allowed
Permanent sheds or storage buildings with BOD/ARB approval. All details must be submitted to the BOD/ARB in writing pertaining to the description of the type of shed and its location, etc.	No exterior structures may be constructed on any utility easement without a properly adopted modification to that easement by the party in whose favor the easement is granted. No structure of a temporary character including, but not limited to, trailers, tents, shacks, sheds, barns, tree houses or outbuildings shall be parked or erected on the Property at any time without the express written permission of the BOD/ARB.

Criteria No. 6 – Color Changes to Residence, Trim, or any Structures

Allowed	Not Allowed
Any exterior changes to the colors of the residence, trim, roofing materials, or any other structure on the Property requires written approval by the BOD/ARB. Submit a sample of the color with the BOD/ARB application. The color palette shall include no more than one color for the walls, one color for the trim, one color for the shutters, and one color for the front door. Generally, the paint palette shall be consistent with the “Colors of Historic Charleston” paint collection. The fascia board and flashing/drip edge must be the color of the trim or may be painted white. Gutters must either be white, copper, or match the color of the trim. (Amended 10Nov26): All paint should be of a quality and type meant for exterior use ~~and shall be limited to flat finish only~~. *“A satin finish will better protect against sun fade and weather.”*	No painting of driveways or sidewalks will be permitted. Only single solid colors are permitted on the exterior walls of the residence. Murals or any other type of artistic design will not be permitted.

Criteria No. 7 – Shutters, Gutters, & Propane Tanks

Allowed	Not Allowed
Shutters must be hinged and functioning. Shutter color and sample must be approved by BOD/ARB. Gutters must be made of aluminum or copper. Gutter style and color must be approved by BOD/ARB. Propane tanks should be screened from Ware Bottom Lane street view and adjoining neighbor view to the maximum extent feasible. Screening must resemble the same material used for air condition and foundation screening. The location for propane tanks is subject to BOD/ARB approval but must comply with applicable safety regulations.	No vinyl shutters are allowed. No vinyl or plastic gutters allowed. No corrugated pipe can be seen above ground running from gutter to Ware Bottom Lane.

Request for Architectural Review (Page #1 of 2)

Date of Application: _____ Start Date of Project: _____

Homeowner: _____ Email: _____

Address: _____ Phone: _____

Nature of Request: (Check One)

☐ Criteria #1: Landscaping and Plantings	☐ Criteria #2: Fences and Walls	☐ Criteria #3: Antennas, Aerials, Disc, Satellite Dishes, Solar Panels and Flagpoles
☐ Criteria #4: Signs, Window A/C, Lawn Art	☐ Criteria #5: Exterior Structures	☐ Criteria #6: Color Changes to Residence, Trim, or any Structures
☐ Criteria #7: Shutters, Gutters, & Propane Tanks	☐ Other: (Briefly Explain) _____	

Describe the Change*** (Attach a separate document if necessary):

_____
_____
_____
_____
_____
_____

***Include plans and specifications for an alteration that details the nature, kind, shape, height, material, location, color, and if applicable, the cost.

Specifically comment on the alteration's IMPACT on any and all ADJOINING NEIGHBOR'S PROPERTY. (Look at the alteration from their point-of-view.)

Specifically comment on the alterations IMPACT on the COMMON PROPERTY of the Association. (Look at the alteration from the BOD's point-of-view.)

Request for Architectural Review (Pg #2 of 2)

Applicant Required Acknowledgements

1. Nothing herein contained shall violate any of the provisions or Building and Zoning Codes of the Town of Mt. Pleasant or Charleston County to which the applicant property is subject. Further, nothing herein contained shall be construed as a waiver or modification of any said restriction.

2. The Applicant understands that the Building Ordinance of the Town of Mt. Pleasant Building Department requires that plans be filed directly with the Building Inspector in Mt. Pleasant, SC for construction requiring a Building Permit.

3. The Applicant understands that any construction or exterior alteration undertaken by them, or on their behalf, before approval of this application is NOT ALLOWED. If alterations are made, the Applicant may be required to return the property to its former condition at the Applicant's own expense if this application is disapproved wholly or in part, and that the Applicant may be required to pay all legal expenses incurred.

4. The Applicant understands that members of the BOD/ARB are permitted to enter upon their property at any reasonable time for the purpose of inspecting the proposed project, the project in progress, and the completed project, and that such entry does not constitute a trespass.

5. The Applicant understands that any approval is contingent upon construction or alterations being completed in a workmanlike manner.

6. The Applicant understands that a BOD/ARB decision (approved/modify/disapproved) is required on all "complete" applications within forty-five (45) days of receipt of said application by the BOD/ARB. It is further understood that said applications are "conforming" to the established Guidelines and Covenants.

7. The Applicant is aware of the Pinckney Place Declaration of Covenants and Restrictions in regard to the review process established by the BOD.

8. The Applicant understands that the alteration authority granted by the BOD/ARB will be automatically revoked if the change and/or modification requested has not commenced within six (6) months of the approval date and/or completed by the date established by the BOD/ARB.

Applicant Signature: _____ Date: _____

BOD/ARB Adjudication

☐ **APPROVED**	☐ **MODIFY**	☐ **DISAPPROVED**

Comments:

_____

_____

ARB/BOD Signatures:

_____ _____ _____