

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 502017CA010274XXXXMB

100 EMERALD BEACH WAY,
Petitioner,
v.

THE PALM BEACH TOWN COUNCIL
AND MARGARET B. THORNTON,
Respondents.

Opinion filed: **AUG 30 2018**

Petition for Writ of Certiorari from the Town of Palm Beach Town Council.

For Petitioner: Robert Jeffrey Hauser
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PER CURIAM.

Upon review of the Petition for Writ of Certiorari, we find that the Town Council failed to rely on competent, substantial evidence when it denied Petitioner's appeal from the Town Architectural Committee. The Town Architectural Committee did not make findings sufficient to ensure that Respondent Thornton's "proposed development [would be] in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of

the buildings and structures are involved.” *See* Resp. App. at 7. Specifically, there was no finding by the Town Architectural Committee or Town Council, or evidence in the record, to suggest that Respondent Thornton’s proposed development would comply with section 134-1759. *See* Resp. App. at 16. Because the Town Council’s failure to rely on competent, substantial evidence is sufficient cause to grant the Petition, we issue no opinion regarding the remaining arguments on appeal. We **GRANT** the Petition for Writ of Certiorari and **QUASH** the decision of the Town Council.

SASSER, GOODMAN, CURLEY JJ. concur.

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Petition for Writ of Certiorari from the
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THE PALM BEACH TOWN COUNCIL
AND MARGARET B. THORNTON,
Respondents.

Date of Appeal: September 15, 2017

_____/

DATE OF PANEL: AUGUST 20, 2018

PANEL JUDGES: SASSER, GOODMAN, CURLEY

AFFIRMED/REVERSED/OTHER: GRANT PETITION

PER CURIAM OPINION/DECISION BY: PER CURIAM

CONCURRING:

) DISSENTING:

) CONCURRING SPECIALLY:

) With/Without Opinion

) With/Without Opinion

DATE:

J.

J.

J.

DATE:

J.

J.

J.

DATE:

J.

J.

J.

9/28/18