

Windward Estates Homeowner's Association Architectural Review Process

One benefit of living in a homeowner association is the ability to maintain the look and feel of the community. This is achieved through architectural standards that protect against eyesores such as abandoned vehicles, overgrown yards and incompatible structures that drag property values down.

When you purchase a home in Windward Estates, you buy into a community association, and are automatically subject to various rights, responsibilities and obligations. You have opted for community living. Decisions cannot be unilaterally made, nor can the rules and regulations of the association be unilaterally ignored.

What is the purpose of the Architectural Review Board (ARB)?

Objectives of the architectural review process are aimed at ensuring the appropriate use and enjoyment of the neighborhood, and seek:

- To preserve a harmonious design for our community which reflects common style and character;
- To balance a "commonality of appearance" with individual owners' freedom of expression;
- To protect the value of our property.

The Architectural Review Board (ARB) of the Windward Estates Homeowner's Association (WEHOA) evaluates all proposed exterior changes and determines if they comply with the set of covenants (promises) which bind all WEHOA homeowners.

These rules and regulations are outlined in the *Declaration of Restrictions & Covenants* given to you at settlement. The Covenants transfer to all future property owners.

The Architectural Review Board draws its authority from the Covenants and the Bylaws of the Homeowners Association. The Covenants and Bylaws are legally binding documents recorded in Orange County real estate records.

These rules and regulations define guidelines for land use, lot restrictions, and establish a process for fair review of applications. In this way, a decision on each and every application to make exterior modifications is rendered in a fair and consistent manner.

Copies of the Bylaws and Covenants & Restrictions can be downloaded from the WEHOA website www.windwardestates-hoa.org.

Reminder: ARB must approve **any** and all exterior modifications, front yard, back yard

- Forms are on website www.windwardestates-hoa.org Two (2) hard copies must be submitted to the Board, signed by three members of ARB at least 6 weeks prior to work scheduled to begin.
- **Due to changes to the 2024 Florida Statutes that govern HOAs, ARB applications now will take up to six (6) weeks to be reviewed and approved by the ARB and Board of Directors, once deemed complete. Plan ahead.**
 - We used to be able to get most applications approved within 5-7 days. Changes in Florida Statutes require a more time-intensive and formal process.
 - Many requests are rushed, i.e., "my contractor is coming tomorrow". Most are incomplete. Follow directions on form.
- **What if I don't wait for approval?** Proceeding with an exterior modification before obtaining written approval is done at your own risk and puts your property in violation of the covenants. You could be subject to the cost of removing or modifying the alteration to comply with the decision. In considering applications, the Board will not be influenced *for* or *against* approval if work has begun or has been completed; residents are strongly urged not to start construction in advance of written approval.

What modifications require approval?

The Architectural Review Board (ARB) must approve **any exterior modification** to property, including, but not limited to:

- construction of an addition, structures: porches, patios, decks, enclosure of porches;
- garages, storage sheds; swimming pools, exterior color changes, outside lighting, fences or walls,
- driveways and walkways; awnings or screenings, signs, basketball and other game courts /facilities
- **NEW: any plants, trees, improvements, or construction within the 5-foot landscape buffer area along Gatlin Wall. See page 3**

The requirement to get ARB/ Board approval for replacing / repairing roof with asphalt shingles with current color/ style or asphalt shingles of color / style used by others in Windward Estates was eliminated in 2018. Residents wishing to use a metal or tile roof will need to seek ARB/Board Approval

Selected portions of Covenants and Restrictions are paraphrased for brevity. Please refer to your set of WEHOA's governing documents for more specific guidelines.

What must be included in the application?

All applications for review and approval should include:

- Nature of improvement
- Shape, Height, Colors, Materials, Location, Pictures, Specifications, Measurements, etc.

What factors does the Architectural Review Board (ARB) consider?

The ARB will consider factors such as:

- Use and suitability of proposed project / change;
- Harmony with surroundings; effect on the outlook from the street and adjacent properties.
- To the extent that the Covenants do not specifically address a particular change or alteration, the ARB and Board may deny a proposed change or alteration if inconsistent with an existing pattern or defacto unified building scheme in Windward Estates.

If the Architectural Review Board determines that an application does not adhere to the Covenants, they may suggest an alternative, which would satisfy Covenant requirements.

Application forms and instructions regarding what must be included are available on the Association's website or from the Board of Directors and members of the Architectural Review Board. **A HARD COPY of the application package, with signatures noting review from three (3) members of the ARB must be submitted to the Board in duplicate.** It is the homeowner's responsibility to obtain any required Orange County (or other) permits and to meet any other government conditions.

What if I don't wait for approval?

Proceeding with a modification before obtaining written approval is done at your own risk and puts your property in violation of the covenants. You could be subject to the cost of removing or modifying the alteration to comply with the decision. In considering applications, the Committee will not be influenced *for* or *against* approval if work has begun or has been completed; residents are strongly urged not to start construction in advance of written approval.

How does the ARB enforce its rulings?

Certificate of Compliance. An updated Certificate of Compliance is usually issued at the time of property sale. It provides documentation of compliance in two areas and clears the way for the sale of a property: (1) It states that Windward Estates Homeowner's Association dues have been paid-up to the present date; and, (2) It certifies that alterations made or constructed after the first property sale were completed according to terms of approval by the Architectural Review Board and in compliance with the Covenants.

An updated Certificate of Compliance will not be issued if violations exist, and this may delay property resale. All buyers should request that they be provided with a Letter of Compliance at settlement.

Enforcement

It is important that all residents support the architectural control process designed to preserve Windward Estates harmonious features. Windward Estates land use conditions are far less restrictive than many other Orlando neighborhoods. As a resident, you provide support by submitting any required documentation, abiding by the decision of the ARB, and by performing routine upkeep on your home and property. Please note, however, that your support is not optional. If an external alteration is completed without approval, the property owner can be cited for a covenant violation.

Every attempt is made to resolve violations in a constructive manner. If this is not possible, the ARB has several options available to it, including legal action against the resident. Across the State of Florida, very few violations require court action; those that have in the past have consistently resulted in the covenants being upheld. In some instances, in case law elsewhere, structures have been dismantled by court order. If the Homeowner's Association has to take a homeowner to court, and the court rules in favor of the Homeowner's Association, the homeowner could be responsible for the Association's legal fees and court costs.

The Windward Estates Homeowner's Association has the legal power and authority to enforce compliance, when necessary, but all of us like it best when people do the right thing on their own.

NEW: Restrictions for any plants, trees, improvements, or construction within the 5-foot landscape buffer area along Gatlin Wall. Effective 10/27/24

There is a 5-foot "landscape buffer" along wall along Gatlin Ave. This has been in the Covenants and Restrictions since Windward Estates HOA was established in 1987. The HOA is responsible for maintaining the landscape buffer.

Trees/ plants planted within the landscape buffer caused significant damage to the wall in 2024, resulting in the removal of 13 trees along wall at HOA expense (\$7,500). The wall is now stabilized; no future repair is anticipated at this time. Repair to a masonry wall is very expensive.

Which homes are impacted by this Amendment? 11 homes are impacted by the "landscape buffer" as described above : Wheelhouse Court 4503, 4509, 4515, 4521, 4527, 4533 and 4359 and Yachtmans Court 4479, 4485, 4491, and 4497.

- Any plants, trees, improvements, or construction within the 5-foot landscape buffer area must be reviewed and approved in advance by the ARB and Board.
 - Approval to plant or construct within the 5-foot buffer area, if granted, will be contingent upon the Owners' acceptance of responsibility for future damage to wall caused by plants, trees, or other improvements.
- Any tree planted within 15 feet of wall must also be approved by the ARB and the Board. The purpose of this approval is to ensure that the root structure will not negatively impact the Wall.
 - The ARB and Board may require, depending on the type of tree to be planted, that the Owner submit a statement from a licensed arborist that the tree roots in the chosen location will not negatively impact the Wall in the future.

Existing plants and/or structures in the landscape buffer as of 10/27/24 are not included, i.e. grandfathered in.

Windward Estates Homeowner's Association

Board of Directors: Trevor Brown, Bebi Singh, Steve Diedrich, Tom Caffery

Architectural Review Board: Roy Cunningham, Rhonda Cunningham, Joseph Alvarez, Steve Diedrich

Windward Estates Homeowners Association

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