

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

AFFIDAVIT TO RECORD

IN RE: Burkes Beach, POA

The attached documents are being recorded to comply with the South Carolina Homeowners Association Act, Title 27, Chapter 30, Section 110, et. seq., South Carolina Code of Laws (1976), as amended.

1. Architectural Review Committee Guidelines

Burkes Beach, POA

By: 

David Gerwels

(Printed name)

Its: Board President

SWORN TO BEFORE ME

On this 31 Day of May, 2019.

Kathleen Smith

Notary Public for South Carolina

My Commission Expires:

**KATHLEEN SMITH**  
Notary Public, State of South Carolina  
My Commission Expires 10/20/2027

# Seaside Development Corporation Subdivision/ Burke's Beach Property Owners Association

## Initial Use Restrictions and Rules

(As provided in part by the Second Amended and Restated Restrictions, Reservations and Covenants for Seaside Development Corporation Subdivision/Burke's Beach POA)

**4.1 Permitted Use and Elevation.** All lots in said subdivision shall be used for single family residential purposes exclusively. No building or part may be used as a business or business office of any type. No structure shall be erected, altered, placed or permitted to remain on any lot, other than one (1) detached single dwelling not to exceed three (3) stories in height above the then existing FEMA elevation requirements and a private garage. Specifically, no buildings exclusive of garage may be detached from the dwelling. The dwelling and the garage must adhere to all applicable and stated setbacks herein.

**4.2 Minimum Value.** No building for dwelling or residence purpose shall be erected or constructed upon any lot which shall not be of a value of One Hundred Thousand and 00/100 (\$100,000.00) Dollars, valued at present building costs. Further, no building or dwelling or residence shall be of modular prefabricated construction but must be custom built.

**4.3 Setbacks.** No one (1) building shall be located on any lot nearer than twenty (20') feet to the front line, nor nearer than ten (10) feet to any side street, nor nearer than five (5') feet to any lot line. If two stories are above FEMA elevation minimum requirements, setbacks are twenty (20') feet to the front line, nor nearer than ten (10) feet to any side street, nor nearer than five (5) feet to any side lot line, nor nearer than five (5) feet to the rear. If three stories are above FEMA elevation minimum requirements, setbacks are twenty (20') feet to the front line, nor nearer than ten (10) feet to any side street, nor nearer than ten (10) feet to any side lot line, nor nearer than ten (10) feet to the rear. Alternatively, a building can be offset utilizing at combined total side back of twenty (20) feet never to be closer than 5 (five) feet from any side lot line.

**4.3.1 Pools with Setbacks.** No swimming pool or other structure shall be constructed or placed within any applicable setback without express prior approval from the Architectural Review Committee.

**4.4 Minimum Size.** No dwelling shall be permitted on any lot which structure shall have less than Two Thousand Five Hundred (2,500) feet of permanently enclosed space, exclusive of garage.

**4.5 Exterior.** All dwellings must be in harmony with exterior designs, color and materials of existing structures. Prior to the commencement of any construction on any lot, and owners shall submit an application in a form approved by the Board with all building plans, including exterior colors, will have to be reviewed and approved by the Architectural Review Committee before any construction can begin. A deposit shall be submitted with the application in amount of \$1000.00, payable to the Property Owners' Association. The deposit shall be available to cover any expenses incurred by the Property Owner's Association relating to the application. The amount of said deposit shall be reviewed annually. The Architectural Review Committee shall provide a list of acceptable exterior colors to all interested applicants.

**4.6 Use.** No dwelling constructed on said lots shall be used as a rooming house or for transient trade.

**4.7 Activities.** No noxious or offensive activity shall be carried on or upon any lot, nor shall anything be done thereon which may be or come to be a nuisance to the neighborhood.

**4.8 Animals.** No livestock, animals, or live fowl shall be maintained on any lot. Specifically, no runs, animal fences or pens shall be allowed on any lot.

**4.9 Temporary Structures.** No structure of a temporary character, trailer, basement, shack, garage, barns, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

**4.10 Boundary Lines.** No lot shall be subdivided, or its boundary lines changed or altered without the consent of the Board as manifest by affirmative approval by four of the then sitting Board members. No fencing is permitted in front at the twenty (20) foot setback. No boat, RV or similar vehicle may be parked off pavement or closer than thirty (30) feet from the front of the building on a side pavement. No boat, RV or similar vehicle may be parked in a front or back yard or other unpaved area.

**4.11 Vacant Lots.** All vacant lots shall be kept free and clear of any debris. The Association shall give written notice to the owner of any lot which is not free and clear of debris to clean same. If, after 60 days, the owner has failed to respond by removing the debris and cleaning same, the Association may contract or hire to have the debris removed and the lots cleaned, and recover the cost of removal from the owner, with said costs being a lien against the owner's property enforceable as set forth under Article III herein.

**4.12 Signs.** No commercial signs, including For Rent, For Sale and other similar signs shall be erected or maintained on any property except with the written permission of the Board of Directors of the Association (except as may be required by Legal proceedings), it being understood that the Association will not grant permission for said signs unless the erection is reasonably necessary to avert serious hardship to the owner. If such permission is granted, the Association reserves the right to restrict size, color and content of such signs. Property identification and like signs may not be erected without written permission of the Association.