

MEMORANDUM

To: Membership
From: PVCCE HOA No. 1 Board of Directors
Subject: Garden Sheds and Accessory Structures
Date: March 30, 2025

This memorandum will answer questions we regularly receive about both the allowance and placement of accessory structures on property within the HOA. Most frequently the questions involve garden and/or storage sheds. This memorandum has been approved by the HOA Board of Directors and is a result of the study of the issue by the Board and made in good faith and in the reasonable business judgment of the Board.

Our CC&R's do not address accessory structures directly and when developed in the 1960's, storage sheds were stick-built, or more commonly a metal structure purchased at a lumber yard or hardware store. Today, an owner can buy any one of hundreds of offerings from Home Depot, Lowes, Costco, Amazon, Wayfair, etc.

Unless otherwise defined in the CC&R's, accessory structures can also include swing sets, play structures, basketball hoops, gazebos, patio roof structures, pergolas, BBQ islands, etc. Generally, a structure includes any temporary or permanent improvement over 30 to 36" in height and not otherwise defined, such as a fence, garage, etc.

OUR CC&R's

Our document does not directly regulate storage sheds or accessory structures. Indirectly, Section 4 provides:

“Each and every of the said lots shall be used for private residence purposes only, and no structure whatever, other than one first-class, single-story, private, one-family residence shall be erected or maintained on any lot.”

Our document does not define “structure”. When terms are not defined, we would typically default to the County Zoning Code, or State law, if applicable.

The County Code defines structure as follows:

“Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.” **SD County Zoning Code Section 1110.**

Analysis

Taken literally, Section 4 of our CC&Rs would prohibit all structures other than one house. Thus, sheds, free standing patio covers, above ground jacuzzies, BBQ islands, basketball hoops, dog houses, fire pits, etc. would not be allowed.

A more reasonable interpretation is that the quoted language in Section 4 should be interpreted to prohibit multiple dwelling units and that only one home per lot is allowed. If that is the proper interpretation, a consistent conclusion would follow that our document does not regulate ancillary or accessory structures.

These accessory structures would be seen as incidental to the main use and would be subject to County Zoning and County Building standards if any applied.

For example, a shed (which is an accessory structure) that is over 120 sq ft, is regulated by the County as are sheds that have

utilities installed or intended for human habitation. Sheds and other accessory structures are usually prohibited in the front yard.

If we consider the overall context of accessory structures in modern day California, we know that nearly everyone uses an outdoor shed or structure in their side and/or rear yards. The first thing you notice when viewing new tract home developments is that the homes are being built almost “on top of each other”. A five-foot (5’) side yard used to be tiny---now it seems to be the norm. Rear yards are often only 15 to 20’ deep. It seems unworkable to require large setbacks for accessory uses, since most residents place their shed(s) against their main structure (e.g., a shed for landscape tools) or along the side or rear property lines.

Given that perhaps half of the lots in our HOA back onto the golf course and thus cannot place a shed in their front yard or rear yard, being permitted to place a shed along the side yard fence becomes more important.

Guidance for Accessory Structures

Without trying to anticipate every question which may arise in this context, a couple guidelines may be helpful:

- Sheds should be placed at least three (3”) from the side or rear property line when possible and can never be placed in the front yard. On golf course lots, placement along a property line or fence should be permitted.
- Sheds and accessory structures should be under 10’ in height.
- Sheds over 120 sq ft or sheds with utilities should secure a building permit from the County and Architectural approval by the HOA.
- Sheds or accessory structures may not be used for human habitation in our HOA.

- In placing a shed care should be taken to minimize any visual intrusion to a neighbor.

Pauma Valley Country Club Estates HOA #1

Board of Directors