

HM Prop. Investments, LLC v. Martin County, 14-AP-17, 2016 WL 937242 (Fla. Cir. Ct. 2016).

**Court Finds That Property Owner Should Be Able to Rely on
Erroneous Information Provided by City**

In *HM Prop. Investments, LLC v. Martin County*, Florida's Nineteenth Circuit Court recently highlighted the application of the doctrine of estoppel against a zoning authority regarding a mistake of fact relied upon by a property owner. Under Florida law, equitable estoppel may be invoked against a government entity where a property owner in good faith, upon some act or omission of the government, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy a right the property owner acquired.

Here, the Court held that the Board of County Commissioners of Martin County ("Board") departed from essential requirements of law when it refused to apply the doctrine of equitable estoppel by denying an application for approval of a final site plan for infrastructure ("IFSP"). The property was purchased based on the county planner's misrepresentation that an extension of deadline for approval of the IFSP had been obtained and property was currently in compliance. Thereafter, the county acknowledged property owner's request for further extension of IFSP approval deadline and stated in multiple staff reports that the timetable was extended. This caused the property owner to expend additional and substantial monies on property, relying on the county's representations that property was in compliance. However, when it applied for approval of the IFSP, a County staff member denied the application because the approval deadline had lapsed.

The court found that the property owner acted in good faith, did its due diligence prior to purchasing the property, and after purchasing the property complied with every step of the county's procedures. The court found no evidence that petitioner could have discovered the mistake of fact regarding the deadline extension prior to discovery of the error by county staff. However, the County's denial of the IFSP application was a substantial change in position that deprived the property owner of the rights it had relied upon. Therefore, the court held that the Board should have applied the doctrine of equitable estoppel and should not have denied the property owner's application for IFSP approval.