

1 Respondent Swearingen.

2 MR. BRANDON JOHNSON, Attorney at Law, appeared in behalf
3 of Respondent Broughton Land Company and other land owners.

4 WHEREUPON, after hearing the arguments of counsel, the
5 following comments were made by the Court, to-wit.

6 ...

7 THE COURT: Thank you. I very much appreciate the
8 briefing in this matter. It was very good and very helpful
9 to the Court on all sides.

10 I'm going to deny the petition for review. There is
11 nothing in the law that I see that says the parties are
12 entitled to a perfect hearing or a perfect process.

13 I believe the County and the Board of Adjustment has
14 jumped through all the hoops, crossed all the T's, dotted
15 all the I's here.

16 I cannot find that there is significant error. I believe
17 there's substantial evidence to support the permit that has
18 been issued.

19 I think the public -- I have sat on several of these
20 types of proceedings. And I recognize the public interest
21 and the concerns that the citizens have. And it's a
22 situation where either County Commissioners or Planning
23 Boards or Board of Adjustment people who sit on these types
24 of boards, they are kind of damned if they do, damned if
25 they don't. It doesn't make any difference what type of

1 decision they make, how long they take in making it, how
2 many opportunities they give the public to comment or
3 respond. They make tough decisions.

4 And if they have done that in such a way that -- I think
5 to maybe paraphrase Mr. Mackie -- at the end of the day it
6 would appear that they considered all of the issues and
7 tried to comply with the statutes, and in fact
8 substantially complied with the various rules and statutes,
9 that they have done their job. And in this case that's
10 what I'm going to find.

11 Court is adjourned.

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