



TOWN OF JUPITER

CODE COMPLIANCE DIVISION
SPECIAL MAGISTRATE
NOTICE OF HEARING

December 18, 2024

PATRICIA AND WARREN WINN KLAINE
900 PENN TRL
JUPITER, FL 33458

CASE NO.: 24-000952

LOCATION: 900 PENN TRL, Jupiter, Florida
PCN: 3042403605000010

You are hereby notified that on **01/08/25 at 10:00 AM** there will be a hearing conducted by the Town of Jupiter Special Magistrate in the Council Chambers of the Town of Jupiter Municipal Complex, 210 Military Trail, concerning the alleged violation of the Town Code:

Violation Information

THE BOAT LIFT ON THIS PROPERTY IS MORE THAN 20 PERCENT OF THE WIDTH OF THE WATER WAY. BOAT LIFT NEEDS TO BE REDUCED TO MEET THE REQUIRMENTS OF 20 PERCENT OR LESS. PERMIT WILL BE NEEDED. CONTACT GARRET WATSON AT 561-741-2549 FOR INFORMATION.

Violation Description

ZONING MOORING/DOCK SETBACK
27-2626(6) MOORING/DOCK SETBACKS

(6) No dock, boat lift mooring space, mooring piling, davit, other mooring facility, or floating structure (i.e., dock, walkway, floating vessel platform, etc.) shall be located nearer to the side lot line than the side setback required for the district within which the property is located as measured from a line that extends out from the side property lines into the waterway or canal. Except for boats moored in the inside corner of a canal, boats may be moored without a setback to the extensions of a property's side property line, but no part of the boat shall overhang the vertical plane created by a side property line's extension into the waterway or canal. Boats moored in the inside corner of a canal shall meet the same setbacks as a dock-related structure.

a. Where the extension of the side property lines converge within a waterway, the director of planning and zoning may grant a waiver or reduction to the required setback for docks, boat lifts, or boat mooring spaces to ensure that a property owner has reasonable access to a navigable channel. The director's approval of a waiver may be permitted provided all of the following are met:

1. Other jurisdictional agencies having permitted the proposed dock, boat mooring space, mooring piling, davit, other mooring facility, or floating structure with reduced setbacks, based on using alternative methods of calculations for setbacks;
2. Documentation is provided to the department that written notification was sent to the affected neighboring property owners making them aware of the setback waiver.

b. In order to qualify for a building permit for a dock, boat mooring spaces, or mooring pilings, the applicant shall submit with the building permit application:

1. A signed and sealed survey, not more than six months older than the date of the application for a permit, indicating; the location of the proposed improvements; the location of the mean high water line; and shall reflect that the landowner has riparian rights attached to the uplands for which the landowner holds title.

2. A copy of a permit from the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, or South Florida Water Management District.

Violation Information

DREDGING OR MOVEMENT OF SAND FROM UNDER THE WATER FROM ONE PLACE TO ANOTHER, TOOK PLACE ON THIS PROPERTY. A PERMIT FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF JUPITER IS REQUIRED. CONTACT TOWN OF JUPITER ENGINEERING DEPARTMENT AT 561-741-2467 FOR FURTHER INFORMATION.

Violation Description

PLANNING AND DEVELOPMENT LAND IMPROVEMENT & DEV
24-84 ENGINEERING CONSTRUCTION PERMIT REQUIRED.

(a) Any person desiring to do or undertake the work, construction or improvements to land as hereinafter set forth, within the town, shall first make application to the town for review and approval of the engineering plans and documents, as required for application for an engineering construction permit. Such work shall include the following types of construction:

(1) Draining, dredging or filling lands. To drain or fill any land within the town by pumping, dredging or dumping sand, rock or earth by any other acceptable means.

(2) Excavating lands and soil removal. To excavate or remove soil, sand, shell or rock from any land within the town by the use of tractors, power shovels, bulldozers, drag lines, scrapers or other heavy earth-moving equipment. This subsection shall not apply to excavations and soil removal which are incidental to a lawful building operation for which a valid building permit has been issued by the town. Only clean, suitable fill materials shall be permitted. No trash, wood, vegetative or organic matter shall be permitted.

(3) Construction or alteration of drainage. To construct, deepen, widen, fill, re-route or alter any new or existing drainageway, ditch drain, culvert or canal within the town, including swales within the road right-of-way. Temporary or emergency drainage works shall not require a permit.

(4) Construction of driveways. To construct or reconstruct driveways within public or private rights-of-way, including roads, alleys or access easement areas.

(5) Construction of residential lots/developments. To construct or reconstruct driveways, parking areas, hardscape areas, or walks, or to alter elevations/grading of perimeter buffers, berms or swale/retention areas on residential lots or residential developments.

(6) Construction of asphalt, concrete or paver brick surface enhancements or rejuvenation. To replace, overlay, seal coat or perform other forms of pavement surface enhancement or rejuvenation, including any restriping work, on roadways, alleys, asphalt drives, and parking areas.

(7) Construction of commercial, retail, assisted living facility (ALF), industrial, or mixed use property site development/redevelopment. To construct or reconstruct infrastructure for/in lot, tract, parcel, or land subdivision. Infrastructure would include, but not be limited to, earthwork, water, sewer, drainage, curbing, sidewalks, pavement systems, signage, and striping, etc.

(8) Construction of residential multi-unit or subdivision site development/redevelopment. To construct or reconstruct infrastructure for/in a residential multi-unit or subdivision property, including related sales/models centers. Infrastructure would include, but not be limited to, earthwork, water, sewer, drainage, curbing, sidewalks, pavement systems, roadways, alleys, bridges, signage, and striping.

(9) Construction of utilities. To construct or reconstruct franchise and non-franchise utility lines, conduits, sleeves, etc., within public or private right-of-way areas, including roads, alleys, access easements, or common use areas.

(10) Construction of golf courses. To construct or reconstruct golf course areas, including site development for maintenance facilities, clubhouse facilities, etc.

(b) A vegetation removal permit may also be required of any of the activities listed in this section requiring the clearing or other removal or destruction of vegetation. The regulations governing vegetation removal permits are contained in chapter 26.

You are hereby ordered to appear before the Special Magistrate on the above-referenced date to respond to the alleged violation and to present any oral or written testimony regarding the alleged violation. Failure to appear will result in the Special Magistrate proceeding in your absence. You will have the opportunity to present witnesses, as well as question the witnesses against you, prior to the Special Magistrate making a determination. You have the right to obtain an attorney, at your expense, to represent you before the Special Magistrate. **CASE FILES WILL BE AVAILABLE FOR REVIEW BY RESPONDENTS ONE-HALF HOUR PRIOR TO THE START OF THE HEARING.**

If the alleged violation still exists as of the compliance date specified in the notice of violation, this case may proceed to the hearing whether or not compliance is achieved prior to the hearing date, with a request to the Special Magistrate for a finding of violation and assessment of **ADMINISTRATIVE COSTS**. If the alleged violation still exists

at the time of the hearing and you are found in violation, the Special Magistrate may enter an order against you and may assess both **ADMINISTRATIVE COSTS** and a fine of up to **\$1,000.00 PER DAY PER VIOLATION** for every day the violation continues beyond the date set by the Special Magistrate in the order for compliance. If the violation is considered by the Special Magistrate to be irreparable or irreversible in nature, a fine may be imposed not to exceed **\$15,000.00 PER VIOLATION**. If you are found in violation and subsequently violate the same code section(s) again at a later date, a repeat violator fine of up to **\$5,000.00 PER VIOLATION PER DAY** could be assessed for every day of violation, plus administrative costs.

Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and for such purpose he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

There is a procedure whereby an alleged violator may stipulate to the existence of a violation and waive appearance at the above hearing. If you so wish to, you may enter into stipulation with the Town whereby you are admitting to the violation described herein.

Sincerely,

Dave King
Code Compliance Officer
Town of Jupiter

CERTIFIED MAIL

AFFIDAVIT OF POSTING

Notice of Hearing

Case No.: 24-000952
Date Posted: December 18, 2024
Property Owner: PATRICIA AND WARREN WINN KLAINE
Property Address: 900 PENN TRL

Places of Posting: Town Hall
900 PENN TRL

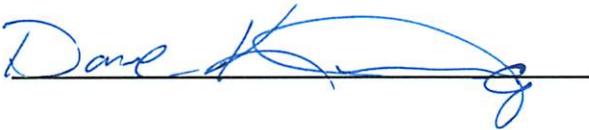
(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **DAVE KING**, a duly-designated Code Compliance Officer of the Town of Jupiter, who, after being duly sworn by me under oath, deposes and says:

1. Prior to posting this notice, the undersigned has reviewed the file of this matter and has determined that a bona fide attempt was made to hand-deliver or mail notice to the alleged violator.
2. This Affidavit of Posting shall serve to meet the notice requirements of Section 162.12, Florida Statutes.
3. This property was posted for at least ten (10) days in two (2) locations, the first being upon the property where the code violation is alleged to exist, the address of which is listed herein above, and the second being at the Jupiter Town Hall, 210 Military Trail, Jupiter, Florida 33458, in accordance with Section 162.12(2)(b), F.S. The undersigned affiant submits this affidavit as proof of compliance with the requirements of Section 162.12(2)(b), F.S.

FURTHER AFFIANT SAYETH NOT



Personally appeared before me the undersigned authority, and acknowledged that (he)/(she) did execute the foregoing affidavit.

Sworn to and subscribed before me this 18th day of December, 2024.



Notary Public

