

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel
Jack Schramm Cox, Chartered – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4002
E-Mail: jeubanks@blesmlaw.com

605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401-4005
Phone: (561) 721-4000
Facsimile: (561) 721-4001

March 5, 2019

Via Email

John C. Randolph, Esq.
Jones Foster Johnston & Stubbs, P.A.
505 South Flagler Drive, Ste. 1100
West Palm Beach, FL 33401

**Re: Zoning Case # Z-18-00149 – Carriage House Club
Conditional Approval and Appellate Deadlines**

Dear Skip:

As you know, our office represents Bradley and Catharine Geist, the owners of 234 Phipps Plaza (“Geists”). In that capacity, the Geists have inquired into their appellate rights as a result of the actions of the Town Council at its meeting on February 13, 2019 in regards to the above referenced Zoning Case number and the conditional approval of the Special Exceptions for the Carriage House Club.

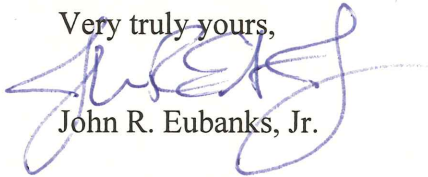
As you are aware, the vote upon the Special Exception for the Carriage House Club was based upon a Motion made by Mr. Crampton at approximately 5 hours, 23 minutes and 44 seconds into the Town Council Meeting. In making his Motion, Mr. Crampton indicated that he moved that the Special Exception “... shall be granted ... subject to the findings that have been memorialized in the Declaration of Use today as an amended with the final review and approval of the Declaration of Use at our next Council meeting.” As such, it appears clear from the language of the Motion, that the Town Council’s approval of the Carriage House Special Exception will not be final for appellate purposes until after the final version of the Declaration of Use has been reviewed and approved at an upcoming Town Council meeting. Please let me know immediately if this is not the Town’s position.

In the meantime, if in fact it is the Town’s position that the approval of the Carriage House application is final for appellate purposes, under Section 134-173 of the Town Code, an aggrieved party has 30 days “from the rendition of such decision” in which to apply for a Writ of Certiorari. As you know, under Rule 9.020(h) of the Florida Rules of Appellate Procedure, the rendition of an appealable Order is “rendered when a signed, written order is filed with the clerk of the lower tribunal,” which in this case is the Town. As a result, if it is the position of the Town that there has been a “rendition” of an approval of the Carriage House, please provide our office with a copy of the signed, written order filed with the Clerk of the Town reflecting such rendition.

John C. Randolph, Esq.
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Thank you in advance for your prompt response to this issue.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Eubanks, Jr.", with a stylized flourish extending to the right.

John R. Eubanks, Jr.

cc: Bradley and Catherine Geist
Joshua Martin, Director of Planning, Zoning and Building
Town Clerk, Town of Palm Beach