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

February 08, 2023
10:00 AM

HONORABLE TYSON J. WATERS PRESIDING

I. CALL TO ORDER

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

II. VIOLATION HEARINGS

- **a. Brian O'Neil – 24 Fieldway Drive – Non-Compliance Violation - Violation of Town's Code of Ordinance Section 82-276 Fence – good side facing the wrong way and not in correct location.**

1) B22-0058 24 Fieldway Drive -Hearing packet.pdf

III. 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 Non-Compliance

CASE #B22-0058

Property Owner: Brian Oneil
Owner Address: 24 Fieldway Dr
Sewall's Point, FL 34996

DATE: December 16, 2022

VIOLATION ADDRESS: 24 Fieldway Dr
PARCEL ID #: 35-37-41-002-001-00050-7

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: Work without a permit for Fence & Front Door

Town Ord. 50-101

Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees or as provided by local resolution, however where there has been a repeat violation of this section, the penalty shall be four times the usual permit fee in addition to the required permit fees. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be obtained within three business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double or quadruple fee, shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

Also in violation of the Florida Building Code 105.1 Florida Building Code 105.1 Any owner or authorized agent who tends to construction, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing systems, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permits.

Please comply on or before **January 5, 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

TOWN OF SEWALL'S POINT
1 S SEWALL'S POINT ROAD
SEWALL'S POINT, FL 34996

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DEC 16 2022

BRIAN ONEIL
24 FIELDWAY DR
SEWALL'S POINT, FL 34996

Basic Info

PIN	AIN	Situs Address	Website Updated
35-37-41-002-001-00050-7	9417	24 FIELDWAY DR SEWALLS POINT FL	12/16/22

General Information

Property Owners
ONEIL BRIAN

Mailing Address
24 FIELDWAY DR
STUART FL 34996

Tax District
SEWALL'S POINT

Parcel ID
35-37-41-002-001-00050-7

Account Number
9417

Property Address
24 FIELDWAY DR SEWALLS POINT FL

Legal Description
INDIALUCIE, LOT 5 BLK 1 OR 342/409

Use Code/Property Class
0100 - 0100 Single Family

Neighborhood
120500 Melody Hill,India Lucie

Legal Acres
0.562

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
2022	$ 275,000	$ 248,800	$ 523,800	$ 128,526	$ 395,274	$ 0	$ 395,274

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
7/16/19

Sale Price
$ 400,000

Grantor (Seller)
LAND AND SEA DEVELOPMENT LLC

Deed Type
Wd Full Covenant and Warranty Deed

Doc Num
2766678

Book & Page
3073 0253

Legal Description

INDIALUCIE, LOT 5 BLK 1 OR 342/409

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

From: Jack Reisinger
To: Chrystal Gomez
Subject: 24 Fieldway Dr
Date: Friday, December 16, 2022 11:25:23 AM

Please send letter with compliance on 1-5-23 for fence without a permit
Also check to see if we have a front door permit











Sent from my iPhone

From: Jack Reisinger
To: Chrystal Gomez
Subject: 24 fieldway
Date: Friday, January 6, 2023 2:53:17 PM

Fence has not been moved back onto property as of today 1-6-2023

Jack Reisinger

Building Official
Town of Sewall"s Point
One South Sewall's Point Rd.
Sewall's Point, Florida 34996
(772) 287-2455 x15
Jreisinger@sewallspoint.org

Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Violation and Notice of Hearing*

CASE #B22-0058

Property Owner: Brian Oniel
Owner Address: 24 Fieldway Dr
Sewall's Point, FL 34996

DATE: January 20, 2022

VIOLATION ADDRESS: 24 Fieldway Dr
PARCEL ID #: 35-37-41-002-001-00050-7

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:

Sec. 82-276- Fence: good side facing the wrong way and not in correct location

j. Fences with one finished side shall be constructed with the finished side facing out and the support posts and structural members facing inward.

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **January 30, 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 February 08, 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, C.B.O., Town Building Official
*This Notice was __X___ sent certified mail, return receipt requested and first class mail.

CERTIFIED MAIL

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14

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

From: Jack Reisinger
To: Chrystal Gomez
Subject: 24 Fieldway
Date: Wednesday, January 25, 2023 11:38:02 AM

Still in violation on side







Sent from my iPhone