

BARBECUE GRILLES

Over a period of years, there have been some owner inquiries submitted to the Gardens III Board of Directors concerning putting various sizes of concrete slabs or paving blocks outside their lanais in the Common Area to be used for cooking grilles, permanent outdoor furniture, etc.

Gardens I, II, and III currently have restricted the above types of construction and/or usage since 1999 based on the conclusions reached in a lawsuit concerning slabs Gardens I was involved in 1999. A number of potential problems their usage might entail are as follows:

1. The grilles physical presence blemishes the natural Florida countryside views of our beautiful Bob Cat golf course, our trees, and greenery vistas. In addition, your next door neighbor may not like to be looking at your grille all of the time spoiling their own personal outdoor view. Some owners could even put up one of those 6-8 foot long behemoth grilles you can buy today.
2. Rising smoke and odors could adversely affect the comfort and possibly the health of our 2nd. story condo owners when their lanai slider doors and/or windows were open for fresh air ventilation.
3. The slabs also present potential safety, legal, and insurance problems as the 1999 lawsuit showed. The slabs would be on Garden III's Common Element land so it is our Association's responsibility to INSURE them (not the unit owner's) in case someone is injured. Insuring them would increase our Association's insurance rates in deference to Item 13 (g) in Garden III's Documents. We would also have to MAINTAIN them, not the owner.
4. In some cases, where there isn't much room behind a number of units, such as a few in Building 813, slab or paving block usage could impair our landscaper's mowing ease, probably increasing our contractual costs.

However, there are a couple of easy solutions to our Association's restrictions on slabs and permanent, backyard grilles placed on the Common Elements; the same as Gardens I and II have also done since 1999:

(a) Portable grilles can be used in an owner's car port or driveway area, being careful to not be too close to any nearby parked car; when the grilles are not in use, they should be stored in the unit owner's storage area behind his carport. Any flammable gas should be disposed of for safety reasons when closing up for extended periods of time.

(b) St. Andrews Park has also provide a readily accessible , public grille at each of our swimming pools. Our closest one is at the little pool across Montrose Dr. from unit 807 in Gardens II Association.

REFERENCES:

- Kanetsky, Moore & DeBoer Lawsuit regarding Alteration of Common Elements- Patio Slabs (1999)
- Keys-Caldwell, Inc. identical denial letters to residents in 811 & 815 relating to requests to place outdoor concrete slabs behind their unit.
- Declaration of Documents of Gardens III (Item 13, Restrictions Upon Use)