

The Woods appeals Weddington decision

By Billy Ball
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The Woods developers are going to court over Weddington's decision to nix a private sewer plant for the upscale subdivision.

The appeal was filed Wednesday, one day before the builders' window for a court challenge expired. Developers allege that the town broke the law when it denied a request to allow a sewer station in The Woods.

The suit, brought by Charlotte's IB Development, names Weddington, its Town Council and Mayor Nancy Anderson as defendants.

It claims Weddington's decision, approved in September during a quasi-judicial hearing of the Town Council, "contains material errors of law, fails to follow procedures specified by statutory law ... and fails to protect the constitutional rights of IB Development."

Council members heard hours of testimony for and against the plant during a multi-day hearing before ruling against IB, partly because they said builders' plans could affect county sewer upgrades.

Hundreds of Weddington residents, led by a grass-roots group called Friends of Weddington, organized an ultimately successful push to reject The Woods permit.

IB Development partner Ashley Campbell confirmed the suit Friday, but would not comment on the details or why it came so late.

Campbell said he thinks his firm has a legitimate chance to win in court and reverse Weddington's decision.

"Obviously we do or we wouldn't have filed it," Campbell said.

Town Councilman Robert Gilmartin said he didn't think IB would pursue a court appeal because a flagging economy could impede The Woods if it is built as planned. Homes in the community were projected to cost \$1 million or more.

"Why on earth would you start doing stuff now?" Gilmartin said.

Councilwoman L.A. Smith said she isn't surprised, even though she got no indication that a suit was forthcoming.

Campbell declined to discuss the suit, which claims Weddington made an "arbitrary and capricious ruling" based on a "misunderstanding of and misapplication of applicable law."

IB Development worked with Charlotte attorney Tony Lathrop during the permit process, but has hired Winston-Salem lawyer Nathan Atkinson for the appeal.

Friends of Weddington organizer Janice Propst, who has claimed the private plant would pollute area streams and lower neighboring property values, said she had hoped the builders would forego a suit.

"I'm disappointed in them," Propst said. "Because in the hearings it sounded like they were going to try to work with the county. ... Apparently they still want to go their route."

Weddington attorney Anthony Fox and Anderson could not be reached before deadline Friday.

Billy Ball can be reached at 704-261-2226 or bball@theej.com.

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