TOWN OF SEWALL'S POINT

SPECIAL MAGISTRATE HEARING AGENDA

Town of Sewall's Point, Town Hall Chambers,
One South Sewall's Point Road,
Sewall's Point, Florida 34996

August 14, 2024
10:00 AM

HONORABLE TYSON J. WATERS PRESIDING

I. CALL TO ORDER

- **a. Pledge of Allegiance**
- **b. Swearing-in of Staff**

II. PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES. No extension of time permissible. If the thirty (30) minute time period has been exhausted, the Special Magistrate will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.

- **a. TOSP Public Comment Guidelines**
  1) TOSP-Public Comment Guidelines.pdf

IV. VIOLATION HEARINGS

- **a. B24-0051 - Robert & Ellice Condon - 116 S. Sewall's Point Road - Violation of Section [A] 111.1 Change of Occupancy - Certificate of Occupancy not issued prior to moving into residence.**
  B24-0051 116 S Sewalls Point Rd_Hearing Packet.pdf

V. ADJOURN

CIVILITY CLAUSE: It is the policy of the Sewall's Point Town Commission that all persons addressing a town board or attending a Town board meeting shall conduct themselves in a manner that does not disrupt the orderly and efficient conduct of the meeting. Boisterous or unruly behavior; threatening or inciting an immediate breach of the peace; or use of profane, slanderous or obscene speech will not be tolerated and could result in ejection from the meeting after warning from the presiding officer. In accordance with the provisions of the Americans with Disabilities Act (ADA) this document may be requested in an alternate format. Persons in need of a special accommodation to participate in this proceeding shall, within 3 working days prior to any proceeding, contact the Town Clerk's office, One South Sewall's Point Road, Sewall's Point, Florida 34996 (772) 287-2455. If any person decides to appeal any decision made by the Town Commission with regard to any matter considered at such meeting or hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Guidelines for Public Comments

- Everyone will have 3 minutes
- When recognized step forward to the podium and state your name for the record
- Remarks should be addressed to the Special Magistrate
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input
- Any person addressing the Special Magistrate who disrupts the orderly and efficient conduct of the meeting, uses profane or obscene language may be removed from the meeting

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B24-0051

Property Owner: Robert & Ellice Condon
Owner Address: 80 S River Rd
Sewall's Point, FL 34996

DATE: July 18, 2024

VIOLATION ADDRESS: 116 S Sewall's Point Rd
PARCEL ID #: 12-38-41-001-000-00020-4

Contractor: Robert Carlson w/ Carlson Enterprises
209 NE Alice St
Jensen Beach, FL 34957

The Town of Sewall's Point works to ensure that the Town is a great place to live and visit and to keep its neighborhoods safe and well maintained. Sometimes this requires Town staff to issue a code enforcement violation that may result in fines, administrative costs and liens. In an attempt to prevent that from occurring, we would like to make you aware that your property is in violation of the following Town of Sewall's Point Code of Ordinances and/or the Florida Building Code:

Violation: Certificate of Occupancy has not been issued and property owner has moved in

[A] 111.1 Change of Occupancy
A building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **July 26, 2024** and contact the undersigned Code Enforcement Officer to verify compliance on or before that date. If you do not understand what is required to come into compliance or if you have any other questions regarding the violation, please contact the Code Enforcement Officer at the number below. We strive to work with our residents to resolve all code enforcement issues without the need for a hearing. However, if the violation remains after the time set for compliance above, the Code provides that the Town will hold a **public hearing before the Code Enforcement Board/Special Magistrate.** **This hearing will be held on August 14, 2024 at 10 a.m.** in the Town Commission Chambers, 1 S. Sewall's Point Road, Sewall's Point, Florida. The Code provides that the hearing may be held if the violation is not complied prior to the date given for compliance, even if the violation has been corrected prior to the hearing. These provisions also provide that if the violation is corrected and then re-occurs, the hearing may go forward. If you do not attend the hearing, the Code Enforcement Board/Special Magistrate may base the findings solely upon the testimony of the code enforcement officer and that of any other witness present and upon any evidence presented. Therefore, it is important that you are present at the hearing to share your perspective, testimony and evidence regarding the alleged violation.

If the Code Enforcement Board/Special Magistrate finds that the alleged violation exists on your property, Florida law makes the property owner responsible for the administrative costs incurred by the Town in pursuing the enforcement of the violation. These costs may be included with any fines imposed by the Code Enforcement Board/Special Magistrate or may be collected as otherwise authorized by ordinance and/or law.

The Code Enforcement Board/Special Magistrate has the authority to levy fines of up to $250.00 per day, per violation and up to $500.00 per day, per repeat violation, for each and every day that each violation continues.

Florida law provides that once ordered and recorded, the administrative costs (and all other costs incurred) and any fines imposed by the Code Enforcement Board/Special Magistrate will constitute a lien on the property described above and upon any other real or personal property owned by the property owner(s). The Town encourages all property owners who receive a notice of violation to contact the Town so that we may work together towards compliance so that these legal remedies are unnecessary.

The Town is required by law to advise you that if you disagree with a decision of the Code Enforcement Board/Special Magistrate, you may appeal to the Circuit Court of Martin County within 30 days after the order is entered. If a person decides to appeal any such order, with respect to any matter considered at subject hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (sec. 286.0105, Fla. Stat.).

If you require further information or otherwise wish to discuss the violation, please contact Jack Reisinger, Town Building Official, at **772-287-2455**. Please be sure to have your case number available so we may promptly assist you.

Thank you and we look forward to working with you to resolve this matter.

Jack Reisinger

Jack Reisinger, C.B.O., Town Building Official

*This Notice was __X___ sent certified mail, return receipt requested and first class mail.

TOWN of SEWALL'S POINT
One South Sewall's Point Road
Sewall's Point, Florida 34996

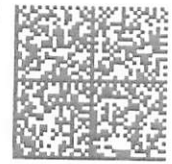
FORWARD SERVICE REQUESTED

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL®



7022 2410 0002 2184 8342

FIRST-CLASS



US POSTAGE IMI PITNEY BOWES

ZIP 34996
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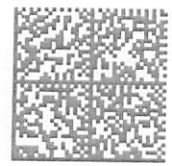
JUL 18 2024

ROBERT & ELLICE CONDON
80 S RIVER RD
SEWALL POINT, FL 34996

TOWN of SEWALL'S POINT
One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

FIRST-CLASS



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JUL 18 2024

ROBERT & ELLICE CONDON
80 S RIVER RD
SEWALL POINT, FL 34996

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- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

7/18

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Postage

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Total Post

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Sent To

ROBERT & ELLICE CONDON

Street and

80 S RIVER RD

City, State

SEWALL POINT, FL 34996

6

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

From:	Microsoft Outlook
To:	bcondon3@gmail.com
Subject:	Relayed: Notice of Hearing
Date:	Thursday, July 18, 2024 11:25:30 AM
Attachments:	Notice of Hearing.msg

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
bcondon3@gmail.com (bcondon3@gmail.com) <mailto:bcondon3@gmail.com>
Subject: Notice of Hearing

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B24-0051

Property Owner: Robert & Ellice Condon
Owner Address: 80 S River Rd
Sewall's Point, FL 34996

DATE: June 24, 2024

VIOLATION ADDRESS: 116 S Sewall's Point Rd
PARCEL ID #: 12-38-41-001-000-00020-4

Contractor: Robert Carlson w/ Carlson Enterprises
209 NE Alice St
Jensen Beach, FL 34957

The Town of Sewall's Point works to ensure that the Town is a great place to live and visit and to keep its neighborhoods safe and well maintained. Sometimes this requires Town staff to issue a code enforcement violation that may result in fines, administrative costs and liens. In an attempt to prevent that from occurring, we would like to make you aware that your property is in violation of the following Town of Sewall's Point Code of Ordinances and/or the Florida Building Code:

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To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **June 28, 2024** and contact the undersigned Code Enforcement Officer to verify compliance on or before that date. If you do not understand what is required to come into compliance or if you have any other questions regarding the violation, please contact the Code Enforcement Officer at the number below. We strive to work with our residents to resolve all code enforcement issues without the need for a hearing. However, if the violation remains after the time set for compliance above, the Code provides that the Town will hold a **public hearing before the Code Enforcement Board/Special Magistrate.** **This hearing will be held on July 10, 2024 at 10 a.m.** in the Town Commission Chambers, 1 S. Sewall's Point Road, Sewall's Point, Florida. The Code provides that the hearing may be held if the violation is not complied prior to the date given for compliance, even if the violation has been corrected prior to the hearing. These provisions also provide that if the violation is corrected and then re-occurs, the hearing may go forward. If you do not attend the hearing, the Code Enforcement Board/Special Magistrate may base the findings solely upon the testimony of the code enforcement officer and that of any other witness present and upon any evidence presented. Therefore, it is important that you are present at the hearing to share your perspective, testimony and evidence regarding the alleged violation.

If the Code Enforcement Board/Special Magistrate finds that the alleged violation exists on your property, Florida law makes the property owner responsible for the administrative costs incurred by the Town in pursuing the enforcement of the violation. These costs may be included with any fines imposed by the Code Enforcement Board/Special Magistrate or may be collected as otherwise authorized by ordinance and/or law.

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Florida law provides that once ordered and recorded, the administrative costs (and all other costs incurred) and any fines imposed by the Code Enforcement Board/Special Magistrate will constitute a lien on the property described above and upon any other real or personal property owned by the property owner(s). The Town encourages all property owners who receive a notice of violation to contact the Town so that we may work together towards compliance so that these legal remedies are unnecessary.

The Town is required by law to advise you that if you disagree with a decision of the Code Enforcement Board/Special Magistrate, you may appeal to the Circuit Court of Martin County within 30 days after the order is entered. If a person decides to appeal any such order, with respect to any matter considered at subject hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based (sec. 286.0105, Fla. Stat.).

If you require further information or otherwise wish to discuss the violation, please contact Jack Reisinger, Town Building Official, at **772-287-2455**. Please be sure to have your case number available so we may promptly assist you.

Thank you and we look forward to working with you to resolve this matter.

Jack Reisinger, C.B.O., Town Building Official

*This Notice was __X___ sent certified mail, return receipt requested and first class mail.

Chrystal Gomez

From: Microsoft Outlook
To: onebadcane@yahoo.com; bcondon3@gmail.com
Sent: Monday, June 24, 2024 2:22 PM
Subject: Relayed: Notice of Hearing _116 SSPR

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

onebadcane@yahoo.com (onebadcane@yahoo.com)

bcondon3@gmail.com (bcondon3@gmail.com)

Subject: Notice of Hearing _116 SSPR

Basic Info

PIN	AIN	Situs Address	Website Updated
12-38-41-001-000-00020-4	27492	116 S SEWALLS POINT RD SEWALLS POINT FL	6/24/24

General Information

CHANGE MAILING ADDRESS SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners
CONDON ROBERT J
CONDON ELLICE

Mailing Address
80 S RIVER RD
STUART FL 34996

Tax District
SEWALL'S POINT

Parcel ID
12-38-41-001-000-00020-4

Account Number
27492

Property Address
116 S SEWALLS POINT RD SEWALLS POINT FL

Legal Description
RIVERVIEW S/D LOT 2

Use Code/Property Class
0100 - 0100 Single Family

Neighborhood
193110 Archipelago, High Pt -Canal

Legal Acres
0.849

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 1,500,000	$ 554,510	$ 2,054,510	$ 130,401	$ 1,924,109	$ 0	$ 1,924,109

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date
12/29/21

Sale Price
$ 2,175,000

Grantor (Seller)
ARMINDA P DELANEY TRUST

Deed Type
Warranty Deed

Doc Num
2936830

Book & Page
3285 2477

Legal Description

RIVERVIEW S/D LOT 2

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

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Extra Services & Fees *(check box, add fee as appropriate)*

- ☐ Return Receipt (hardcopy) $ _____
- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

6.24.24

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Street

City, S

ROBERT & ELLICE CONDON
116 S SEWALLS POINT RD
SEWALLS POINT, FL 34996

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees *(check box, add fee as appropriate)*

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- ☐ Return Receipt (electronic) $ _____
- ☐ Certified Mail Restricted Delivery $ _____
- ☐ Adult Signature Required $ _____
- ☐ Adult Signature Restricted Delivery $ _____

6.24.24

Postmark Here

Postage

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Total Pos

$

Sent To

ROBERT & ELLICE CONDON

Street an

80 S RIVER RD

City, Stat

SEWALLS POINT, FL 34996

13

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions