

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.