

# DP-21-06-198

Orange County Board of County Commissioners  
August 9, 2022

**By: McGregor Love**

Attorney

Lowndes, Drosdick, Doster, Kantor &  
Reed, P.A.



# TIMELINE

1997: wall constructed

- Supposed unwritten agreement b/w owner and HOA

June 2021: Applicant purchased property

- Not aware of any agreement
- Wall not in title search, Code, or PD conditions

July 2021: DP application submitted

December 15, 2021: DRC approved DP, subject to revised plans submittal

March 5, 2022: Demo permit issued (COC on June 6, 2022)

May 25, 2022: Revised plans approved on consent at DRC

June 22, 2022: Appeal submitted

# No Basis Exists for Overturning DP Approval

## (1) Wall not required under Code or LUP

- DP meets review criteria: *“The DRC shall review the development plan and shall evaluate it for consistency with the land use plan and all applicable ordinances, regulations and policies.”*

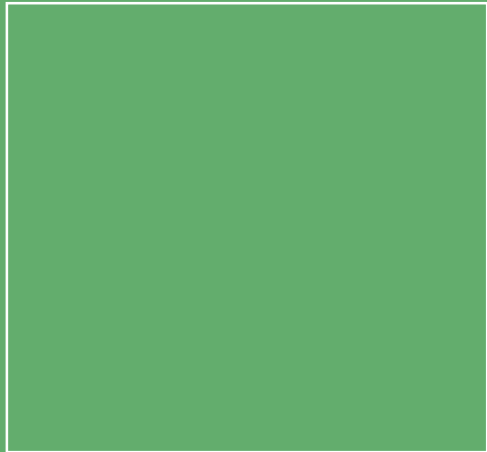
## (2) BCC improper venue to seek enforcement of private agreement

## (3) Requested relief would be highly inequitable

- Applicant had no way of knowing about a wall agreement
- Applicant relied on County demo permit
- From July 2021 (DP submittal) – June 2022 (wall demo): Appellant could have raised issue
  - Now that wall has been legally demo'd: Appellant requesting that wall be reconstructed

**THANK  
YOU**

# QUESTIONS?



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