

IN THE SUPREME COURT OF NORTH CAROLINA

No. 68A02

FILED: 28 FEBRUARY 2003

AMANDA DIXON TUCKER and JIMMY L. HODGES and BECKY J. HODGES,
Petitioners

v.

THE MECKLENBURG COUNTY ZONING BOARD OF ADJUSTMENT, MARSHALL GUS
THOMAS, JR. and RHONDA GOLDEN-THOMAS,
Respondents

Appeal pursuant to N.C.G.S. § 7A-30(2) from the
decision of a divided panel of the Court of Appeals, 148 N.C.
App. 52, 557 S.E.2d 631 (2001), reversing an order and judgment
entered 31 July 2000 by Judge Robert P. Johnston in Superior
Court, Mecklenburg County. On 27 June 2002, the Supreme Court
granted discretionary review of additional issues. Heard in the
Supreme Court 3 February 2003.

*Kennedy Covington Lobdell & Hickman, L.L.P., by John H.
Carmichael, for petitioner-appellants.*

*Ruff, Bond, Cobb, Wade & Bethune, L.L.P., by James O.
Cobb, for respondent-appellee the Mecklenburg County
Zoning Board of Adjustment.*

*Nelson Mullins Riley & Scarborough, L.L.P., by Paul J.
Osowski, for respondent-appellees Marshall Gus Thomas,
Jr., and Rhonda Golden-Thomas.*

PER CURIAM.

As to the issue on direct appeal based on the
dissenting opinion, we affirm the majority decision of the Court
of Appeals. We conclude that the petition for discretionary
review as to additional issues was improvidently allowed.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY
ALLOWED IN PART.