

JOSEPH T. WALSH, Petitioner v. TOWN OF WRIGHTSVILLE BEACH BOARD OF ALDERMAN ACTING AS A BOARD OF ADJUSTMENT; CHARLES W. SMITH, III and wife, CONSTANCE C. SMITH, Respondents

No. 467A06

FILED: 4 MAY 2007

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 179 N.C. App. ___, 632 S.E.2d 271 (2006), dismissing petitioner's appeal from an order entered on 29 August 2005 by Judge Benjamin G. Alford in Superior Court, New Hanover County. Heard in the Supreme Court 9 January 2007.

Carolina Legal Counsel, by J. Wesley Casteen, for petitioner-appellant.

Wessell & Rainey, by John C. Wessell, III, for respondent-appellee Town of Wrightsville Beach Board of Aldermen; and Murchison, Taylor & Gibson, PLLC, by Michael Murchison, for respondent-appellees Charles W. and Constance C. Smith.

PER CURIAM.

The decision of the Court of Appeals is reversed and remanded to that court for reconsideration in light of our decision in *State v. Hart*, 361 N.C. ___, ___ S.E.2d ___ (2007).

REVERSED AND REMANDED.