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

November 08, 2023
10:00 AM

HONORABLE TYSON J. WATERS PRESIDING

I. **CALL TO ORDER**
   a. **Pledge of Allegiance**
   b. **Swearing-in of Staff & Violator**

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. If the thirty (30) minute time period has been exhausted, the Commission will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.**

III. **VIOLATION HEARINGS**
   a. **B23-0055 – Shawn & Caroline Lawless – 12 Mandalay Road – Violation of Town Ordinance – Section 38-32 – Obstructions – Trees within the Right-of-Way**
      1) B23-0055 12 Mandalay Rd_Hearing Packet.pdf

IV. **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.

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B23-0055

Property Owner: Shawn & Caroline Lawless
Owner Address: 12 Mandalay Rd
Sewall's Point, FL 34996

DATE: October 24, 2023

VIOLATION ADDRESS: 12 Mandalay Rd
PARCEL ID #: 13-38-41-004-000-00060-0

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: Trees within the Right of Way

Sec. 38-32 - Obstructions.

(b) *Trees and other plants.* It shall be unlawful for any person to plant any trees or plants that exceed, or are expected to exceed upon maturity, 12 inches in height, within the right-of-way of any public street, regardless of whether the right-of-way is paved or unpaved.

Violations of this section shall be a Class B violation, punishable as set forth in chapter 18.

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **October 31, 2023**, 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 November 8, 2023, 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

FIRST-CLASS

US POSTAGE IMI PITNEY BOWES

ZIP 34996
02 7H
0006051328

$ 000.63⁰
OCT 24 2023

SHAWN & CAROLINE LAWLESS
12 MANDALAY RD
SEWALL'S POINT, FL 34996

CERTIFIED MAIL®

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

7021 1970 0000 7171 9206

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SEWALL'S POINT, FL 34996

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee

$

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 $ _____

Postage

10/24/23

Postmark Here

SHAWN & CAROLINE LAWLESS
12 MANDALAY RD
SEWALL'S POINT, FL 34996 **5**

7021 1970 0000 7171 9206

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

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.

  For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt;* attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your rec[illegible]ls.

PS Form **3800,** April 2015 *(Reverse)* PSN 7530-02-000-9047

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Non-Compliance

CASE #B23-0055

Property Owner: Shawn & Caroline
Owner Address: 12 Mandalay Rd
Sewall's Point, FL 34996

DATE: October 10, 2023

VIOLATION ADDRESS: 12 Mandalay Rd
PARCEL ID #: 13-38-41-004-000-00060-0

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. We would like to make you aware that your property is in violation of the following Town of Sewall's Point Code of Ordinances:

Non-Compliance violation: Obstructions

Sec. 38-32

(a) *Prohibited.* Except as provided in this section, it shall be unlawful for any person to construct, place or maintain any structures or obstructions, including but not limited to, posts, poles, fencing, railroad ties, logs, rocks, car stops, or any other obstructions as may pose a hazard to vehicular and pedestrian traffic, within the right-of-way for any public street, regardless of whether the right-of-way is paved or unpaved.

(b) *Trees and other plants.* It shall be unlawful for any person to plant any trees or plants that exceed, or are expected to exceed upon maturity, 12 inches in height, within the right-of-way of any public street, regardless of whether the right-of-way is paved or unpaved.

Please comply on or before **October 20, 2023** and contact the undersigned Code Enforcement Officer to verify compliance. If you require further information or otherwise wish to discuss the notice of non-compliance, 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

Chrystal Gomez

From: Jack Reisinger
Sent: Tuesday, October 10, 2023 10:33 AM
To: Chrystal Gomez
Subject: 12 Mandalay

Please send a letter to this home owner as the same one on River Rd
Thanks



Sent from my iPhone

Basic Info

PIN	AIN	Situs Address	Website Updated
13-38-41-004-000-00060-0	27797	12 MANDALAY RD SEWALLS POINT FL	10/10/23

General Information

Property Owners
LAWLESS SHAWN & CAROLINE

Mailing Address
12 MANDALAY RD
STUART FL 34996

Tax District
SEWALL'S POINT

Parcel ID
13-38-41-004-000-00060-0

Account Number
27797

Property Address
12 MANDALAY RD SEWALLS POINT FL

Legal Description
MANDALAY LOT 6 OR 344/71

Use Code/Property Class
0100 - 0100 Single Family

Neighborhood
120200 South Sewall's Point

Legal Acres
0.519

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	$ 400,000	$ 499,340	$ 899,340	$ 516,876	$ 382,464	$ 50,000	$ 332,464

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	Grantor (Seller)	Doc Num
10/21/10	BINKLEY KEITH & KRISTEN LEE	2240226
Sale Price	**Deed Type**	**Book & Page**
$ 300,000	Wd Full Covenant and Warranty Deed	2483 0583

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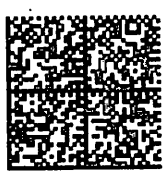

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