

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

July 10, 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. 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) [TSP-Public Comment Guidelines.pdf](#)

- III. VIOLATION HEARINGS
 - a. B24-0017 – Mark & Tiffany Mittal - 36 Rio Vista Drive – Section 50-101 – Non-Compliance Violation - Work without a permit (Review & Determination) - wood structure removed & within setbacks
 - 1) [B24-0017 36 Rio Vista Dr.pdf](#)
 - b. B24-0048 – Barton Swank & Pamela Pinder - 115 N. Sewall's Point Road – Section 50-101 – Non-Compliance Violation - Work without a permit (Review & Determination) - wood structure removed
 - 1) [B24-0048 - 115 N Sewall's Point Rd.pdf](#)
 - c. B24-0049 – Naomi Castner - 23 Simara Street – Section 50-101 –Non-Compliance Violation - Work without a permit for gate with electric
 - 1) [B24-0049 23 Simara Street.pdf](#)
 - 2) [Naomi Castner - Return Receipt Green Card.pdf](#)
 - d. B24-0053 – 74 Sewall's Point Owner, LLC - 74 N. Sewall's Point Road – Section 50-101 – Non Compliance Violation – Work without a permit & Section 70.22 –

Permit Required for Tree Removal – Violation – Trees removed without a permit – Work done without a permit – BBQ area and outside shower

[1\) B24-0053 - 74 N Sewall's Pt Rd.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.



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 #B24-0017

Property Owner: Mark & Tiffany Mittal
Owner Address: 36 Rio Vista Dr
Sewall's Point, FL 34996

DATE: June 4, 2024

VIOLATION ADDRESS: 36 Rio Vista Dr
PARCEL ID #: 12-38-41-002-000-00860-6

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: Work without a permit for wood structure & within the setbacks

FBC 105.1 Required.

Any owner or owner's authorized agent who intends to construct, 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 impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

FBC 02.2 Building.

The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building.

FBC 312.1 General.

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings

Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)

Barns, Carports

Communication equipment structures with a gross floor area of less than 1,500 square feet (139 m²).

Fences more than 6 feet (1829 mm) in height

Grain silos, accessory to a residential occupancy

Greenhouses Livestock shelters

Private garages, Retaining walls

Sheds, Stables, Tanks, Towers

Sec. 58-37. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the

building official, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 82-274 - Setbacks.

(3) *Accessory structures, detached.*

a. *Front yard.* The front yard depth shall be 50 feet for one story and 100 feet for two-story structures from the platted lot line or property line.

b. *Side yards.* The side yard width shall be 20 feet from the platted lot line or property line.

c. *Rear yard.* The rear yard depth shall be 25 feet; provided, however, that in the case of a corner lot the front yard may be on either of the street boundaries and the side and rear yards shall be figured in relation to the street boundary on which the front yard is established. Only one rear yard shall be established. At the time a building permit is applied for, the property owner or his agent shall designate the street which the building will front on, and the rear yard for all lots, including corner lots, shall be determined in relation to the street so designated.

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **June 25, 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. 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

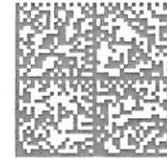
*This Notice was X sent certified mail, return receipt requested and first class mail.

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

FORWARD SERVICE REQUESTED

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

FIRST-CLASS



US POSTAGE^{IM}PITNEY BOWES
ZIP 34996 \$ 000.64⁰
02 7H
0006051328 JUN 04 2024

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

FORWARD SERVICE REQUESTED

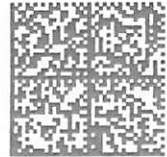
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL[®]



7022 2410 0002 2184 8243

FIRST-CLASS



US POSTAGE^{IM}PITNEY BOWES
ZIP 34996 \$ 008.69⁰
02 7H
0006051328 JUN 04 2024

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

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

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| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

Postage

Postmark
Here

6/4/24

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

7

7022 2410 0002 2184 8243
E428 4872 2000 0742 2202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996



9590 9402 8002 2305 4076 61

2. Article Number (Transfer from service label)

7022 2410 0002 2184 8243

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-6-24

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

E. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

8

USPS TRACKING #



First-Class Mail
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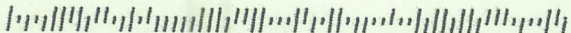
9590 9402 8002 2305 4076 61

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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

RECEIVED
JUN 10 2024
By _____





Town of Sewall's Point

BUILDING DEPARTMENT



Notice of Violation and Notice of Hearing*

CASE #B24-0017

Property Owner: Mark & Tiffany Mittal
Owner Address: 36 Rio Vista Dr
Sewall's Point, FL 34996

DATE: April 19, 2024

VIOLATION ADDRESS: 36 Rio Vista Dr
PARCEL ID #: 12-38-41-002-000-00860-6

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: Work without a permit for wood structure

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.

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

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

FIRST-CLASS



US POSTAGE^{IMPITNEY BOWES}



ZIP 34996 \$ 000.64⁰
02 7H
0006051328 APR 19 2024

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL[®]



7022 2410 0002 2184 8175

TOWN of SEWALL'S POINT

One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

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US POSTAGE^{IMPITNEY BOWES}



ZIP 34996 \$ 008.69⁰
02 7H
0006051328 APR 19 2024

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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 \$ _____

4/19/24

Postmark
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Postage

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Total

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Sent

Street

City

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996

13

7022 2410 0002 2184 8175



Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Non-Compliance

CASE #B24-0017

Property Owner: Mark & Tiffany Mittal
Owner Address: 36 Rio Vista Dr
Sewall's Point, FL 34996

DATE: March 28, 2024

VIOLATION ADDRESS: 36 Rio Vista Dr
PARCEL ID #: 12-38-41-002-000-00860-6

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 wood structure

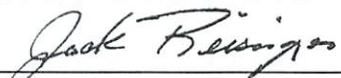
Town Ord. 50-101

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 **April 5, 2024** 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, C.B.O., Town Building Official

Basic Info

PIN 12-38-41-002-000-00860-6	AIN 27599	Situs Address 36 RIO VISTA DR SEWALLS POINT FL	Website Updated 3/28/24
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General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

Property Owners MITTAL MARK RAM MITTAL TIFFANY JEAN	Parcel ID 12-38-41-002-000-00860-6	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address 36 RIO VISTA DR STUART FL 34996	Account Number 27599	Neighborhood 193170 Lucindia,Riverview St LucieRvr
Tax District SEWALL'S POINT	Property Address 36 RIO VISTA DR SEWALLS POINT FL	Legal Acres 1.066
	Legal Description RIO VISTA S 50' OF LOT 86, ALL LOT 87 & ...	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	\$ 1,890,000	\$ 3,244,360	\$ 5,134,360	\$ 0	\$ 5,134,360	\$ 50,000	\$ 5,084,360

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 5/5/22	Grantor (Seller) GARY GLORIA R	Doc Num 2960019
Sale Price \$ 5,225,000	Deed Type Warranty Deed	Book & Page <u>3312 2771</u>

Legal Description

RIO VISTA S 50' OF LOT 86, ALL LOT 87 & 88

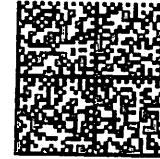
The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

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

FORWARD SERVICE REQUESTED

**MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALL'S POINT, FL 34996**

FIRST-CLASS



US POSTAGE IMPITNEY BOWES



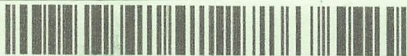
ZIP 34996 \$ 000.64⁰
02 7H
0006051328 MAR 28 2024

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARK & TIFFANY MITTAL
36 RIO VISTA DR
SEWALLS POINT, FL 34996



9590 9402 8002 2305 4075 93

2. Article Number (Transfer from service label)

7022 2410 0002 2184 8175

COMPLETE THIS SECTION ON DELIVERY

A. Signature

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

X MITTAL

C. Date of Delivery

4-22-24

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

17

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

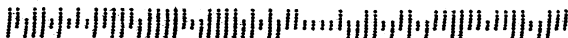
9590 9402 8002 2305 4075 93

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

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

-673601



April Stoncius

From: Jack ReisingerTSP <jreisingersp@icloud.com>
Sent: Wednesday, May 15, 2024 10:57 AM
To: April Stoncius
Subject: Rio Vista



Sent from my iPhone

TOWN OF SEWALL'S POINT



TO: File
FROM: Jack Reisinger, Building Official
DATE: May 9, 2024
SUBJECT: Variance Request for 36 Rio Vista Drive

Variance application submitted by property owners Mark and Tiffany Mittal of 36 Rio Vista Dr., Sewall's Point, FL. This application pertains to a large accessory structure that has been installed in the rear yard of their property without the required setbacks from property lines.

On March 28, 2024, I personally witnessed the construction of this accessory structure on the Mittals' property. Upon further investigation, it was confirmed that the structure does not comply with the established setback regulations of 25 feet from the rear property line and 20 feet from the side property lines per Sec. 82-274 (3) of the Town's Ordinance.

It is worth noting that Ms. Tiffany Mittal had inquired with the Town about installing landscaping on her property, for which she was informed that a permit for landscaping is not required. However, there was no mention or approval sought for the construction of an accessory structure at that time.

As the Building Official for the Town of Sewall's Point, I must emphasize that the unauthorized construction of structures without proper permits poses a significant concern for the safety and integrity of our community.

The Town **does not support** the variance application submitted by the Mittals, as it would condone their non-compliance with zoning regulations and set a precedent for similar violations in the future.

**THE TOWN OF SEWALL'S POINT
BOARD OF ZONING ADJUSTMENT**

IN RE:

MARK AND TIFFANY MITTAL



Inst. # 3076799
Bk: 3441 Pg: 2870 Pages: 1 of 4
Recorded on: 6/12/2024 3:33 PM Doc: GOV
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$35.50

RESOLUTION DENYING VARIANCE – 2024-01

This matter came before the Town of Sewall's Point, Board of Zoning Adjustment ("Board") for a hearing on the variance application of **Mark and Tiffany Mittal** ("Applicant"), on May 22, 2024, and the Board having considered the evidence presented regarding the following real property:

See Exhibit "A" attached hereto and made a part hereof.

Street address of premises subject to this application: 36 Rio Vista Drive, Sewall's Point, FL 34996 (the "Premises")

Upon motion, duly seconded, makes the following findings and determination:

WHEREAS, the Applicant, as owner of the above-described real property, applied to the Town of Sewall's Point, Florida, requesting a variance to the rear and side setbacks set forth in Section 82-274 for a detached accessory structure on the Premises, and

WHEREAS, notice of the public hearing on the variance application was duly posted and mailed in accordance with the provisions of the Sewall's Point Code of Ordinances (Town Code), and a public hearing thereon was held on May 22, 2024, at 10:00 a.m. at the Town Hall of Sewall's Point, Florida, and

WHEREAS, on May 22, 2024, a quorum of the Board was present and the public hearing was held on the subject application, and

WHEREAS, at the public hearing the Applicant was present in person and all interested parties had an opportunity to be heard for or against such application, and

WHEREAS, based on the information presented, this Board makes the following findings of fact:

- (1) Special conditions and circumstances do not exist which are peculiar to the land and proposed structure involved, and which are not applicable to other lands or structures in the same district.
- (2) The special conditions and circumstances are the result of the actions of the Applicant.
- (3) Granting the variance requested will confer on the Applicant special privileges that are denied by the application of Chapter 82 of the Town Code as requested herein to owners of other lands, or structures in the same zoning district.
- (4) A literal interpretation of the provisions of Chapter 82 of the Town Code would not deprive the Applicant of rights commonly enjoyed by other properties in the same district under Chapter 82 of the Town Code and do not create an undue hardship on the Applicant.
- (5) The granting of the variance requested is not in harmony with the general intent and purpose of Chapter 82 of the Town Code and a variance will be injurious to the area involved or otherwise detrimental to the public welfare.

NOW THEREFORE, be it resolved by the Board of Zoning Adjustment of the Town of Sewall's Point, Florida, that pursuant to Chapter 82, Article II, Division 3 of the Town Code, the requested variance to Section 82-274 of the Town Code to permit a detached accessory structure located as and where shown on the survey included as part of the application packet, portions of which encroach into the required minimum setbacks, is denied.

The Secretary of this Board is hereby authorized and directed to record this Resolution in the Official Public Records of Martin County, Florida, and the Clerk of the Town of Sewall's Point is hereby directed to maintain this Resolution as part of the Official Records of the Town.

Duly passed and adopted at a Public Meeting on May 22, 2024.

BOARD OF ZONING ADJUSTMENT
TOWN OF SEWALL'S POINT, FLORIDA

By: 
Frank Tidikis, Board Chairperson

ATTEST:

Secretary

APPROVED AS TO FORM AND CONTENT


Tyson Waters, Board Attorney

Filed with the Clerk of the Town of Sewall's Point,
Florida, on the 22nd day of May, 2024.


April Stencius, Town Clerk

Copy: Applicant



Exhibit "A"
Legal Description

Lot 86, less the North 50 feet thereof, all of Lots 87 and 88, RIO VISTA, according to the map or plat thereof as recorded in Plat Book 6, Page 95, Public Records of Martin County, Florida.

Tracking Number:

Remove X

70222410000221848243

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 12:33 pm on June 6, 2024 in STUART, FL 34996.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

STUART, FL 34996

June 6, 2024, 12:33 pm

Arrived at USPS Regional Facility

WEST PALM BEACH FL DISTRIBUTION CENTER

June 4, 2024, 8:25 pm

[Hide Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



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Product Information



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Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)



Town of Sewall's Point

BUILDING DEPARTMENT



Notice of Violation and Notice of Hearing*

CASE #B24-0048

Property Owner: Barton Swank & Pamela Pinder
Owner Address: 18547 SE Sea Oaks Ln
Tequesta, FL 33469

DATE: June 21, 2024

VIOLATION ADDRESS: 115 N Sewalls Point Rd
PARCEL ID #: 35-37-41-007-000-00070-0

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: Work without a permit for wood structure & within the setbacks

FBC 105.1 Required.

Any owner or owner's authorized agent who intends to construct, 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 impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

FBC 02.2 Building.

The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building.

FBC 312.1 General.

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings

Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)

Barns, Carports

Communication equipment structures with a gross floor area of less than 1,500 square feet (139 m²).

Fences more than 6 feet (1829 mm) in height

Grain silos, accessory to a residential occupancy

Greenhouses Livestock shelters

Private garages, Retaining walls

Sheds, Stables, Tanks, Towers

Sec. 58-37. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the

building official, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 82-274 - Setbacks.

(3) *Accessory structures, detached.*

- a. *Front yard.* The front yard depth shall be 50 feet for one story and 100 feet for two-story structures from the platted lot line or property line.
- b. *Side yards.* The side yard width shall be 20 feet from the platted lot line or property line.
- c. *Rear yard.* The rear yard depth shall be 25 feet; provided, however, that in the case of a corner lot the front yard may be on either of the street boundaries and the side and rear yards shall be figured in relation to the street boundary on which the front yard is established. Only one rear yard shall be established. At the time a building permit is applied for, the property owner or his agent shall designate the street which the building will front on, and the rear yard for all lots, including corner lots, shall be determined in relation to the street so designated.

To avoid the need to go to a hearing and the possibility of any fines, please comply the violation(s) on or before **June 25, 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. 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 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

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ZIP 34996 \$ 000.64⁰
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BARTON SWANK & PAMELA PINDER
18547 SE SEA OAKS LN
TEQUESTA, FL 33469

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL[®]



7022 2410 0002 2184 8267

TOWN of SEWALL'S POINT

One South Sewall's Point Road
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18547 SE SEA OAKS LN
TEQUESTA, FL 33469

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

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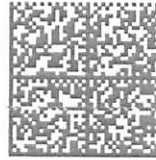
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



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BARTON SWANK & PAMELA PINDER
17 S RIDGEVIEW RD
SEWALLS POINT, FL 34996

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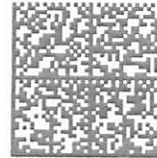


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TOWN of SEWALL'S POINT
One South Sewall's Point Road
Sewall's Point, Florida 34996

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| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

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| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

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TEQUESTA, FL 33469

32

7022 2410 0002 2184 8267



Town of Sewall's Point

BUILDING DEPARTMENT



Notice of Non-Compliance

CASE #B24-0048

Property Owner: Barton Swank & Pamela Pinder
Owner Address: 18547 SE Sea Oaks Ln
Tequesta, FL 33469

DATE: June 4, 2024

VIOLATION ADDRESS: 115 N Sewalls Point Rd
PARCEL ID #: 35-37-41-007-000-00070-0

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: Work without a permit for wood structure & within the setbacks

FBC 105.1 Required.

Any owner or owner's authorized agent who intends to construct, 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 impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

FBC 02.2 Building.

The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building.

FBC 312.1 General.

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Agricultural buildings

- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns, Carports
- Communication equipment structures with a gross floor area of less than 1,500 square feet (139 m²).
- Fences more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy

Greenhouses Livestock shelters

- Private garages, Retaining walls
- Sheds, Stables, Tanks, Towers

Sec. 58-37. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 82-274 - Setbacks.

(3) *Accessory structures, detached.*

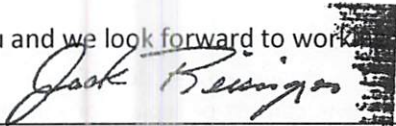
a. *Front yard.* The front yard depth shall be 50 feet for one story and 100 feet for two-story structures from the platted lot line or property line.

b. *Side yards.* The side yard width shall be 20 feet from the platted lot line or property line.

c. *Rear yard.* The rear yard depth shall be 25 feet; provided, however, that in the case of a corner lot the front yard may be on either of the street boundaries and the side and rear yards shall be figured in relation to the street boundary on which the front yard is established. Only one rear yard shall be established. At the time a building permit is applied for, the property owner or his agent shall designate the street which the building will front on, and the rear yard for all lots, including corner lots, shall be determined in relation to the street so designated.

Please comply on or before **June 14, 2024** 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, C.B.O., Town Building Official

Basic Info

PIN 35-37-41-007-000-00070-0	AIN 9548	Situs Address 115 N SEWALLS POINT RD SEWALLS POINT FL	Website Updated 6/4/24
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General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

Property Owners SWANK BARTON CARL PINDER PAMELA YVONNE	Parcel ID 35-37-41-007-000-00070-0	Use Code/Property Class 0000 - 0000 Vacant Residential
Mailing Address 18547 SE SEA OAKS LN TEQUESTA FL 33469	Account Number 9548	Neighborhood 193195 N Sewalls Pt St Lucie River
Tax District SEWALL'S POINT	Property Address 115 N SEWALLS POINT RD SEWALLS POINT FL	Legal Acres 1.692
	Legal Description TWIN RIVERS, LOT 7 (LESS ELY 2' R/W PER ...	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	\$ 1,965,600	\$ 48,170	\$ 2,013,770	\$ 152,330	\$ 1,861,440	\$ 0	\$ 1,861,440

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 8/23/21	Grantor (Seller) NISENHOLTZ ANNE	Doc Num 2910457
Sale Price \$ 2,650,000	Deed Type Warranty Deed	Book & Page <u>3251 2534</u>

Legal Description

TWIN RIVERS, LOT 7 (LESS ELY 2' R/W PER OR 1462/1769)

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

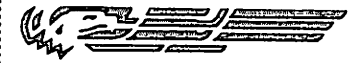
TOWN of SEWALL'S POINT
One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

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**BARTON SWANK & PAMELA PINDER
18547 SE SEA OAKS LN
TEQUESTA, FL 33469**

From: [Jack ReisingerTSP](#)
To: [Chrystal Gomez](#)
Subject: 115 N SPR
Date: Tuesday, June 4, 2024 11:14:50 AM

Please send letter for no permit and too close to property line. In the setback





Sent from my iPhone



Town of Sewall's Point

BUILDING DEPARTMENT



Notice of Violation and Notice of Hearing*

CASE #B24-0049

Property Owner: Naomi Castner
Owner Address: 10 Cahoon Rd
Boxford, MA 01921

DATE: June 21, 2024

VIOLATION ADDRESS: 23 Simara St
PARCEL ID #: 13-38-41-001-000-00400-2

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: Work without a permit for gate with electric

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.

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.

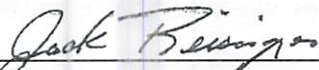
If the Code Enforcement Board/Special Magistrate finds that the alleged violation exists on your property, Florida law makes the property owner responsible for the administrative costs incurred by the Town in pursuing the enforcement of the violation. These costs may be included with any fines imposed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

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

FORWARD SERVICE REQUESTED

NAOMI CASTNER
23 SIMARA ST
SEWALLS POINT, FL 34996

FIRST-CLASS



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ZIP 34996 \$ 000.64⁰
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0006051328 JUN 21 2024

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

FORWARD SERVICE REQUESTED

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL[®]



7022 2410 0002 2184 8298

FIRST-CLASS



US POSTAGE^{IMPITNEY BOWES}

ZIP 34996 \$ 008.69⁰
02 7H
0006051328 JUN 21 2024

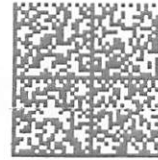
NAOMI CASTNER
23 SIMARA ST
SEWALLS POINT, FL 34996

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

FORWARD SERVICE REQUESTED

NAOMI CASTNER
10 CAHOON RD
BOXFORD, MA 01921

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

FORWARD SERVICE REQUESTED

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NAOMI CASTNER
10 CAHOON RD
BOXFORD, MA 01921

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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 \$ _____

6.21.24

Postmark
Here

Postage

\$

Total Post

\$

Sent To

Street and

City, State,

NAOMI CASTNER
10 CAHOON RD
BOXFORD, MA 01921

43

7022 2410 0002 2184 8281

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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 \$ _____

6.21.24

Postmark
Here

Postage

\$

Total

\$

Sent

Street

City

NAOMI CASTNER

23 SIMARA ST

SEWALLS POINT, FL 34996

44

7022 2410 0002 2184 8298

Remove X

Tracking Number:

7022241000221848281

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 8:11 am on June 26, 2024 in BOXFORD, MA 01921.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office

BOXFORD, MA 01921
June 26, 2024, 8:11 am

Available for Pickup

BOXFORD
7 ELM ST STE 1
BOXFORD MA 01921-9998
M-F 0800-1700; SAT 0900-1200
June 25, 2024, 9:28 am

Arrived at Post Office

BOXFORD, MA 01921
June 25, 2024, 9:28 am

In Transit to Next Facility

June 24, 2024

Arrived at USPS Regional Facility

BOSTON MA DISTRIBUTION CENTER
June 23, 2024, 11:44 am

Arrived at USPS Regional Facility

WEST PALM BEACH FL DISTRIBUTION CENTER
June 21, 2024, 11:28 pm

Feedback

● **Hide Tracking History**

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs



Town of Sewall's Point

BUILDING DEPARTMENT

Notice of Non-Compliance

CASE #B24-0049

Property Owner: Naomi Castner
Owner Address: 10 Cahoon Rd
Boxford, MA 01921

DATE: June 10, 2024

VIOLATION ADDRESS: 23 Simara St
PARCEL ID #: 13-38-41-001-000-00400-2

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 gate with electric

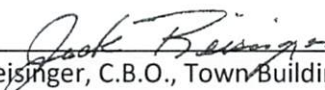
Town Ord. 50-101

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 **June 21, 2024** 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, C.B.O., Town Building Official

Basic Info

PIN 13-38-41-001-000-00400-2	AIN 27687	Situs Address 23 SIMARA ST SEWALLS POINT FL	Website Updated 6/10/24
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General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

Property Owners NAOMI K CASTNER 1997 FAMILY TRUST CASTNER NAOMI K TTEE	Parcel ID 13-38-41-001-000-00400-2	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address 10 CAHOON RD BOXFORD MA 01921	Account Number 27687	Neighborhood 193110 Archipelago, High Pt -Canal
Tax District SEWALL'S POINT	Property Address 23 SIMARA ST SEWALLS POINT FL	Legal Acres 0.46
	Legal Description LOT 40 THE ARCHIPELAGO ACCORDING TO THE ...	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	\$ 1,440,000	\$ 418,350	\$ 1,858,350	\$ 520,187	\$ 1,338,163	\$ 0	\$ 1,338,163

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 3/7/24	Grantor (Seller) CASTNER NAOMI	Doc Num 3062537
Sale Price \$ 100	Deed Type Warranty Deed	Book & Page 3425 1831

Legal Description

LOT 40 THE ARCHIPELAGO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4 PAGE 48 PUBLIC RECORDS MARTIN COUNTY FLORIDA

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

TOWN of SEWALL'S POINT

One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

**NAOMI CASTNER
23 SIMARA ST
SEWALLS POINT, FL 34996**

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ZIP 34996 **\$ 000.64⁰**
02 7H
0006051328 JUN 10 2024

TOWN of SEWALL'S POINT

One South Sewall's Point Road
Sewall's Point, Florida 34996

FORWARD SERVICE REQUESTED

**NAOMI CASTNER
10 CAHOON RD
BOXFORD, MA 01921**

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ZIP 34996 **\$ 000.64⁰**
02 7H
0006051328 JUN 10 2024

From: [Jack Reisinger](#)
To: [Chrystal Gomez](#)
Subject: FW: Gate no permit complaint
Date: Monday, June 10, 2024 2:18:27 PM

Chrystal,
Please send a letter to homeowner of 23 Simara St. For building a gate with electric without first obtaining a permit.
Thank you.
Jack

Jack;
Thanks for your response.
My neighbor @ 23 Simara St. (Castner)
put a gate in at the end of our common driveway and I never noticed a permit application listed.
I'm concerned it might have been located improperly, but not sure.
These folks have been a problem since day one.

Bill Hart

From: Jack Reisinger
Sent: Monday, June 10, 2024 9:46 AM
To: Jack Reisinger <JReisinger@sewallspoint.org>
Subject: Gate no permit complaint



Sent from my iPhone

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**NAOMI CASTNER
10 CAHOGON RD
BOXFORD, MA 01921**



9590 9402 8002 2305 4076 85

2. Article Number (Transfer from service label)

7022 2410 0002 2184 8281

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

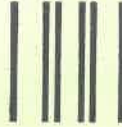
- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS-01921

JUN 2 2020

BOXFORD MA

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8002 2305 4076 85

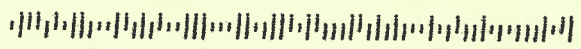
United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box*

RECEIVED
By _____

JUL 01 2021

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





Town of Sewall's Point

BUILDING DEPARTMENT



Notice of Violation and Notice of Hearing*

CASE #B24-0053

Property Owner: 74 Sewalls Point Owner LLC
Owner Address: 2101 W Maya Palm Dr
Boca Raton FL, 33432

DATE: June 27, 2024

VIOLATION ADDRESS: 74 N Sewall's Point Rd
PARCEL ID #: 35-37-41-000-000-00261-6

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:

Violation: Trees removed w/o permit 2 palms & 1 Gumbo. Work done w/o permit for BBQ area and outside shower

Section 70-22: Permit Required for Tree Removal – No Permits issued by this administration 11-15inches

Each tree (with a two-inch caliper or more) removed without a permit is a separate violation. These violations are irreparable and/or irreversible in nature and a **hearing before the Code Enforcement Board/Special Magistrate will be held on July 10, 2024, at 10:00 a.m.** in the Town Commission Chambers, 1 S. Sewall's Point Road, Sewall's Point, Florida. If you fail to 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. **Please be advised that pursuant to Section 70-22, if the Town has to procure the services of a professional licensed in the State of Florida to ascertain the state or type and number of the trees that were removed without a permit, such cost will be borne by the property owner(s).**

If the Town is successful in prosecuting your case before the Code Enforcement Board/Special Magistrate, administrative costs will be assessed to cover the cost of such prosecution and said 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. **Pursuant to Section 70-154, the Code Enforcement Board/Special Magistrate has the authority to levy fines for each tree (with a two-inch caliper or more) as follows: 2-5 inch caliper/\$500.00; 6-10 inch caliper/\$1,500.00; 11-15 inches/\$3,000.00; and over 15 inches/\$5,000.00 (50% of such fines apply to palm trees).** Once ordered and recorded, the administrative costs (and all other costs incurred) and any fines imposed by the Code Enforcement Board/Special Magistrate shall constitute a lien on the property described above and upon any other real or personal property owned by the property owner(s). Failure to pay these costs and fines may result in a foreclosure action by the Town.

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

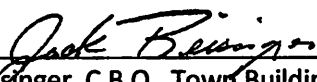
those permit(s) shall result in the charge of a double fee. The payment of a double or quadruple fee, shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause 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.

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 wish to discuss a settlement of this case prior to the scheduled hearing or if you require further information, please contact Jack Reisinger, Building Official, at 772-287-2455. Please be sure to have your case number available so we may promptly assist you.

Please govern yourself accordingly.



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: Jack ReisingerTSP <jreisingertsp@icloud.com>
Sent: Thursday, June 27, 2024 9:45 AM
To: Chrystal Gomez
Subject: 74 NSPR

2 palm tree and 1 Gumbo cut down
Work done without a permit
Going beyond an inspection
Working outside allowable hours



















Sent from my iPhone

Chrystal Gomez

From: Jack Reisinger
Sent: Thursday, June 27, 2024 2:28 PM
To: Chrystal Gomez
Subject: 74 n SPR







Sent from my iPhone

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

FORWARD SERVICE REQUESTED

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7022 2410 0002 2184 8311

74 SEWALLS POINT OWNER LLC
2101 W MAYA PALM DR
BOCA RATON FL 33432

FIRST-CLASS



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TOWN of SEWALL'S POINT
One South Sewall's Point Road
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0006051328 JUN 24 2024

74 SEWALLS POINT OWNER LLC
2101 W MAYA PALM DR
BOCA RATON FL 33432

Basic Info

PIN 35-37-41-000-000-00261-6	AIN 9398	Situs Address 74 N SEWALLS POINT RD SEWALLS POINT FL	Website Updated 6/27/24
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General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

Property Owners 74 SEWALLS POINT OWNER LLC	Parcel ID 35-37-41-000-000-00261-6	Use Code/Property Class 0100 - 0100 Single Family
Mailing Address 2101 W MAYA PALM DR BOCA RATON FL 33432	Account Number 9398	Neighborhood 193000 N. Sewall Pt Indialucie East
Tax District SEWALL'S POINT	Property Address 74 N SEWALLS POINT RD SEWALLS POINT FL	Legal Acres 1.13
	Legal Description COMMENCING AT THE INTERSECTION OF THE NO...	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
2024	\$ 1,160,000	\$ 399,190	\$ 1,559,190	\$ 0	\$ 1,559,190	\$ 0	\$ 1,559,190

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 8/8/23	Grantor (Seller) MOST FAMILY REVOCABLE TRUST OF 2018	Doc Num 3030372
Sale Price \$ 1,800,000	Deed Type Warranty Deed	Book & Page <u>3390 2540</u>

Legal Description

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF GOV LOT 3 IN 35-37-41 WITH THE CENTERLINE OF SEWALLS POINT RD, SE ALONG CENTERLINE 117.77 FT FOR POB, CONT SE ALONG CENTERLINE 117.77 TO THE SOUTH LINE OF THE LAND OWNED BY E CLINTON TOWL, THEN SE ALONG SOUTH LINE 500 FT M/L TO THE WATERS OF THE INDIAN RIVER, RUN NORTHWESTERLY ALONG WATERS TO A POINT OF INTERSECTION EAST FROM THE POB, THEN NW ALONG SAID LINE 500 FT M/L TO THE POB (less ROW SEWALLS POINT RD) (UNITY OF TITLE 2791/155)

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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- | | | |
|--|----|-------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | _____ |
| <input type="checkbox"/> Adult Signature Required | \$ | _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | _____ |

6-27-24

Postmark
Here

**74 SEWALLS POINT OWNER LLC
2101 W MAYA PALM DR
BOCA RATON FL 33432**

70

7022 2410 0002 2184 8311

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- 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 71 Is.