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VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

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Senior Dept. Support Specialist / Board Clerk
County of Harnett
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Re: Request for Rehearing | BOA2503-0002

Dear Mr. Appel and Ms. Byrd:

This firm represents Blaine Drose (the “Applicant”) and CBD Homes, LLC (“CBD Homes” or the “Owner”), the owner of the property located at 8320 NC Hwy 42 in Harnett County, North Carolina, with PIN#: 0625-15-0335.000 (the “Property”).

On or around March 11, 2025, the Applicant submitted a written application to Harnett County requesting that the Board of Adjustment issue a special use permit to allow for a boat and RV storage facility on the Property (the “Special Use Permit Application”).

On May 12, 2025, the Board held a quasi-judicial hearing on the Special Use Permit Application (the “Hearing”). Following the quasi-judicial Hearing, the Board voted to deny the Special Use Permit Application.

Article VII, Section G, of the Harnett County Board of Adjustment By-Laws establishes the following procedure for requesting a rehearing:

A rehearing may be held provided that the applicant submits any new evidence in writing to the Board that will enable the Board to determine if there has been a substantial change in the facts, evidence, or conditions in the case to warrant a rehearing. The Board shall deny the request for a rehearing if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that a change has occurred, the

applicant may re-file the application for consideration at the following regular meeting. Cases approved for a rehearing shall be filed and processed in the same manner as a new application.

BOA Bylaws, Art. VII, § G.

The Applicant hereby requests that the Board hold a rehearing in this matter. In support of this request, the Applicant states that new evidence will be submitted to the Board at a rehearing to show a substantial change in the facts and evidence that was presented at the Hearing. New evidence that will be presented will include, for example:

1. Expert testimony from a licensed and duly qualified transportation engineer that the project will not materially endanger the public health and safety;
2. A driveway permit and extension issued by the North Carolina Department of Transportation for the Property, which confirms the adequacy of the sight lines onto NC Highway 42, which Applicant was not allowed to submit at the Hearing;
3. Expert testimony from a licensed and duly qualified appraiser as to the lack of any injury to the value of adjoining properties; and
4. Fact testimony from as many as 12 neighbors as to the proposed use's harmony with the surrounding area and compatibility with the surrounding neighborhood, including testimony that numerous commercial uses are located near the property in question.

Additionally, the North Carolina Department of Transportation has responded favorably to the Applicant's request that the speed limit on NC Highway 42 be reduced to 35 MPH, and it may be possible to present evidence relating to that speed limit adjustment at the rehearing of this matter. Finally, the Applicant will show that evidence submitted against its request at the Hearing was false, and that the Board's decision therefore is fundamentally flawed.

The Applicant believes that it satisfied its burden at the Hearing by producing substantial, competent, and material evidence on each of the elements for the issuance of the requested special use permit. However, it wishes to advance these additional facts and opinions to remove any doubt as to its entitlement to the requested special use permit. Accordingly, the Owner and Applicant hereby request that the Board of Adjustment rehear the Special Use Permit Application pursuant to Article VII, Section G, of the bylaws.

The Owner and the Applicant request that this Request for Rehearing be placed on the June 9, 2025, agenda for the Board's consideration.

If you have any questions, or if there is anything else that you would like for us to do in connection with this request, we trust that you will contact us.

Very truly yours,

MORNINGSTAR LAW GROUP

A handwritten signature in dark ink, appearing to read "William J. Brian, Jr.", is positioned above the printed name.

William J. Brian, Jr., Esq.

cc. Jeffrey L. Roether, Esq., (by email; jroether@morningstarlawgroup.com)
Hunter B. Winstead, Esq., (by email; hwinstead@morningstarlawgroup.com)

Enclosure(s): none