

N.C. Court of Appeals Rules in Favor of Boone in Templeton Case

Written by Adam Hicks
Friday, 24 July 2009 10:38

The North Carolina Court of Appeals unanimously ruled in favor of the Town of Boone and the Boone Board of Adjustment in the lawsuit brought against them by Templeton Properties.

According to Boone's Town Clerk, Freida VanAllen, the ruling was handed down Tuesday.

This ruling overturns the Watauga Superior Court's decision against the Boone Board of Adjustment's denial of the application of Templeton Properties to build a medical clinic on State Farm Road.

In its ruling, the N.C. Court of Appeals cited traffic congestion and the safety of the location on State Farm Road, the negative aesthetic impact, the reduction in land values of adjacent properties, and the increased noise and lighting to the area. According to the Town of Boone, the Court of Appeals also supported Boone's Board of Adjustment members, saying members of the board were persuaded by the testimony of the neighboring property owners.

Because the Court of Appeals' decision was unanimous, Templeton Properties LP does not have the absolute right to further appeal the decision to the North Carolina Supreme Court, but it can petition the Supreme Court for a review of the decision.

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More information about the case can be found at <http://www.aoc.state.nc.us/www/public/coa/opinions/2009/unpub/081237-1.pdf>