

**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)

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**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.

**Ashwood Lakes Homeowners' of Brevard, Inc.**

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August 23, 2012

To: Ashwood Lakes Property Owners,

This document is a memorandum for the record establishing the Architectural Controls and Review Committee's guidance and enforcement of the maintenance, repair and replacement of driveways within Ashwood Lakes. This 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.

**Reference (s) :**

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

(b) FIFTH Amendment to the Declaration of Covenants, Restrictions and Conditions, Article II, Section 8 dated 24 May 1999

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

1. **Background:**

a. This memorandum for the record is provided per the recommendation of the Ashwood Lakes Homeowners' Association attorney [reference (a)]. It clarifies alternatives for addressing driveways that are deteriorating (cracking) while upholding established declarations; specifically, Article II Section 8 and its amendment (reference (b)). The painting of a driveway is still prohibited.

b. Past practice of the Architectural Controls and Review Committee (ARC) has been to disapprove applications requesting the resurfacing of driveways by stamping or replacement of cement with pavers; allowing only the non-color textured sealing and caulking of a driveway. By allowing driveways to be replaced by pavers or stamping, there is a need to regulate the pattern (style) and colors (tone) that will be allowed, for the same reason exterior house colors are regulated. The authority

for the ARC to approve or disapprove repair and replacement of a driveway is supported specifically by reference (c).

c. This memorandum provides guidance for the Architectural Control and Review Committee (ARC) and property owners to support the application, review and approval process for maintenance, repair or replacement of a driveway.

2. **Discussion:**

a. For the purpose of this memorandum, there are three segments that make up a driveway: the cement slab extending from the garage to the sidewalk, the sidewalk (which is considered part of the city right-of-way) and the cement slab between the sidewalk and roadway (which is considered part of the city right-of-way). Due to the involvement of the city right-of-way and potential for buried utilities on or adjacent to the city right-of-way and private property, any individual intending to replace, paver or stamp a driveway on private property or the city right-of-way must check with the city for any permit requirements. It is the Association's decision that the sidewalk along the city right-of-way will remain intact, as is and uniform along a roadway; no stamping or pavers for the purpose of safety, maintenance and uniformity.

3. **Guidance for property owners wanting to resurface or stamp an existing driveway or replace the driveway with pavers:**

a. The specific colors and patterns authorized for pavers, bricks, stones and stamping are identified in the Driveway Paver and Stamping Binder, maintained and available through the ARC. In general, specific patterns and tones include:

(1) Patterns: stone, brick and paver.

(2) Colors: specific tones of red, beige and gray.

Note: The tone is intended to be subdued and void of loud or bright colors, compliment or blend with the exterior color of the house, trim and roofing tiles, and is subject to the approval of the ARC, per reference (c), which will use the Driveway Paver and Stamping Binder as a reference.

b. Replacing driveways with cement or pavers will require a permit from the City of Rockledge as well as permission from the Ashwood Lakes Homeowners Association ARC Committee.

c. Three color tones will be allowed (see Driveway Paver and Stamping Binder).

d. Logos, symbols, silhouettes or pictures are prohibited in driveway resurfacing, stamping and paver patterns.

e. To deter cracking, if you are replacing a driveway with cement, it is recommended that the cement consist of 3500 psi to 4000 psi composition or higher. Most companies may use 2500 psi with no guarantee against cracking. Additionally, using a screening material on a hard tampered (pounded) ground will assist in preventing the driveway from future cracking. The City of Rockledge Code Enforcement Office may prescribe specific construction requirements.

f. If removing an existing driveway to have a new cement driveway installed, the surface can be stamped, per the approval of the ARC.

Notes:

- Reference (b) remains intact; painting of a driveway is not allowed. However, the process of adding a color to cement during the cement mixing process in support of stamping is allowed.

- These guidelines may be applied to any review or decision regarding other cement or paver surface projects on a property, including sidewalks along homes, driveway widening and patios.