



**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**



Agenda

625 Barefoot Blvd, Administration Bldg. Conference Room

11/18/2022

10:00 a.m.

- ◆ Call to Order
- ◆ Pledge of Allegiance
- ◆ Roll Call: Chair David Wheaton, 1st Chair Vickie Sloss, 2nd Chair Steve Holmberg, Louise Crouse, John Vogt and Alternates Susan Hall and Ed Haslam.
- ◆ Approval of Minutes
- ◆ Swearing in of Inspectors and Witnesses
- ◆ Chairperson's and other member's Report

New Business: Current VC cases for review:

ADIR (Carport)

1. 22-002877 832 OLEANDER CIRCLE

ADIR Landscaping & Privacy Materials

2. 22-003100 409 PLOVER DRIVE

Condition of Prop. (A)(D) Lawn & Landscape (Recurring Mtnc.)

3. 22-002848 1058 SEBASTIAN ROAD
4. 22-003071 919 LAUREL CIRCLE
5. 22-003109 460 MARLIN CIRCLE

Condition of Prop. (B) PW

6. 22-002686 922 YEW STREET

Residential Use - Unauthorized Structure

7. 22-002735 832 OLEANDER CIRCLE

Vehicle Violations (Boats/Trailer/RV/Comm. Vehicles, Etc.)

8. 22-003047 401 OSPREY DRIVE

Closing Remarks: The next VC meeting is scheduled for Friday, December 9th, 2022, in the Administration Building Conference room, at 625 Barefoot Blvd.

Adjournment:

Sally-Ann Biondolillo
DOR/ARCC Administrative Assistant

Two or more Trustees of the Barefoot Bay Recreation District (BBRD) may attend this meeting.

Any person desiring to appeal any decision made by the Violations Committee, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must ensure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence which the appeal is based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the District does not provide one. ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with disabilities Act and Sect.286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least 48 hours prior to the meeting, contact the DOR Enforcement Staff at (772) 664-3141.



**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**



Minutes
625 Barefoot Blvd,
Administration Conference Room
10/28/2022
10:00 am

The Barefoot Bay Violations Committee held its regular Hearing on 10/28/2022 in Administration Conference Room at 625 Barefoot Bay, Florida 32976.

- **Call to Order:** Meeting was called to order at 10:00 a.m.
- **Pledge of Allegiance:** Louise Crouse led the pledge of allegiance.
- **Roll Call:** Present –1st Chair Vickie Sloss Vice-Chair, Steve Holmberg, Louise Crouse, Alternates Susan Hall, and Ed Haslam. Excused – Chair David Wheaton and John Vogt.
- **Approval of Minutes:** 10/14/2022 approved with correct dates.
- **Swearing in of Inspectors and Witnesses:** 1st Chair Vickie Sloss swore in DOR Inspectors Mary Barry and James “Pat” Trevelino.
- **Witnesses present:** None
- **Chair Report:** None
- **Committee Reports:** None
- **DOR Enforcement:** None
- **Other reports:** None

New Business: All cases were sent a Statement of Violation and Notice of Hearing via Regular 1st Class mail and Certified mail with a reasonable time to correct the violation. All properties were confirmed to be still in violation at the last inspection. Pictures were presented to the committee.

Inspector James Trevelino presented item(s): 8, 9, 15, 16, 17, 18, 19, 20, 22, 23 and 25 came into compliance prior to the meeting.

Item #1 – DOR is working with the homeowner

Condition of Prop. (A)(D) Lawn & Landscape (Recurring Mtnc.)

2. 22-002340 807 ORIOLE CIRCLE
3. 22-002674 324 MACADAMIA DRIVE
4. 22-002681 609 DOLPHIN CIRCLE
5. 22-002774 901 WATERWAY DRIVE
6. 22-002843 1359 GARDENIA DRIVE
7. 22-002846 937 ORIOLE CIRCLE
10. 22-002856 917 HAWTHORN CIRCLE
11. 22-002878 614 HYACINTH CIRCLE
12. 22-002882 1187 BAREFOOT CIRCLE
13. 22-002899 451 EGRET CIRCLE
14. 22-002908 815 THRUSH CIRCLE
21. 22-002958 881 PECAN CIRCLE

Inspector James Trevelino presented the above case(s) for the violation of: Article III, Section 2 (A) Lawn and Landscaping – Recurring Maintenance (Lot Mows, Trim Palms, Etc.). with a compliance date of (3) three days October 31st, 2022. A Lawn and Landscape Order will be issued. The district will continue to maintain the lawn and landscape at the expense of the owner until the owner brings the property into compliance. An Order of Compliance will be obtained after three (3) consecutive and successful



**BAREFOOT BAY RECREATION DISTRICT
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inspections. This expense will result in a lien on the property. Chair entertained a motion to approve the recommendation of the DOR/ARCC Inspector. Louise Crouse made the motion, seconded by Ed Haslam motion carried unanimously.

Condition of Prop. (C) Unauthorized items

24. 22-002636 915 HAWTHORN CIRCLE

Inspector James Trevelino presented the above cases(s) for the violation of: Article III, Section 2 Condition of Property (Unauthorized Items) with a compliance date of (7) seven days October 21st, 2022. If the property is still in violation after seven days, the Recommended Curative Action Plan shall be presented to the Board of Trustees at its next appropriate meeting for further consideration or the District will abate the violation at the expense of the owner, in addition, the expense of such action will be billed to the owner's account and will result in a lien on the property. Chair entertained a motion to approve the recommendation of the DOR/ARCC Inspector. Steve Holmberg made the motion, seconded by Susan Hall, motion carried unanimously.

Closing Remarks: The committee agreed to the next meeting is to be held on Friday, November 18th, 2022, in the Administration Building Conference Room at 10:00 am.

Adjournment: Meeting was adjourned at 10:10 a.m.

Sally-Ann Biondolillo

Sally-Ann Biondolillo

DOR/ARCC Administrative Assistant

Two or more Trustees of the Barefoot Bay Recreation District (BBRD) may attend this meeting.

Any person desiring to appeal any decision made by the Violations Committee, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must ensure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence which the appeal is based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the district does not provide one. ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with disabilities Act and Sect.286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least 48 hours prior to the meeting, contact the DOR Enforcement Staff at (772) 664-3141.

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002877

#1697/22-002877

FINK, SCOTT D,

832 OLEANDER CIR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE II, SECT. 3 (5) ADIR (Carport)**

Section 3 (5) A covered concrete carport slab having a minimum unobstructed area (except for steps) of eleven (11) feet by eighteen (18) feet.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 55 Lot # 37

832 OLEANDER CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Must have 18 feet X 11 feet of unobstructed area (except for steps) left in carport.

DATE OF VIOLATION FIRST OBSERVED: Oct 13, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

10/13/2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

BARD DEED OF RESTRICTION STAFF

DATE: November 07, 2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M. on 11/18/2022 at 625 Barefoot Blvd. Administration building conference room, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. ***If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.***

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

November 07, 2022

Violations Committee/Deed of Restrictions Staff



832 Oleander Cir. Must have 18 feet X 11 feet of unobstructed area (except for steps) left in carport.

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-003100

#0957/22-003100

R-MAX OF INDIAN RIVER INC,
920 TRUMAN ST
SEBASTIAN, FL 32958

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **Article III, Section 2, (A) Condition of Property**, to wit, The lawn and landscaped areas (including all trees, shrubs and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation. Dead vegetation on any lot is required to be promptly removed.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 84.B Lot # 31
409 PLOVER DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

It is requested that you come into compliance by maintaining the lawn and landscape within seven (7) days from the date of this letter and continue to maintain the lawn in good appearance. The Respondent must correct the alleged violation(s) by the date set forth herein and contact the Deed of Restrictions Enforcements Officer who signed the Statement of Violation to verify such correction.

If at the end of this period the lawn is not cut and if the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 am on 11/18/2022 at 625 Barefoot Blvd., Administration building conference room, Barefoot Bay, Florida. The purpose of this Hearing will be to determine whether or not if the alleged violation(s) exist.**

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. ***In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.***

DATE OF VIOLATION FIRST OBSERVED: Nov 02, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:
via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

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November 08, 2022

BBRD DEED OF RESTRICTION STAFF



409 Plover Dr. Lawn and landscape: high grass / weeds
Nov 08, 2022

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002848

#4708/22-002848

DEL GIORNO, DONALD J,
86455 ROSEY COURT
LAS VEGAS, NV 89149

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

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LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 16 Lot # 30
1058 SEBASTIAN ROAD
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

It is requested that you come into compliance by maintaining the lawn and landscape within seven (7) days from the date of this letter and continue to maintain the lawn in good appearance. The Respondent must correct the alleged violation(s) by the date set forth herein and contact the Deed of Restrictions Enforcements Officer who signed the Statement of Violation to verify such correction.

If at the end of this period the lawn is not cut and if the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 am on 11/18/2022 at 625 Barefoot Blvd., Administration building conference room, Barefoot Bay, Florida. The purpose of this Hearing will be to determined whether or not if the alleged violation(s) exist.**

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. ***In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.***

DATE OF VIOLATION FIRST OBSERVED: Oct 10, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:
October 10, 2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

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November 08, 2022

BBRD DEED OF RESTRICTION STAFF



1058 Sebastian Rd. Lawn and landscape: dead fronds / dead vegetation removed.
Nov 08, 2022

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-003071

#0677/22-003071

KUCKER, ANTHONY H J,
919 LAUREL CIR
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

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LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 114 Lot # 10
919 LAUREL CIRCLE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

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BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

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DATE OF VIOLATION FIRST OBSERVED: Oct 31, 2022

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October 31, 2022 via First Class

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October 31, 2022

BBRD DEED OF RESTRICTION STAFF



919 laurel Lawn and landscape: high grass / weeds
Oct 31, 2022

Costs to Cure Violations

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Contractor Invoiced Cost	TBD
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Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-003109

#4715/22-003109

SHERMAN, SCOTT,

460 MARLIN CIR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

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LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 1 Lot # 19

460 MARLIN CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

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BREVARD COUNTY, FLORIDA**

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Hearing Date: 11/18/2022**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. ***In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.***

DATE OF VIOLATION FIRST OBSERVED: Nov 03, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:
November 03, 2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

November 03, 2022

BBRD DEED OF RESTRICTION STAFF



460 marlin Lawn and landscape: high grass / weeds
Nov 03, 2022

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002686

#2217/22-002686

HYNES, THOMAS P,
31105 EDGEWOOD DR
LEWES, DE 19958

Respondent(s),

STATEMENT OF VIOLATION and NOTICE OF HEARING

PURSUANT to the Article III, Section 12 of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION OF DEED OF RESTRICTION VIOLATION

- **Article III, Section 2 Conditions of Property (B)** The exterior of a home on any lot shall be maintained free of mildew, mold and dirt, which is visible when the house is viewed from the street or from any adjacent lot.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 7 Lot # 18
922 YEW STREET
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Mold, dirt and mildew must be removed from the exterior of the home.

DATE OF VIOLATION FIRST OBSERVED: Sep 19, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

September 19, 2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

If at the end of this period the home has not been pressure washed of all mold, dirt and mildew, the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 A.M. on the 11/18/2022 at 625 Barefoot Blvd. Administration building conference room, Barefoot Bay, Florida.** The purpose of this Hearing will be to determine whether or not if the alleged violation(s) exist.

The Violations Committee will receive testimony and evidence at the Hearing and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the Hearing, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the Committee will issue a Final Order for District Management to hire a licensed and insured contractor to bring a cure to the violation on the property. Said Order will provide for the cost incurred to bring the property into compliance to include administrative fees and contractor costs in accordance with Exhibit "A" of **Resolution 2015-16** with the charge posted to the owner's District account. Said charge will constitute as a lien recorded on the property. ***In addition all social, family, and golf memberships affiliated with the property will be automatically suspended.***

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE

TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (*FS 286.0105*) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OF OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

Dated this Date, October 31, 2022

Deed of Restrictions Staff

DATE: October 31, 2022



922 yew Must maintain the house, awnings, and skirting free from mold, dirt, and mildew.
Oct 31, 2022

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-002735

#1697/22-002735

FINK, SCOTT D,

832 OLEANDER CIR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **ARTICLE III, SECT. 1 Residential Use - Unauthorized Structure**

No structure other than a single story, single-family residential dwelling shall be erected, altered, placed or permitted to remain on any lot. Each lot is hereby restricted to residential use by the Owner or Owners thereof and their immediate families, guests, lessees and invitees.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 55 Lot # 37

832 OLEANDER CIRCLE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Unapproved hot tub without an ARCC permit.

DATE OF VIOLATION FIRST OBSERVED: Sep 22, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

09/22/2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

BBRD DEED OF RESTRICTION STAFF

DATE: November 07, 2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M. on 11/18/2022 at 625 Barefoot Blvd. Administration building conference room, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. ***If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.***

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

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November 07, 2022

Violations Committee/Deed of Restrictions Staff



832 Oleander Cir. Unapproved hot tub without an ARCC permit.

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 22-003047

#0322/22-003047

ALONSO, DANI ALMEIDA,
401 OSPREY DR
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT. 3 (A) (B) (C) (D) (E) Vehicle Violations(Boats/Trailer/RV/Comm. Vehicles, Etc.)**

(A) No commercial vehicle, abandoned and/or inoperable vehicle, recreational vehicle, jet ski, boat, boat trailer, utility trailer, camper, motor home, camping trailer, truck camper, pickup truck with camper top OR any vehicle in excess of 25 feet in overall length as measured from the foremost projection thereof to the rearmost projection thereof, shall be parked on any lot, driveway, carport or common area within Barefoot Bay, except for commercial vehicles parked temporarily at a lot for the purpose of providing repair or other services to the occupant thereof, and (2) those vehicles described in subsection C of this section. (B) All vehicles described in subsection (A) of this section shall be parked in vehicle storage areas provided by the Recreation District or in such other areas outside Barefoot Bay as may be located by the owner. (C) 1. Notwithstanding any of the foregoing sub-paragraphs of this section, a recreation vehicle, boat, personal water craft, utility trailer, or boat mounted on a trailer may be parked in the driveway on a lot for purposes of cleaning, loading, unloading and preventative maintenance between the hours of 7 a.m. and 10 p.m. only. An owner may request that a vehicle be allowed to remain on a lot beyond the time-frame provided herein if extenuating circumstances exist, submitting a request to Recreation District Resident Relations in advance of said occurrence. No vehicle shall remain on a lot beyond the time-frame provide herein without obtaining approval from Recreation District Resident Relations in advance. 2: A commercial vehicle is defined for the purpose of this Document as any passenger and/or non-passenger vehicle designed, used, or maintained primarily for conduct or operation of a commercial business. Only one pick-up truck, passenger van or cargo van used for commercial purposes, which is the sole means of transportation of the occupant of the lot, must be kept in a garage or fully parked under a carport with visual buffering as may be approved by ARCC. A vehicle may not have signage, equipment or materials visible when parked. (D) Motor vehicles parked at or on a Lot shall be parked only on the concrete driveway or concrete parking area serving on such Lot. No vehicle shall be parked on any lawn, grass or landscaped area of a Lot. (E) Kayaks and canoes may be properly stored and secured at the rear of any residence.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 85.A Lot # 7
401 OSPREY DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Inoperable vehicle/ no registration/ no license plate. Must be removed.

DATE OF VIOLATION FIRST OBSERVED: Oct 27, 2022

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

10/27/2022 via First Class

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: November 15, 2022

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

**NOTICE OF HEARING
Hearing Date: 11/18/2022**

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M. on 11/18/2022 at 625 Barefoot Blvd. Administration building conference room, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. ***If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.***

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November 08, 2022

Violations Committee/Deed of Restrictions Staff



401 Osprey Dr. Inoperable vehicle/ no registration/ no license plate. Must be removed.