

Bond Case Briefs

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Burns v. Town of Palm Beach

United States Court of Appeals, Eleventh Circuit - June 8, 2021 - F.3d - 2021 WL 2325300

Property owner brought § 1983 action against town, alleging that denial of approval, by town's architectural review commission, of building permit for replacement of traditional beachfront mansion with larger mansion using midcentury modern design violated his rights to due process, equal protection, and freedom of expression.

The United States District Court for the Southern District of Florida adopted the report and recommendation of a magistrate judge and granted summary judgment to town. Owner appealed.

The Court of Appeals held that:

- Owner failed to specifically demonstrate why he needed additional discovery before a ruling on town's summary judgment motion;
- A reasonable viewer would not infer some sort of message from the new mansion, as would be required for First Amendment protection of expressive conduct, because landscaping features would prevent viewers from seeing the mansion;
- Town's criteria for demolition and construction were not unconstitutionally vague under due process principles; and
- Owner offered no evidence for similarly-situated requirement for class-of-one equal protection claim.