

**NOTICE OF A PUBLIC HEARING BEFORE THE
TOWN OF SOUTHERN PINES BOARD OF ADJUSTMENT**

Notice is hereby given that the regular meeting of the Town of Southern Pines Board of Adjustment will be held on Wednesday, December 13, 2023, at 5:30 PM in the C. Michael Haney Community Room of the Town of Southern Pines Police Department, 450 W. Pennsylvania Avenue, Southern Pines, North Carolina. A public hearing on the following matter will be held during the meeting:

A-02-23: Request for a Variance from UDO §4.15.5(A); Applicant: Connect Holding II LLC dba Brightspeed

Connect Holding II LLC, doing business as Brightspeed, is requesting a variance from the Town of Southern Pines Board of Adjustment per the variance process set forth in Unified Development Ordinance (UDO) §2.22. The applicant requests a variance from UDO §4.15.5(A) Underground Utilities to allow the installation of fiber network facilities on existing pole lines. The applicant is requesting a variance on the grounds that strict application of the UDO will place the company at a distinct disadvantage when competing against the incumbent cable television provider.

The purpose of the request, the applicant's justification and response to variance criteria established in UDO §2.22.6 are further described in the complete application on file. All interested citizens are invited to attend. The complete application may be reviewed at the Town of Southern Pines Community Development Building, 801 SE Service Road, Southern Pines, NC or online at www.southernpines.net.

The variance process is a "quasi-judicial" process, meaning a process similar to court. In quasi-judicial hearings related to variances, the Board of Adjustment must follow legal due process. In other words, the Board of Adjustment must follow guiding standards, provide notice, be impartial, and decide based on the evidence on record. The standards for variances can be found in North Carolina General Statute §160D-705 and UDO §2.22. To learn more about the quasi-judicial process, visit Coates' Canons NC Local Government Law blog, titled "Making Quasi-Judicial Decisions" by Jim Joyce. For additional information on variance standards, visit Coates' Canons NC Local Government Law blog, titled "Variance Standards: What is hardship? And when is it unnecessary?" by Adam Lovelady.