

Ashwood Lakes Homeowners' Association of Brevard, Inc.
P.O. Box 560615
Rockledge, Florida 32956

June 6, 2012

To: Ashwood Lakes Property Owners

The attached is a memorandum for the record establishing the Architectural Controls and Review Committee's guidance and enforcement of those declarations that are or could be associated with placement of storage structures on private properties. The memorandum was drafted per the direction of the Ashwood Lakes Homeowners' Association Board of Directors, reviewed and approved by the association's attorney, and mailed to each property owner.

The memorandum provides specific direction to those property owners that have already placed sheds and water closets on their property without prior approval. It is paramount that those property owners follow the direction provided as to resolve an existing issue of compliance. For those property owners considering the placement of a shed or water closet on their property, please use the memorandum as guidance for submission of any future Architectural Controls and Review Application, noting the separation of properties into three categories.

It is hoped that this memorandum will: (1) better clarify the declarations pertaining to structures intended for storage on a property, (2) resolve existing issues with those sheds and water closets that have been placed without prior approval, and (3) support those property owners wanting to pursue placement of a storage structure on their property.

Donna Miller
ARC Committee Chair

**SHED CLARIFICATION
MEMORANDUM FOR THE RECORD**

Reference:

(a) Communication between Attorney Soileau, Law Offices of WATSON, SOILEAU, DELEO, BURGETT, PICKLES & BAUGHAN, and Ms. Hill, Ashwood Lakes Board of Directors, of April 16, 2012

(b) Declaration of Covenants, Restrictions and Conditions ARTICLE II, Section 2 (Construction Plan Review)

(c) Declaration of Covenants, Restrictions and Conditions ARTICLE III, Section 1 (General Prohibition)

(d) Declaration of Covenants, Restrictions and Conditions ARTICLE III, Section 8 (No Temporary Buildings)

(e) Declaration of Covenants, Restrictions and Conditions ARTICLE IV, Section 7 (Conservation Areas as Designed on the Record Plat)

1. **Background:**

a. This memorandum for the record is provided per the recommendation of the Ashwood Lakes Homeowners' Association attorney [reference (a)] in support of addressing sheds which have been placed or requested to be placed on private properties. It additionally provides guidance for the Architectural Control and Review Committee (ARC) and property owners to support the application, review and approval process for the placement of sheds on private property.

b. For the purpose of this memorandum, sheds will be defined as any structure placed on a property, other than a dwelling, in excess of five feet in height and which is intended for the storing of personal property.

c. References (b) through (e) remain germane.

2. **Discussion:**

a. Past practice of the Architectural Controls and Review Committee (ARC) has been to disapprove applications requesting placement of sheds on private properties. The authority for the ARC to approve or disapprove placement of sheds is supported specifically by references (b) through (e).

b. In early 2007 a motion to allow sheds to be constructed on non-pond properties was brought before the HOA's Board of Directors. In May 2007 an amendment to the Declaration of Covenants, Restrictions and Conditions was proposed and put to a vote; if approved it would allow construction of sheds on non-pond properties. The vote failed to obtain the requisite number of votes to approve the amendment. The ARC continued the past practice of disapproving placement of sheds.

c. To date, some property owners have placed sheds on their property, either placing them without submitting a request or ignoring a disapproved request. Because of the argument that the Declaration of Covenants, Restrictions and Conditions does not directly refer to the term "shed" in its verbiage and the amount of time which has lapsed between placement of most sheds and action taken by the ARC to address their placement without approval, advice from the HOA attorney was sought. The following guidance and clarification is provided at the advice of the HOA attorney, addressing existing sheds which have not been approved and future requests for shed placement of private property.

3. Guidance for property owners with sheds or like structures placed on their property:

a. For any shed which was placed on a property during or after June 2007, the property owner must submit an application for approval (after the fact). The \$25.00 penalty late fee for submitting an application after the fact is waived for 45 days after the post mark of this letter. The application must be received by the ARC within 45 days of the post mark of this letter to avoid a non-compliance issue.

b. A review of the existing shed structure and its placement will be conducted by the ARC and guidance will be provided for any requirements to be made to conform to the prescribed guidelines (below) in order to support approval.

4. Shed placement guidelines: There are three separate sets of guidelines for shed placement dependent on property location:

a. Ashwood Lakes HOA frontage (properties along La Flor Drive, adjacent and parallel to Murrell Boulevard):

(1) Obscured from view from along La Flor Drive. Prior to placement of a shed, there may be need to consider a six-foot solid fence.

(2) Obscured from view from along Murrell Boulevard.

(3) At least three feet from the HOA's frontage wall to allow access for inspection and maintenance of the wall.

(4) Cannot have a foundation any larger than 8 feet by 10 feet or 80 square feet.

(5) Cannot have a maximum height greater than 8 feet above the ground. (Note, must be obscured from view from La Flor Drive and Murrell Boulevard).

(6) Coloring must match the color(s) of the dwelling on that Lot. (Note: the ARC will consider varying from the painting of a structure if it is intended to be left naturally wood grained or the original color compliments the dwelling's colors. It is to be maintained free of mold.

(7) The dimensions and placement of a shed cannot obstruct the right-of-way to any easement between properties. Should an obstruction occur, it must be removed by the property owner at their expense immediately and remain clear for however long access to the easement is needed.

(8) Compliance to any and all local building codes and requirements will be observed. Approval by the ARC does not constitute any variance to local city, county or state building codes.

(8) No more than one shed per property.

b. La Flor and Ventana outside perimeter properties (not frontage, lake front or water view):

(1) Obscured from view when passing along the front of the property. Prior to placement of a shed, there may be need to consider a six-foot solid fence.

(2) Cannot have a foundation any larger than 8 feet by 10 feet or 80 square feet.

(3) Cannot have a maximum height greater than 8 feet above the ground.

(4) Coloring must match the color(s) of the house on that Lot. (Note: the ARC will consider varying from the painting of a structure if it is intended to be left naturally wood grained or the original color compliments the dwelling's colors. It is to be maintained free of mold.

(5) The dimensions and placement of a shed cannot obstruct the right-of-way to any easement between properties. Should an obstruction occur, it must be removed by the property owner at their expense immediately and remain clear for however long access to the easement is needed.

(6) Compliance to any and all local building codes and requirements will be observed. Approval by the Committee does not constitute any variance to local city, county or state building codes.

(7) No more than one shed per property.

c. Waterfront/water view properties as determined by the Brevard County Property Appraiser (website) for the plot:

(1) Placed against the dwelling on either side with at least a ten-foot setback from either the front or back corners of the dwelling. Cannot be placed along the front or backside of a dwelling.

(2) The outside depth of the shed cannot exceed four feet from the side of the dwelling.

(3) The length along the side of the dwelling cannot exceed six feet.

(4) The maximum height cannot exceed 8 feet above the ground.

(5) Coloring must match the color(s) of the house on that Lot. (Note: the ARC will consider varying from the painting of a structure if it is intended to be left naturally wood grained or the original color compliments the dwelling's colors. It is to be maintained free of mold.

(6) The dimensions and placement of a shed cannot obstruct the right-of-way to any easement between properties. Should an obstruction occur, it must be removed by the property owner at their expense immediately and remain clear for however long access to the easement is needed.

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