



**Town of North Topsail Beach**  
**Zoning Board of Adjustment Special Meeting**

**Wednesday, March 27, 2024, at 6:00 PM**  
**2008 Loggerhead Court, North Topsail Beach, NC 28460**  
**(910) 328-1349 | [www.northtopsailbeachnc.gov](http://www.northtopsailbeachnc.gov)**

*Zoning Board of Adjustment: Hanna McCloud - Chair, Paul Dorazio - Vice Chair, Scott Morse, Kip Malcolm, Susan Meyer, Lisa Lee Kozlowski - Alternate.*

*Staff: Deb Hill - MPA AICP CFM AZO - Planning Director; Kate Winzler - CMC, NCCMC - Clerk to the Zoning Board of Adjustment.*

**I. CALL TO ORDER**

**II. OATH OF OFFICE**

A. Susan Meyer

**III. ADOPTION OF AGENDA**

*Specific Action Requested: Chair will request a motion to adopt the agenda.*

**IV. APPROVAL OF MINUTES**

A. February 29, 2024 Special Meeting Minutes

*Specific Action Requested: Chair will request a motion to approve the minutes.*

**V. NEW BUSINESS**

A. Case A24-000001 Appeal by Matthew Davis/Coastland Construction LLC

**VI. ADJOURNMENT**

*Specific Action Requested: Chair will request a motion to adjourn.*

**Notice to citizens who wish to speak:** *As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 910-328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.*

**Attorneys:** *If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be*

*prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.*



**Town of North Topsail Beach**  
**Zoning Board of Adjustment Special Meeting**  
Thursday, February 29, 2024, at 6:00 PM  
2008 Loggerhead Court, North Topsail Beach, NC 28460  
(910) 328-1349 | [www.northtopsailbeachnc.gov](http://www.northtopsailbeachnc.gov)

Present: Hanna McCloud - Chair, Paul Dorazio - Vice Chair, Scott Morse, Kip Malcolm, Lisa Lee Kozlowski - Alternate, Susan Meyer – Alternate (not voting).

Staff Present: Deb Hill, MPA AICP CFM AZO - Planning Director; Town Attorney Brian Edes (via Teams); Ricky Schwisow – IT Director; Kate Winzler - CMC, NCCMC - Clerk to the Board of Adjustment.

**I. CALL TO ORDER**

Chair McCloud called the meeting to order at 6:00 p.m.

**II. ADOPTION OF AGENDA**

**Mr. Malcolm made a motion to adopt the agenda as received. Ms. Kozlowski seconded the motion. The motion passed unanimously, 5-0.**

**III. APPROVAL OF MINUTES**

A. January 24, 2024 Special Meeting

**Mr. Malcolm made a motion to approve the minutes from the January 24, 2024 special meeting. Vice Chair Dorazio seconded the motion. The motion passed unanimously, 5-0.**

**IV. NEW BUSINESS**

A. Case V-24-02 Variance Request Jeff Lucas

Chair McCloud introduced the variance.

Clerk Winzler swore in property owner Jeff Lucas, David Sasser of NDS Inc., John Cassidy, and Planning Director Deb Hill.

Attorney Edes reviewed the quasi-judicial process. He polled the Board regarding their roles as impartial decision makers. He asked the Board if anyone had any basis that would prevent them from being fair and impartial and to base their votes solely on the competent evidence produced during the hearing. All Zoning Board of Adjustment members responded to the questions in the negative. There were no positive responses.

Chair McCloud reviewed the order of business for the hearing, opened the public hearing on Case #V-24-02 at 6:08 p.m., and asked for testimony from staff.

Planning Director Hill reviewed the staff report including exhibits A-F.

Mr. Malcolm asked when the application was received.

Ms. Hill replied January 11, 2024.

Mr. Morse asked when the lot was shortened by the right-of-way.

Ms. Hill responded she did not know.

Mr. Malcolm asked for confirmation that the recommendation was to reorient the home, not the current position that runs lengthwise along Island Drive but change the position of the structure. He noted if the structure remains where it is, it drastically overshoots the setbacks.

Planning Director Hill confirmed, noting that the structure encroaches into the side setback by six and a half feet, and the front deck goes right up to the front property line.

Chair McCloud noted that the recommendation allowed for adequate room on each side and front and back.

Ms. Hill confirmed, noting the potential room for decks and parking outside of the right-of-way.

Vice Chair Dorazio noted the three-foot variance from the front setback.

Ms. Hill offered that solution, or a three-foot variance from the rear setback to meet the twenty-foot front setback.

Attorney Edes asked Ms. Hill if she would like to enter into evidence exhibits A-F.

Ms. Hill confirmed.

Attorney Edes asked Mr. Lucas if he had any objections to exhibits A-F coming into evidence.

Mr. Lucas did not object.

Attorney Edes recommended accepting exhibits A-F as offered into evidence without objection.

Chair McCloud agreed.

Attorney Edes asked Ms. Hill when using the term non-conforming if she meant pre-existing legal non-conforming.

Ms. Hill replied non-conforming as it is written, and that there was a certificate of occupancy that was issued January 22, 1999.

Attorney Edes asked if the configuration of the footprint had changed since then.

Ms. Hill replied that it did not appear to have changed based upon the 2008, 2015, and 2021 aerials in Exhibit B- Figures 2, 3, and 4, other than the new rear deck and the new reconfigured front deck.

Attorney Edes asked Ms. Hill if approved, her position in criteria four was to add a condition to the approval.

Planning Director Hill responded that if the variance were approved with that condition, then the requested variance would be consistent with the spirit, purpose, and intent of the regulation, such that safety is secured and substantial justice is achieved.

Attorney Edes provided clarification that the condition would be to reduce the front setback from twenty feet to seventeen feet. He stated it was not clear if that was what the applicant applied for.

Planning Director Hill responded that proposal was not proffered in the application.

Attorney Edes stated that the condition needed to be clear to the applicant if the Board was included to consider that type of condition.

Jeff Lucas of 109 Spring Lane, Lillington, North Carolina, and property owner of 2399 Island Drive, North Topsail Beach, provided testimony. He stated his intention was to protect his property from storm surge, as it is sitting on cinder blocks and could wash out. He stated that he knew the recommendation was to turn the house, which he did not object to. Mr. Lucas explained the septic tank is in the back yard where the back porch is, and could impact the repositioning of the structure, or require him to connect to expensive county sewer service.

Mr. Malcolm asked if Mr. Lucas' request was to maintain the structure in the current orientation, or if he was willing to reposition.

Mr. Lucas replied that he was willing to do whatever was best for the Town. He ventured that moving it might be more expensive or could look funny.

Mr. Malcolm explained that ultimately it was Mr. Lucas' decision how to present it to the Board how to make the request. What Ms. Hill presented was only a three-foot variance on the front end. If approved in the current position, it would be a greater violation. Mr. Malcolm asked when Mr. Lucas found out about the change of orientation.

Mr. Lucas replied when he read the email two days ago. He also noticed the drawing of the true setbacks on the survey by Johnny Williams, which Mr. Lucas highlighted.

Mr. Cassidy presented the document to Ms. Hill.

Mr. Malcolm asked Mr. Lucas if he wished to have the evidence submitted into evidence for the Board's consideration.

Mr. Lucas agreed.

Mr. Malcolm recommended to Chair McCloud entering this document into evidence as Exhibit G. Chair McCloud agreed.

Mr. Malcolm identified Exhibit G as an enlargement of page 9, the plot map.

Ms. Hill clarified that Exhibit G was a blowup of Exhibit E with the zoning setbacks for MHR highlighted with twenty feet in the front, eight feet on both sides, and ten feet in the rear, indicated by a dashed line and highlighted in yellow.

Attorney Edes asked if Ms. Hill had any objections to entering Exhibit G into evidence.

Planning Director Hill stated no.

Attorney Edes recommended to Chair McCloud that they accept it into evidence without objection as Exhibit G.

Chair McCloud and the Board agreed.

Mr. Malcolm clarified that Exhibit G appeared to be an enlargement of the plot map presented in the staff report.

Mr. Lucas agreed, stating that he did not know why Mr. Williams included it on the survey.

Ms. Hill explained that it was a requirement to indicate the setbacks on a plat.

Mr. Malcolm explained that the enlarged plot map illustrated the current position of the structure exceeds the dashed lines of the setbacks.

Mr. Lucas agreed and offered that there was minimal room on the left side, the right side was close to the setback, and the front and the back. He did not realize that his lot was reduced by twenty-five feet. Mr. Lucas admitted to making mistakes in his due diligence.

There was discussion among the Board.

Planning Director Hill explained that Exhibit D came from the legal description in Mr. Lucas' deed, including the eighty-seven point one feet and the eighty-seven point eight feet.

Mr. Lucas explained that when he bought the lot, it was not disclosed that it was non-conforming. He learned afterward.

Ms. Hill and Mr. Lucas discussed the legal description in the deed further.

Planning Director Hill explained Mr. Lucas' house was considered personal property because it is situated on cinder blocks with anchors. If it was elevated and placed upon an elevated engineered piling system, it would be considered real estate. When this occurs, the structure should be placed to fit in the best way possible.

Mr. Lucas stated he would rather it be a compliant lot for future activity.

Ms. Hill suggested that by making the lot as compliant as possible, Mr. Lucas would be protecting his investment.

Vice Chair Dorazio suggested it could have a higher resale value.

Mr. Lucas agreed. He thought the structure looked better the way that it is, but he did not turning it to become a compliant lot.

Planning Director Hill asked the Board to consider the images in figures 2, 3, and 4, and suggested that since 2000, when Mr. Lucas purchased the property, he had invested to keep his property in good repair.

Mr. Malcolm stated that his concern for Mr. Lucas was that Mr. Lucas understood and was willing to accept the recommendation to turn the structure ninety degrees, unless Mr. Lucas wanted the Board to consider keeping it oriented the way that it was.

Mr. Lucas stated his only question for the Board would be if it was turned, that it would be a compliant lot.

Mr. Malcolm stated that he thought the lot size made it a non-compliant lot, because it could not be made any larger.

Planning Director Hill confirmed.

Mr. Malcolm explained that the variance being discussed was the overage beyond the buildable lines, the setbacks. He pointed out that Exhibit G clearly showed that the home was outside of the setback lines. The Board was considering repositioning the structure while elevating it to minimize the variance. Mr. Malcolm recognized that Mr. Lucas was made aware of this only two days prior and was being asked to figure out the additional costs of doing so. Mr. Malcolm suggested perhaps Mr. Lucas' contractors could answer that during the hearing.

Mr. Lucas voiced additional concerns for the placement of steps, could he have a front porch.

Chair McCloud brought up the septic setbacks.

Mr. Lucas acknowledged the septic impact, and suggested that with turning the structure, the septic would be impacted.

There was discussion between Ms. Hill and Mr. Lucas.

Mr. Malcolm asked Attorney Edes for guidance on how to proceed.

Attorney Edes explained that if the Board were to issue a variance with the condition that staff recommended, that would not preclude the applicant from returning later to apply for a variance without the condition. The applicant would not be stuck with the variance. If he were to be granted the variance with the condition, he could elevate and reorient the house pursuant to that variance. He does not have to. He could decide that he does not want to, or that it would be too expensive, and come back. Conversely, if the Board was inclined to hear about the financial implications, they could recess the hearing and reconvene later.

Mr. Malcolm stated that he did not want Mr. Lucas' contractors to have to return later. He asked Mr. Lucas if he wanted to think about it and allow the contractors to present their information for the Board's consideration.

Chair McCloud suggested taking a recess.

Mr. Lucas stated that he would like to confer with his contractors.

The Board recessed at 6:50 p.m.

The Board returned at 7:01 p.m.

Chair McCloud asked Mr. Lucas if he would like to continue.

Mr. Lucas confirmed.

Mr. Malcolm asked Mr. Lucas if he wanted to make any statements.

Mr. Lucas stated that he wanted to continue with the variance.

Planning Director Hill asked Mr. Lucas and Mr. Cassidy for more information.

Mr. John Cassidy, the owner of Pilings and More explained that he had been doing piling work, raising houses, and moving houses for thirty years. Mr. Cassidy explained that he had advised Mr.

Lucas to elevate the house and mitigate liability. He asked the Board to consider helping secure the house on pilings. He stated that Mr. Lucas was willing to twist the house, move the house, have it surveyed and make it fit on the property. Mr. Cassidy asked the Board for the three-foot variance in the back.

Mr. Malcom asked Mr. Cassidy if he foresaw any issues with the septic or septic field.

Mr. Cassidy stated that he visited the site that day and stepped the distance off, keeping in mind the five-foot setback from the septic tank. He stated that he believed the house would fit after it was twisted. He did not think the septic tank would come into play.

Mr. Malcolm asked if Mr. Cassidy thought they could make it work with the re-orienting.

Mr. Cassidy confirmed and said they would have the septic surveyed to make sure they have adequate room before turning in the permits.

Ms. Hill asked if Mr. Cassidy believed it would be more advantageous to do the variance in the front.

Mr. Cassidy confirmed, saying that would give Mr. Lucas and any possible septic tank contractor more room to do their work.

Mr. Malcolm asked Mr. Cassidy if he understood if the Board of Adjustment approved the variance with the recommendation that it be re-oriented with a three-foot variance in the front. Deviating to anything outside of that would require the applicant to resubmit.

Mr. Cassidy agreed. He suggested that he believed the power lines were on the other side of the road, so they did not have a concern with encroaching into any high-tension wires with Jones Onslow.

Chair McCloud asked if it would be more advantageous to recess the hearing and return once Mr. Lucas had more information relating to the condition, rather than the Board making a recommendation and Mr. Lucas having to request another variance.

Planning Director Hill stated that she would work with Mr. Lucas to resubmit the variance. If the Board did grant the variance and it did work, then Mr. Lucas would be all set.

Mr. Malcolm reiterated the scenario to Mr. Lucas.

Planning Director Hill repeated her recommendation to grant the variance as written in the report to reduce the front setback from twenty feet to seventeen feet.

Mr. Cassidy added that they wanted to proceed as soon as possible to have the project completed prior to hurricane season.

Mr. Malcolm asked how long the project was expected to take.

Mr. Cassidy stated they should have engineering within a few weeks and would then proceed with permits.

Attorney Edes stated that if a variance was issued during the meeting, and what the applicant proposed to construct differed from that variance, the applicant would have to return before the Board to acquire another variance.

Chair McCloud asked if the property owner, applicant, and contractor understood.

Mr. Lucas, Mr. Cassidy, and Mr. Sasser confirmed.

Mr. Malcolm asked Attorney Edes if he had any additional questions for the owner.

Attorney Edes responded that his only concern was that Mr. Lucas understood if the Board was inclined to grant the variance, and it turned out to be not feasible, that they would have to come back.

Mr. Malcolm asked Mr. Lucas if he understood.

Mr. Lucas nodded in confirmation.

Mr. Malcolm asked Ms. Hill if the neighbors were notified on the matter.

Ms. Hill said the sign was posted and the public notices were made as was required. She had no comments from the public or any agencies.

Chair McCloud asked to hear from those opposing the request. No one came forth.

Planning Director Hill had no further comments.

The Board had no further questions of staff.

The other parties had no further questions of staff.

Mr. Malcolm stated that he believed Mr. Lucas understood the variance. Mr Malcom stated that he was comfortable considering the three-foot front setback variance. He thought re-orienting the structure was the least egregious option and a good recommendation.

**Mr. Dorazio made a motion to grant the variance, changing it to a three-foot adjustment on the front or street-side of the structure. Ms. Kozlowski seconded the motion. Attorney Edes offered a point of clarification that would be a motion to grant the variance with the condition that the variance will be a reduction of the front setback from twenty feet to seventeen feet.**

Mr. Malcolm acknowledged Mr. Cassidy.

Mr. Cassidy offered the Board letters written by neighbors in support of the variance.

Mr. Malcolm asked Attorney Edes for guidance on the offered letters.

Attorney Edes cautioned the Board to acknowledge the letters as hearsay, as the people were not sworn in, and were not subject to cross examination. This was a properly noticed variance hearing, with no negative feedback, served the same purpose as he anticipated the gentleman’s proffering the letters for.

Planning Director Hill stated that she would be willing to accept the letters as letters from the neighbors, and one was certified.

Attorney Edes addressed Chair McCloud, stating that the letters were hearsay documents. He asked for confirmation that Chair McCloud had previously asked if anyone was sworn in and attending in opposition, and no one was.

Chair McCloud confirmed, stating that no one came forward.

Attorney Edes continued that if staff had no objection to them coming in, he was not going to stand in the way, though technically, they are hearsay documents.

There was discussion.

**The motion passed unanimously, 5-0, as follows:**

<u>Roll call</u>	<u>Vote</u>
<b>Ms. Kozlowski</b>	<b>Aye</b>
<b>Vice Chair Dorazio</b>	<b>Aye</b>
<b>Chair McCloud</b>	<b>Aye</b>
<b>Mr. Morse</b>	<b>Aye</b>
<b>Mr. Malcolm</b>	<b>Aye</b>

**V. DISCUSSION: Training**

Planning Director Hill and Attorney Edes guided the Zoning Board of Adjustment through a Board orientation training, reviewing their roles, the quasi-judicial hearing process, due process principles, the life cycle of a case, evidentiary hearing process, order of proceedings, conflicts of interest, ground for recusal, standing, hearing evidence, burden of proof and basis for decisions, written decisions, responsibilities, avoiding bias, and best practices.

There was discussion.

**VI. ADJOURNMENT**



**Vice Chair Dorazio made a motion to adjourn. Ms. Kozlowski seconded the motion. The motion passed unanimously, 5-0.**

Section IV, Item A.

The Zoning Board of Adjustment meeting adjourned at 7:50 p.m.

APPROVED

CERTIFIED

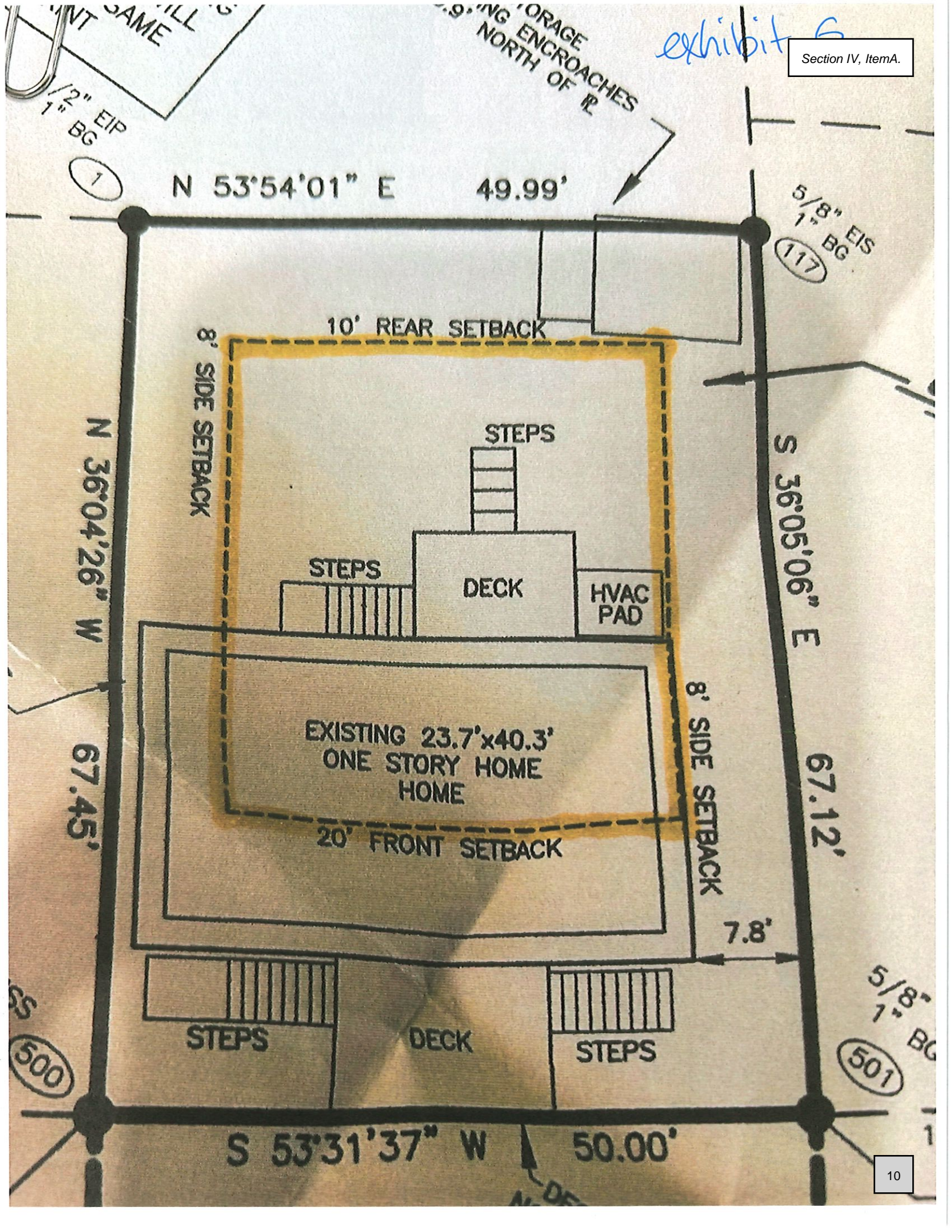
This 27<sup>th</sup> day of March 2024

This 27<sup>th</sup> day of March 2024

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Clerk to the Zoning Board of Adjustment

exhibit 6



N 53°54'01" E 49.99'

5/8" EIS  
1" BG  
(117)

10' REAR SETBACK

8' SIDE SETBACK

STEPS

STEPS

DECK

HVAC PAD

S 36°05'06" E  
67.12'

N 36°04'26" W  
67.45'

EXISTING 23.7'x40.3'  
ONE STORY HOME  
HOME

8' SIDE SETBACK

20' FRONT SETBACK

7.8'

STEPS

DECK

STEPS

5/8" EIS  
1" BG  
(501)

S 53°31'37" W 50.00'

**STAFF REPORT** CONTACT INFORMATION  
Deborah J. Hill MPA AICP CFM CZO

DOCKET/CASE/APPLICATION NUMBER  
AA24-000001

APPLICANT/PROPERTY OWNER  
Matthew Davis, Coastland Construction  
LLC/ Philip H & Kristen A Buckley

PUBLIC HEARING DATE  
Wednesday, March 27, 2024, 6:00 p.m.

PROPERTY ADDRESS/LOCATION  
114 N Permuda Wynd Dr

**BRIEF SUMMARY OF REQUEST**

An application by Matthew Davis to appeal Citation 23-00117 dated February 1, 2024, issued to owners of 114 North Permuda Wynd Drive, Philip & Kristen Buckley, through Coastland Construction LLC (contracted party) violated town ordinance §10.02.02 Development inconsistent with a permit and assessed citation penalty § 10.07.02 Rebuilding Of Damaged Dunes.

**EXHIBITS**

**Applicant’s Exhibits**

- Exhibit 1. 114 N Permuda Appeal.pdf
- Exhibit 2. Citation (to Property Owner) (4).pdf
- Exhibit 3. EXHIBIT A.docx
- Exhibit 4. EXHIBIT B.docx
- Exhibit 5. EXHIBIT C.docx
- Exhibit 6. Exhibit D.docx
- Exhibit 7. Exhibit E.pdf
- Exhibit 8. EXHIBIT F.docx
- Exhibit 9. EXHIBIT G.docx
- Exhibit 10. EXHIBIT H (1).docx
- Exhibit 11. Exhibit I(1).pdf
- Exhibit 12. Exhibit I.rtf.zip (note: staff unable to open)
- Exhibit 13. Exhibit I-2.pdf
- Exhibit 14. EXHIBIT J.docx
- Exhibit 15. Exhibit K (1).pdf
- Exhibit 16. Exhibit K.rtf.zip (note: staff unable to open)
- Exhibit 17. Exhibit K-1.pdf
- Exhibit 18. Exhibit L.pdf
- Exhibit 19. EXHIBIT M.docx
- Exhibit 20. Exhibit N.pdf
- Exhibit 21. EXHIBIT O.docx

**Owners’ Exhibits**

- Exhibit 22. Kristen Buckley email *Meeting Follow up* Mon 3/11/2024 5:34 PM with video attachments (video.mp4, video (1).mp4, video (2).mp4, video (3).mp4, video (4).mp4, video (5).mp4)
- Exhibit 23. Kristen Buckley email *Inspection report* dated Tue 3/12/2024 4:24 AM
- Exhibit 24. Kristen Buckley email *Stairs on side of house* dated Mon 3/11/2024 7:51 PM

**Staff’s Exhibits**

- Exhibit 25. 10.07.02 REBUILDING OF DAMAGED DUNES.
- Exhibit 26. CitizenServe File History Report
- Exhibit 27. CAMA Exemption Number – EX 53-23 dated October 26, 2023.
- Exhibit 28. Permit # SB23-000111 Simple Build Permit
- Exhibit 29. Permit# ZFP23-000224 Zoning Permit
- Exhibit 30. Permit# ZFP23-000224 Floodplain Development Permit
- Exhibit 31. Deb Hill email *RE: [External] RE: 114 N Permuda Wynd Dr. VOSS* Mon 1/29/2024 12:16 PM

- Exhibit 32. Photo 20240201\_175454808\_iOS taken 02 01 2024 1254 114 N Permuda Wynd
- Exhibit 33. SB23-000111 Inspection Report 02 01 2024
- Exhibit 34. Deb Hill email FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION 02/01/2024 6:18 PM
- Exhibit 35. Deb Hill email *RE: IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION* Mon 2/5/2024 3:28 PM
- Exhibit 36. Photo 20240209\_144935907
- Exhibit 37. Photo 20240209\_145146166
- Exhibit 38. Photo 20240209\_145217201
- Exhibit 39. Photo 20240209\_145236970
- Exhibit 40. Photo 20240209\_150005228
- Exhibit 41. Photo 20240209\_150022522
- Exhibit 42. Photo 20240209\_150116989
- Exhibit 43. Deb Hill email *AA24-000001 114 N PERMUDA WYND DR* Fri 3/1/2024 10:28 AM
- Exhibit 44. Kristen Buckley email *Re: 114 N Permuda Wynd Drive, NTB* Fri 3/8/2024 3:55 PM
- Exhibit 45. Public Notice

## NOTICE OF REQUEST TO APPEAL

This letter intends to serve as official notification and full intent to appeal North Topsail Beach Town Citation 23-00117 issued by North Topsail Beach Planning Director, Deb Hill on February 1, 2024.

The citation issued declares property owners, PHILIP & KRISTEN BUCKLEY, through COASTLAND CONSTRUCTION LLC (contracted party) violated town ordinance §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and assessed citation penalty § 10.07.02 REBUILDING OF DAMAGED DUNES.

The supporting narrative drafted by Planning Director Deb Hill indicated the following:

- 1. Friday, January 26, 2024 3:57 PM DCM J LUCAS NOTIFIED NTB OF CONTRACTOR WANTING TO ROTATE STAIRS 90 DEGRESS. Monday, January 29, 2024 8:31 AM K WINZLER RESPONDED WITH ZONING PERMIT CONDITONS. Mon 1/29/2024 10:19 AM D HILL RESPONDED; J LUCAS RESP HE SPOKE W MATT DAVIS TOLD HIM 1ST STEP TO DISCUSS MODIFICATION WITH RALPH.*
- 2. JOINT BLDG/ZONING INSP 2/1. MET MATTHEW DAVIS ON SITE ON OR ABOUT 12:54 PM*
- 3. Matthew Davis Coastland Construction LLC installation of pilings within 5 ft dune buffer constitute VIOLATION OF 10.02.02 DEVELOPMENT INCONSISTENT WITH CONDITIONS OF ZONING PERMIT ZFP23-000224.*
- 4. Matthew Davis Coastland Construction LLC installation of pilings within 5 ft dune buffer constitutes VIOLATION OF 10.07.02 (A) REBUILDING OF DAMAGED DUNES. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner.*

## **PREFACE**

On or about October 23, 2023, recently acquired property owners of 114 N PERMUDA WYND (Lot 30 of Village of Stump Sound) contracted with Coastland Construction LLC to rebuild existing deck and stairs permanently attached to the rear of the home. Deck and stairs which presented unsafe and exhibited significant rot and weather deterioration beyond aesthetic repair (Exhibit A).

During the design and review phase, the existing rear stairs, which provided access to the first and second habitable floor, were noted as exceptionally unsafe and egregiously constructed in violation of both present and past building code dating back to the original construction of the home (Exhibit B). Upon further review and in consideration of IRC 2018, Village of Stump Sound HOA Covenants and North Topsail Beach Zoning Setbacks, there presented no mathematical possibility to reconstruct the stairs in a

similar fashion to conform to all applicable guidelines. Independent research of county and town records of recorded work history on the property indicated no permits had ever been issued for the stairs post original home construction. Based on that information, and the presented exclusion from Onslow County GIS footprint, it was determined that in all likelihood the existing stair and landing were either:

- A. Authorized and permitted to be constructed in the presented fashion as part of the original home construction by which “stairs and ramps that provide access” are excluded from “building footprint”. OR
- B. Had been reconstructed and/or constructed after the issuance of original CO outside of purview of local Building Safety.

It is widely understood and standard practice through Onslow County GIS that stairs and ramps that provide access are excluded from “building footprint.” The accepted definition of “building footprint” through LEED (Leadership in Energy and Environmental Design) as well as NCARB (National Council of Architectural Registration Boards) is cited as: *means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.* Onslow County GIS substantiates this assertion as evidenced by Exhibit O. Exhibit O consists entirely of single family residential dwellings within ¼ mile of 114 N Permuda Wynd that all have, A) stairs with support posts that provide access, B) stairs and landings with support posts that provide access, and/or C) stairs, landing and ramps with support posts that provide access; all which are excluded from the GIS building footprint identical to 114 N Permuda Wynd. (Note: this list is not exhaustive and is intended only to be a basis for interpretation in lieu of an acceptable term defined by North Topsail Beach.)

The decision was made collaboratively amongst the homeowners and Coastland Construction LLC, by process of elimination, to apply for permit of the build with the new stairs constructed perpendicular to the home with a returning ramp connecting the first habitable floor deck to the stair landing(s) as depicted in Exhibit C. The specific details and scope of the contracted work is outlined in 2018 NC Existing Building Code and 2018 NC Residential Code. The strategic layout of the descending stairs conforms to NC DOI Office of the Fire Marshal 2022 interpretations regarding multi-level decks (Exhibit N). The cost of the proposed work is significantly less than 50% the value of the existing building and therefore meets standard exemption from CAMA and is defined by 2018 NC Existing Building Code as *not a substantial improvement* ([https://up.codes/viewer/north\\_carolina/iebc-2015/chapter/2/definitions#substantial\\_improvement](https://up.codes/viewer/north_carolina/iebc-2015/chapter/2/definitions#substantial_improvement))

Pursuant to the guidelines set forth by North Topsail Beach and publicly posted on the North Topsail Beach website (<https://www.northtopsailbeachnc.gov/buildinginspections/page/deckstairsramp->

[application](#)) under “Deck/Stairs/Ramp Application”, permit requests must be made to NC Department of Environmental Quality representatives prior to the submission of permit applications. It is further understood and widely recognized in the community that North Topsail Beach will not review or engage with any constituent seeking permit guidance throughout the proposed permitting process until NC DEQ representatives have reviewed and permitted and/or exempted the proposed project first. This is not a speculation but a statement of fact based on previous instances dated:

On or about 3/20/2021; On or about 8/1/2022

On or about October 24, 2023, Coastland Construction contacted NC DEQ representative Heather Styron, submitting complete scope of work with supporting photography, requesting review of the proposed project and on October 26, 2023, Heather Styron issued CAMA Single Family Residential Exemption 53-23, Structural Maintenance and Repair of an Existing Structure (Exhibit D) pursuant to the provisions outlined in CAMA Handbook for Coastal Development (<https://files.nc.gov/ncdeq/Coastal%20Management/documents/PDF/CAMA/CAMA%20Handbook%202014%20edition%20printable.pdf>) which state:

*CAMA exempts the maintenance and repair (but not replacement) of any damaged structure, provided the repair is less than 50 percent of the value of the structure, or 50 percent of the structural elements of a water-dependent structure as described in 7J.0210.*

This directive aligned with all relevant research and past working knowledge regarding 1 and 2 story decks maintained in the Onslow County GIS directory.

Prior to the submission of any build permit application by Coastland Construction, it is standard practice to background research the contracted property for any previous documented instances of non-compliance, review the property record maintained by the local government (Onslow County GIS) and ascertain all applicable building codes for the most accurate and effective permitting process.

On November 7, 2023 Coastland Construction submitted complete permit package through North Topsail Beach online portal CitizenServe. The permit submission was submitted as Simple Build Permit, Zoning and Floodzone Development permit application(s) from which the package specified the conditions outlined in CAMA EX 53-23 and included:

1. The complete set of plans drafted internally by Coastland Construction (Exhibit E)
2. The plat plan with GIS recorded footprint and proposed new set of stairs (pg 6 of Plans, Exhibit F)
3. CAMA Exemption 53-23 (Exhibit D).
4. CBI Inspection Report of Owens Corning structural lumber used for reconstruction.
5. Owens Corning Span Performance Datasheet

On November 14, 2023, the electronic record of North Topsail Beach Employee Kate Winzler recorded timestamp approval of permit ZFP23-000224. The INITIAL REVIEW approval was accompanied by a list of questions made by Kate Winzler (that corresponded with an email) that were easily identifiable in the permit package plans. Ms. Winzler was answered via email and directed to submitted building plans. Specifically, notice was received that the permit application was incomplete and we needed to respond to the questions. The questions were answered and noted as easily identifiable in the submitted plans.

On November 14, 2023, the electronic record of North Topsail Beach Employee Kate Winzler recorded INITIAL REVIEW timestamp approval of permit SB23-000111.

On November 16, 2023, the electronic record of North Topsail Beach Employee Kate Winzler recorded PERMIT REVIEW timestamp approval of permit SB23-000111 with notes "pending zoning and floodplain approval".

With a start date recorded on November 14, 2023 and completion date of November 16, 2023 the electronic record BUILDING REVIEW with no recorded employee was approved.

With a start date of November 14, 2023 and completion date of November 21, 2023, the electronic timestamp record of North Topsail Beach Employee Deb Hill recorded her review approval of permit ZFP-000224 with the recorded notes "no change in footprint, existing pilings."

On November 21, 2023 the complete permit(s) SB23-000111 and ZFP23-000224 were paid and issued to Coastland Construction LLC. No changes to the submitted building plans or proposed plat plan were requested throughout the process and were henceforth regarded as approved.

On Thursday December 21, 2023, construction began at 114 N Permuda Wynd. During the removal of the now former stairs, it was discovered the rail section was providing much of the structural support and upon railing removal the stairs collapsed. Upon removal and detachment from host structure of the damaged joists supporting the first habitable floor deck depicted in Exhibit G, the existing 6x6 pilings supporting the first and second floor deck descended out of the vertical position in excess of approximately 15-20 degrees. This could only occur in a properly embedded piling if (A) the piling sustained lateral impact and was broken off beneath the surface or (B) the wood piling had rotted through beneath the surface. It was discovered at that time that existing 6x6 pilings A, B and C (Exhibit H) had a post embedment of approximately 3' below grade, 4' and 4' respectively. Some of the previously existing 6x6 pilings have been retained and clear grade level saturation marks are present. In accordance with NC Existing Building Code [BS] 606.1 and NC Residential Code Chapter 46 R4603.4, Coastland Construction replaced pilings A, B and C and resumed construction in accordance with the permitted plans.



On Thursday, January 18, 2024, during the new stair construction phase of the build, specifically the deck and stair support post install, representatives of the Village of Stump Sound ARC committee visited the site of construction. The ARC President advised that a homeowner from the adjacent property complained about the location of the deck support post in relation to the seaward dune. The ARC member was advised of the owners receipt of ARC approval on December 1, 2023 from the ARC Change Request and the present DEQ CAMA Exemption, zoning and build permits authorized by NC DEQ and North Topsail Beach. Through subsequent follow-up conversations with Village of Stump Sound ARC President, it was contested by the ARC to Coastland Construction and homeowner that the aforementioned approvals were authorized within the "building footprint" and that "stairs and ramps that provide access" ARE NOT part of the "building footprint." The Village of Stump Sound issued request of property owners, without regard to provided supporting documentation disproving ARC's assertion, that homeowners seek further authorization from NC DEQ before further work continue. Coastland Construction, in confluence with the homeowners, ceased all work on the presently permitted job at the end of business on January 18, 2024 and contacted recently assigned NC DEQ field representative Jonathan Lucas to provide clear instruction and articulation for the permitted job and to seek a resolution to the complaint.

Jonathan Lucas returned call placed to his office and brief overview was outlined on January 23, 2024. Mr. Lucas determined a site visit was appropriately needed to review the present build in process and the site visit with Coastland Construction and homeowner was conducted on January 24, 2024. During the site visit, various avenues and articulations were discussed, including our full interpretation of the law and existing permitted plans. More information was required for Mr. Lucas to make a formal determination so we concluded the meet with action items needed for follow-up. Following the site visit, a recap email was sent by Matthew Davis (Coastland Construction) to Mr. Lucas (Exhibit I, Attachments labeled Exhibit I-1-3) detailing the action items discussed, as well as specific codes applicable in Coastland's decision to originally permit the job with the stairs perpendicular to the home as opposed to parallel. Alternative solutions were discussed during the site visit, including a beach access walkway, in the event "building footprint" was redefined administratively outside of our knowledge base. In an effort to be further prepared, Coastland Construction submitted separate email to Mr. Lucas regarding the proposal of Beach Access Walkway (Exhibit K, Attachment K-1), should the need arise. The area presumably of debate was the ramp connecting the stair landings to deck level 1.

On Thursday, January 25, 2024 homeowners requested Coastland Construction resume work on the portions of the deck not subject to the areas in review while a decision was being determined. On Friday, January 26, 2024 prior to the end of business, Mr. Lucas sent email to Matthew Davis (Coastland Construction) Exhibit J, advising receipt of previously sent email(s) and requested a little more time to sort through information on his end. On Monday, January 29, 2024 Mr. Lucas called Matthew Davis (Coastland Construction) and advised that it was his intent to maintain the current and active CAMA Exemption 53-23 with the code compliant confirmation

from North Topsail Beach Building Inspector that the former original stairs could in-fact not be rebuilt as they previously were in accordance with applicable building code.

On Monday, January 29, 2024 Matthew Davis (Coastland Construction) contacted Ralph Allen of North Topsail Beach and recapped the events to date. Mr. Allen provided a separate number where he could be reached on the morning of Tuesday, January 30, 2024 and requested a text message between 0900 and 1000 and he would make a site visit before end of day. On Tuesday, January 30 at approximately 1034, Matthew Davis inadvertently text Mr. Allen on the office line and not the provided cell number previously provided. At the present time, Coastland Construction was transferring work vehicles from another residence outside the area to 114 N PERMUDA WYND to resume work on the areas of the deck not subject to the area in dispute. At the end of business on Tuesday, January 30, after no response had been received by Mr. Allen, it was discovered that the wrong number had been texted.

On Wednesday, January 31, 2024, Matthew Davis (Coastland Construction) text Mr. Allen at the correct number provided at 0717 indicating the previous day error and present availability for a site visit and again at 1022 indicating the exact same information provided at 0717. Mr. Allen acknowledged and indicated a site visit later in the afternoon. On the afternoon of Wednesday, January 31, 2024, Mr. Allen arrived to 114 N PERMUDA WYND and a brief recap was discussed. With the totality of information discussed, Mr. Allen requested a return visit on Thursday, February 1 to afford the opportunity to meet having reviewed the permit and submitted plans.

On February 1, Mr. Allen arrived during the morning hours and a recap of DEQ was again discussed. Mr. Allen ascertained from the plans that he needed to discuss with Zoning official Deb Hill and preliminarily scheduled a site visit with himself, Matthew Davis and Deb Hill on the morning of Monday, February 5, 2024. Matthew Davis contacted homeowner and advised of the pending North Topsail Beach meet on February 5, 2024.

Prior to 1200 on February 1, Mr. Allen called Matthew Davis and advised he had recently visited with Deb Hill and she had requested to collectively meet at 114 N PERMUDA WYND on the same day and that they would be arriving shortly thereafter.

In preparation for the pending visit, Matthew Davis pulled all relevant and required permitting documentation and had it all on his person in preparation to alleviate the need for another site visit. Deb Hill arrived onsite in advance of Ralph Allen. On the property at the time of the interaction were Coastland Construction admin staff and a member of leadership/build team for Coastland Construction. After several minutes of remaining in her vehicle, Deb Hill was politely greeted by Matthew Davis when she exited and noted to have a couple of sheets of paper on her person. During the initial interaction Matthew Davis thanked her for coming out and offered a recap of the events to date including the need to have additional supporting documentation. Deb Hill declined the offer and proceeded to the area of the property where construction was underway while Ralph Allen was departing his vehicle. Following behind Ms. Hill while

attempting to engage Mr. Allen, Matthew Davis arrived to the area of the build after Ms. Hill and before Mr. Allen. Without any sort of provocation, Deb Hill dismissively asserted the verbal assessment of a \$10,000 fine to the homeowners and subsequent \$10,000 per day fine until the area was compliant. Matthew Davis requested the basis of the determination without any amount of working knowledge regarding the events to date on her person or referenced prior to assertion. Deb Hill repeated her assertion which again failed to provide a basis so Matthew Davis specifically outlined the events leading up to the request to have North Topsail Beach make a site visit and determination so DEQ could advise with a recommended or revised plan of action. Matthew Davis advised of the present permit in place, advised Ms. Hill of her specific approval of the permit in place and advised Ms. Hill (in the absence of her present review of the plans of the permit) that every item onsite constructed to date matched identical to what was permitted by North Topsail Beach. In attempt to present those plans, which was currently in Matthew's possession, Deb Hill rejected receipt and began reading an email transcript between herself and Jonathon Lucas on January 26 from which Jonathon Lucas had indicated Coastland Construction would be reaching out in confluence of his direction to seek further clarification so a determination could be made on the best way to proceed and the potential need for additional permitting if so required (Exhibit L). Deb Hill verbally questioned if Matthew had made contact with Jonathon Lucas and Matthew confirmed the affirmative and iterated "hence why we have requested her involvement today." Deb Hill provided Matthew with the email transcript and Matthew questioned the relevancy of the email in her limited argument with the exception that Ms. Hill had provided dated proof that she had working knowledge that Coastland Construction (Matthew Davis) would be reaching out to her department for further assistance of the homeowners prior to NC DEQ's advisement to Coastland Construction of the same. And that in her role as a government official charged with the specific safety and preservation of resources it would be ethically and morally indicative of her to step in at the onset of being advised that an entity operating in her area of responsibility is seeking guidance and direction in helping her constituents do the same, especially when it regards a process that she herself has approved.

Matthew Davis continuously cited supporting and applicable building code, provided and reiterated specific conformity to the processes instilled by North Topsail Beach and Deb Hill rejected each notion. In the process of that articulation, Ralph Allen acknowledged that North Topsail Beach had been advised of a grievance with the homeowners and the HOA citing specifically that the homeowners were told to stop work by the management company. Presently, no party outside of the homeowners and Coastland Construction had discussed the basis of requests to review the active permits and exemptions in place for further clarification on dune layout and the nature of it's relevancy to specific building code and with that statement, it occurred to Coastland Construction (Matthew Davis) that specific members of North Topsail Beach had working knowledge of subjective information much further in advance of the notification by Jonathan Lucas and failed to engage or act in any manner. Equipped with that information, Coastland Construction (Matthew Davis) denounced the inner workings of "the good ole boy network" and requested the immediate and fact based determination of Deb Hill so that immediate action could be taken to correct and/or remedy the

situation without detriment to any party involved. Deb Hill advised she needed to review her notes to make such assessment and again Matthew Davis advised he had all the relevant documentation, permits and correspondence in hand to make an informed decision and that it was his interpretation of events surrounding the site visit that Planning Director Deb Hill's agenda was predetermined well in advance of the requested site visit and she intended to execute her position of power, on hearsay, without due regard, to inflict as much harm as possible to the homeowner and Coastland Construction because she prematurely determined we operated outside the scope of the permit before seeking permission from her, to do so. Deb Hill rejected again and Matthew Davis provided all available contact phone numbers again and requested an immediate call the moment Deb "reviewed her notes" so action could be taken.

At 6:18 pm on 2/1/24 Deb Hill sent an email with citation and penalty.

**ANSWER**

1. *Friday, January 26, 2024 3:57 PM DCM J LUCAS NOTIFIED NTB OF CONTRACTOR WANTING TO ROTATE STAIRS 90 DEGRESS. Monday, January 29, 2024 8:31 AM K WINZLER RESPONDED WITH ZONING PERMIT CONDITONS. Mon 1/29/2024 10:19 AM D HILL RESPONDED; J LUCAS RESP HE SPOKE W MATT DAVIS TOLD HIM 1ST STEP TO DISCUSS MODIFICATION WITH RALPH.*

COASTLAND CONSTRUCTION ASSERTS - NC DEQ representative J Lucas was contacted by Coastland Construction to provide CAMA interpretation of the "CAMA line" as requested by homeowner's HOA regarding the permitted work constructed pursuant to SB23-000111 and ZFP23-000224 in accordance with NC Existing Building Code and the resulting toe of the frontal dune impact. J Lucas was provided requisite background information and code compliant sourced material articulating the elected decision to originally permit the job by North Topsail Beach with the stairs constructed perpendicular. No deviation from the plat plan in confluence with the build plans have ever occurred.

2. *JOINT BLDG/ZONING INSP 2/1. MET MATTHEW DAVIS ON SITE ON OR ABOUT*

Coastland Construction requested North Topsail Beach clarification and assistance to ascertain a joint interpretation of the resulting dune impact from the construction of the permitted work.

3. *Matthew Davis Coastland Construction LLC installation of pilings within 5 ft dune buffer constitute VIOLATION OF 10.02.02 DEVELOPMENT INCONSISTENT WITH CONDITIONS OF ZONING PERMIT ZFP23-000224.*

Coastland Construction installed deck support and stair posts in accordance with the permitted plans (Exhibit E, page 2). Permitted plans and scope of work are subject to

the provisions outlined in NC Existing Building Code in addition to NC Residential Building Code. Unsafe conditions were eliminated.

- 4. *Matthew Davis Coastland Construction LLC installation of pilings within 5 ft dune buffer constitutes VIOLATION OF 10.07.02 (A) REBUILDING OF DAMAGED DUNES. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner.*

Conditions of assessed monetary penalty are dependent upon a violation of 10.02.02.

**CLOSING**

Property owners and Coastland Construction LLC have made every effort to provide relevant and factual data regarding the basis for the complete scope of work and have complied, in its entirety, with the approved and permitted plans of North Topsail Beach and all relevant and lawful directives and interpretations as they were understood. When owners and Coastland Construction were notified of any perceived discourse, even from non-governing bodies, Coastland Construction ceased all active work on the area contested and made every good faith effort to seek guidance and counsel from every governing body applicable, even in the absence of no lawful directive to do so. Furthermore, Coastland Construction and home owners made available every interpreted law, defining term and regulation perceived relevant and sought specific guidance to help facilitate an amicable resolution in the best interest of all, regardless of their intent.

The guidance and assistance provided by NC DEQ representative Jonathon Lucas and North Topsail Beach Building Inspector Ralph Allen was professional and courteous throughout and assistance was offered well beyond the scope of what has been traditionally received and come to be expected in years past. The actions and present disposition of North Topsail Beach Zoning Official Deb Hill were nothing short of Arbitrary and Capricious as evidence by her provided email records and lack of direct involvement until such time as her name was called and she perceived her directives to J Lucas to be violated. It is further noted and personally recalled from the interaction that took place at 114 N PERMUDA WYND on Thursday February 1, 2024 that the term “help” was used on multiple occasions by Matthew Davis and North Topsail Beach’s Deb Hill dismissed and refused to provide any such assistance.

It is further substantiated in the acts, emails and omissions by Zoning Official, Deb Hill, that based on the totality of evidence, had Deb Hill reviewed the proposed permit plat plan, build plans and 3D images provided in the original permit application submitted by Coastland Construction on November 7, 2023, the job (based on her present assertions) would have never been lawfully permitted as submitted and any non-compliant condition alleged while in strict compliance with build plans, be rendered moot. Pursuant to NC General Statute, code enforcement officials are not required to review plans for permitting however, North Topsail Beach Ordinance 2.06.13 ZONING PERMIT (B) dictates: *It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning permit for any purpose regulated by this ordinance until he or she has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator may require that every application for a zoning permit be accompanied by a plan or plat drawn to scale*

and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance.

As a matter of public record, Deb Hill has further demonstrated the individual capacity to render the Onslow County GIS footprint (Exhibit M, email dated 2/5/24) along with satellite photos of the property as it was constructed prior to recent permit issuance (Exhibit M, email dated 2/5/24). It is abundantly evident, Zoning Official Deb Hill failed to perform the duties and responsibilities of the position from which she is assigned.

Coastland Construction respectfully requests 1) North Topsail Beach Appellate Board reverse and rescind citation §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and assessed citation penalty § 10.07.02 REBUILDING OF DAMAGED DUNES and 2) Issue conditions for a variance on permits SB23-000111 and ZFP23-000224.

BUCKLEY PHILIP H & KRISTEN A  
 1735 MINLEY WAY  
 APEX, NC 27502-5776

February 01, 2024

23-001117

## TOWN CITATION

You are hereby notified of an inspection conducted on February 01, 2024, by Deborah Hill of 114 N PERMUDA WYND DR in North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice, from 02/01/2024 to 02/08/2024.

Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

Code Section	Code Description	Fee Amount
10.07.02 (A)	Rebuilding of Damaged Dunes	\$10,000.00
<b>TOTAL AMOUNT DUE</b>		<b>\$10,000.00</b>

If you fail to pay the civil penalties within seven days 02/08/2024 after having been cited, the town may recover the penalties in a civil action in the nature of the debt.

If the violation is not abated as directed and no request for hearing is made within the prescribed time, the town will abate such violation, assess the cost thereof against such person, and pursue appropriate criminal and/or civil penalties.

**BY ORDER OF THE PLANNING DIRECTOR**



**Signature of Issuing Code Enforcement Officer**

Town of North Topsail Beach  
 2008 Loggerhead Ct, North Topsail Beach, NC 28460  
 Phone: (910) 328-1349

Friday, January 26, 2024 3:57 PM DCM J LUCAS NOTIFIED NTB OF CONTRACTOR WANTING TO ROTATE STAIRS 90 DEGRESS.  
 Monday, January 29, 2024 8:31 AM K WINZLER RESPONDED WITH ZONING PERMIT CONDITIONS. Mon 1/29/2024 10:19 AM D HILL RESPONDED; J LUCAS RESP HE SPOKE W MATT DAVIS TOLD HIM 1ST STEP TO DISCUSS MODIFICATION WITH RALPH.  
 JOINT BLDG/ZONING INSP 2/1. MET MATTHEW DAVIS ON SITE ON OR ABOUT 12:54 PM

Matthew Davis Coastland Construction LLC installation of pilings within 5 ft dune buffer constitutes violation of:  
 10.02.02 DEVELOPMENT INCONSISTENT WITH CONDITIONS OF ZONING PERMIT ZFP23-000224.  
 10.07.02 (A) REBUILDING OF DAMAGED DUNES.

It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner.







EXHIBIT A - BUCKLEY APPEAL

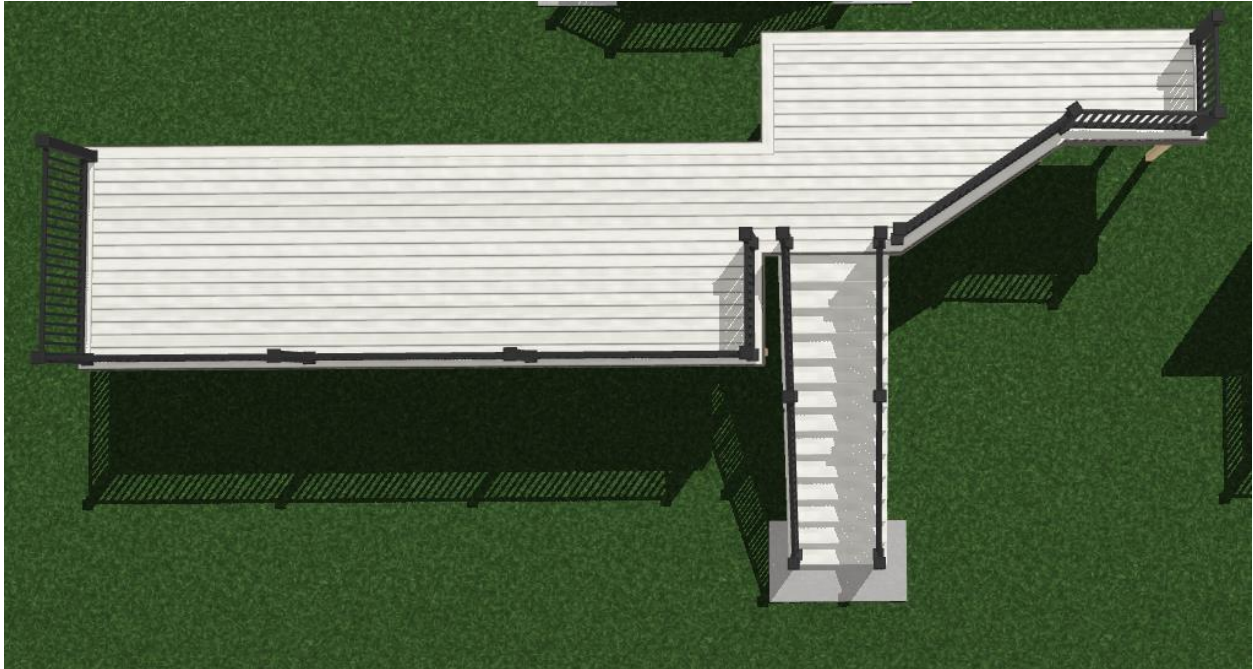








Second Floor Deck with Stairs



First Floor Deck, Stair and Ramp for Access





NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director

October 26, 2023

Exemption Number – EX 53-23

Philip and Kristen Buckley  
c/o Mathew Davis  
1735 Minley Way  
Apex, NC 27502

**RE: EXEMPTED PROJECT (Statutory Exclusion) - MAINTENANCE AND REPAIR OF EXISTING STRUCTURES - [G.S. 113-103(5)(B)(5) and [15A NCAC 7K.0103(a)]**

**PROJECT ADDRESS – 114 N Permuda Wynd Drive, North Topsail Beach  
AREA OF ENVIRONMENTAL CONCERN – Ocean Hazard AEC**

Dear Mr./Mrs. Buckley:

I have reviewed the information submitted to this office in your contractor’s inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. I have determined that the activity proposed is exempt from needing a minor development permit as long as it remains consistent with the description and materials list submitted via email on 10/26/2023, and meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

**MAINTENANCE AND REPAIR – [G.S. 113-103(5)(B)(5) and 15A NCAC 7K.0103(a)]** - Maintenance and repairs (excluding replacement) necessary to repair damage to structures caused by the elements are specifically excluded from the definition of development under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC shall contact the local CAMA representative for consultation and advice before beginning work.

Structures may be repaired in a similar manner, size and location as the original structure. No expansions or additions are permissible. The repairs are limited to 50% of the market value of the existing structure and the following specific conditions.

1. The project consists of the repair of the decks, railings, stairs, and damaged structural joists.
2. The proposed repairs shall be consistent with all other applicable local ordinances and North Carolina Building Code standards.
3. No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint.
4. No other work is authorized by this exemption letter.
5. **The Permittee shall be responsible for obtaining any and all necessary authorizations, approvals, or zoning and building permits from the local government having jurisdiction (Town of North Topsail Beach and/or Onslow County) prior to commencing work.**

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization and N.C. Building Permits. This exemption expires 90 days from the date of the letter.

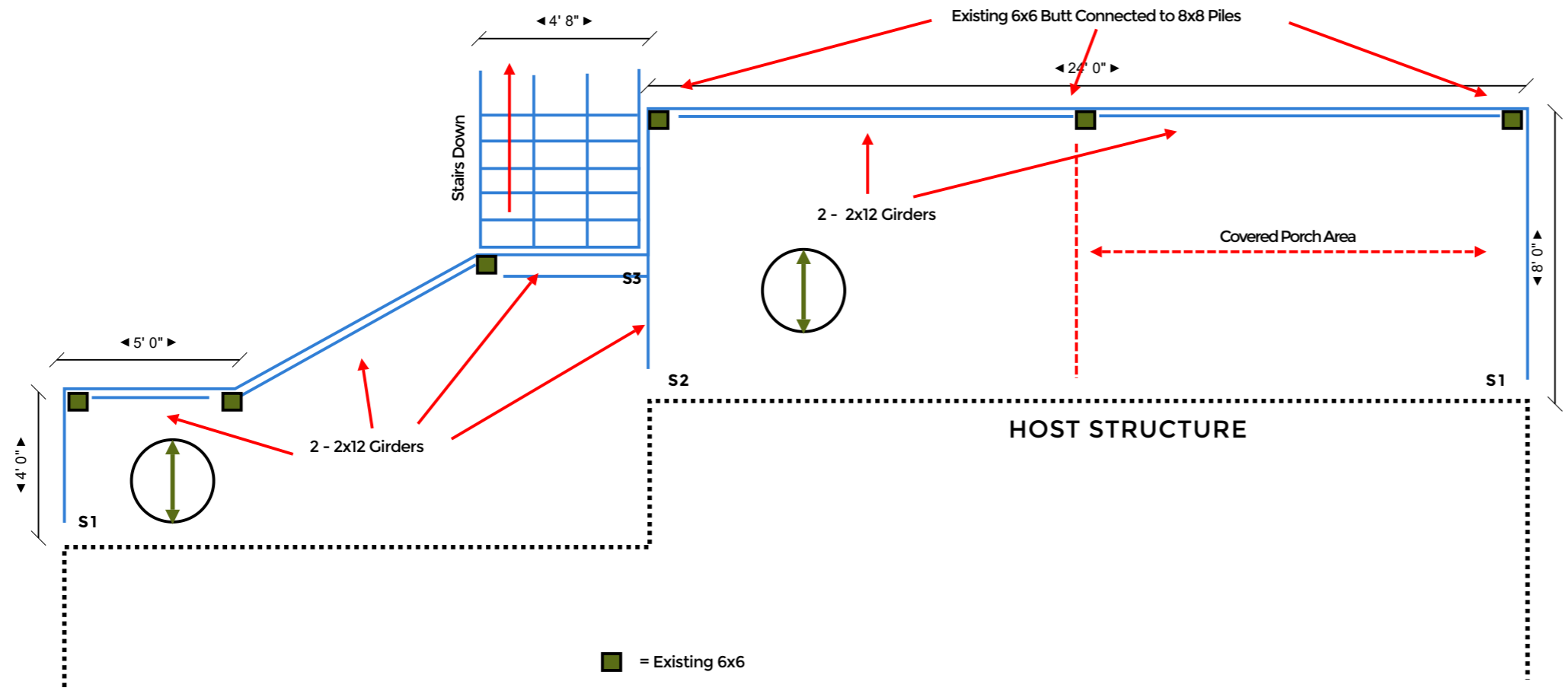
Sincerely,

*Heather M. Styron*

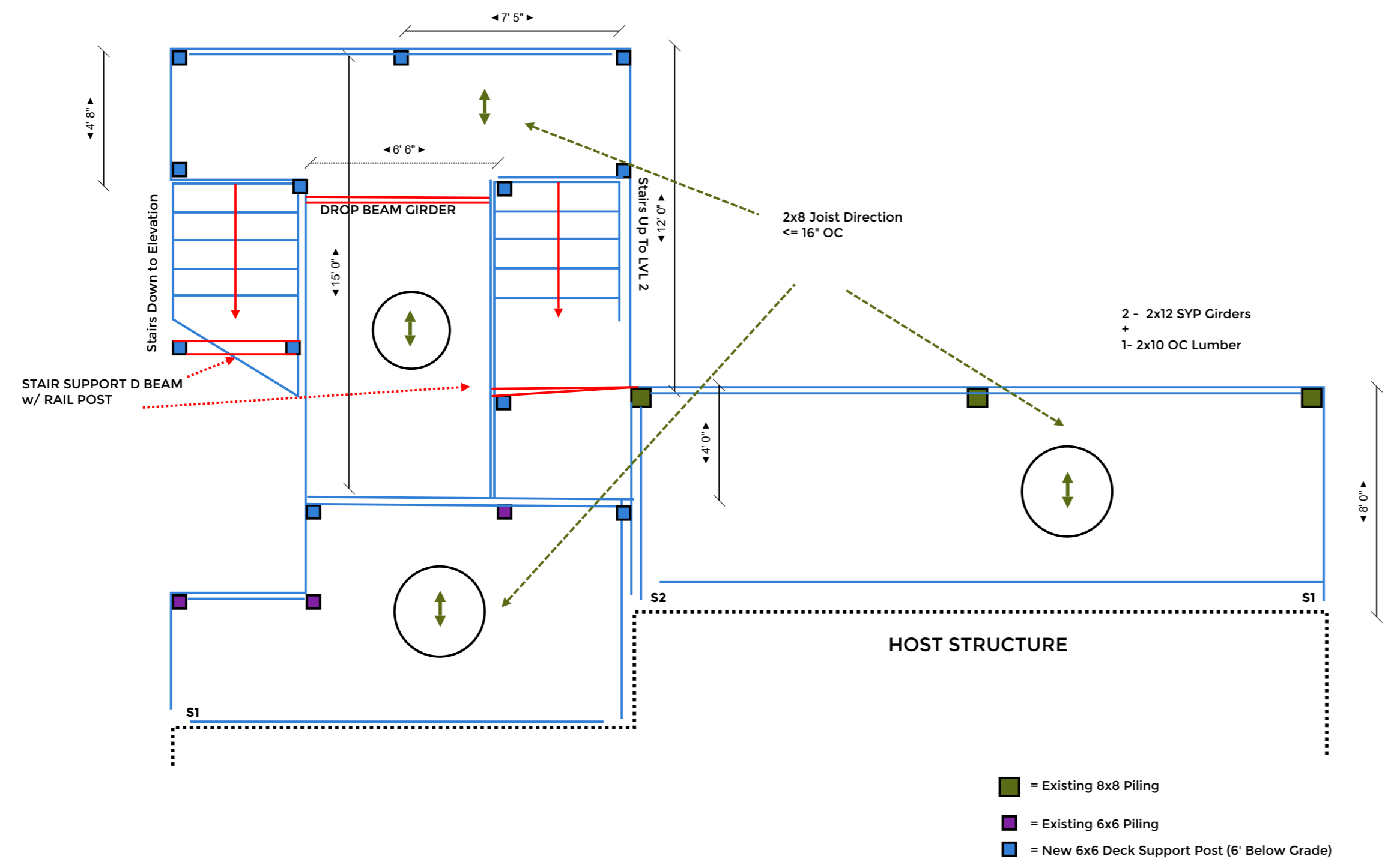
Heather M. Styron, District Manager  
NC Division of Coastal Management  
400 Commerce Ave.,  
Morehead City, NC 28557







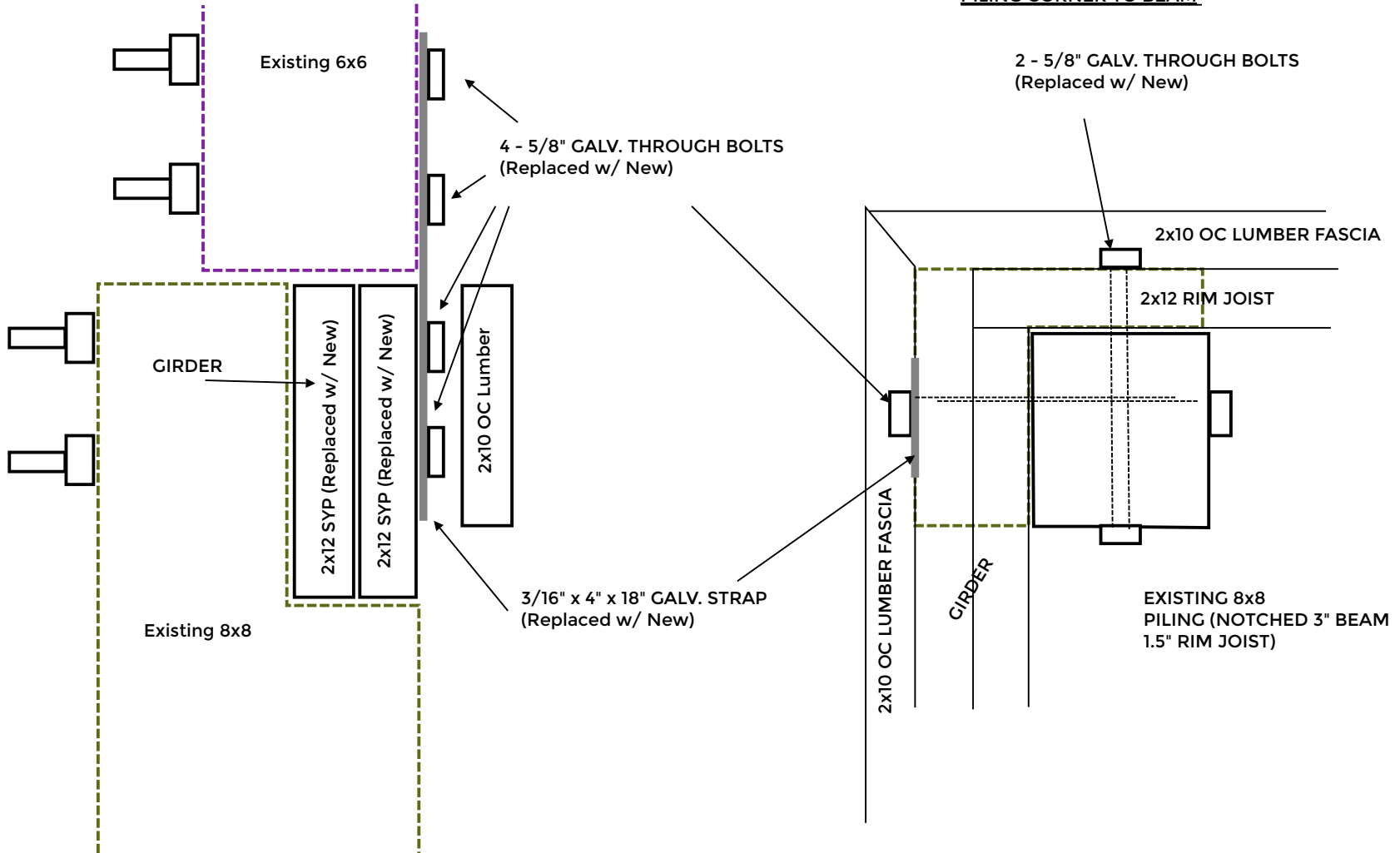
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Title:	Buckley Deck Rebuild	Scale:	1/4" : 1'0"	Date:	10/30/2023	Rev:	A	



Site:	114 N. Permuda Wynd	Drawing:	801506	Project:	0000416	Drawn:	MSD	Notes:	Acme Builders Corp 1234 Oak Road Yorktown, NY 10598
Title:	Buckley Deck Rebuild	Scale:	1/4" : 1'0"	Date:	10/30/2023	Rev:	A		

PILING TO BEAM CONNECTION

PILING CORNER TO BEAM



Site: 114 N. Permuda Wynd

Drawing: 801506

Project: 0000416

Drawn: MSD

Notes:

Acme Builders Corp  
1234 Oak Road  
Yorktown, NY 10598

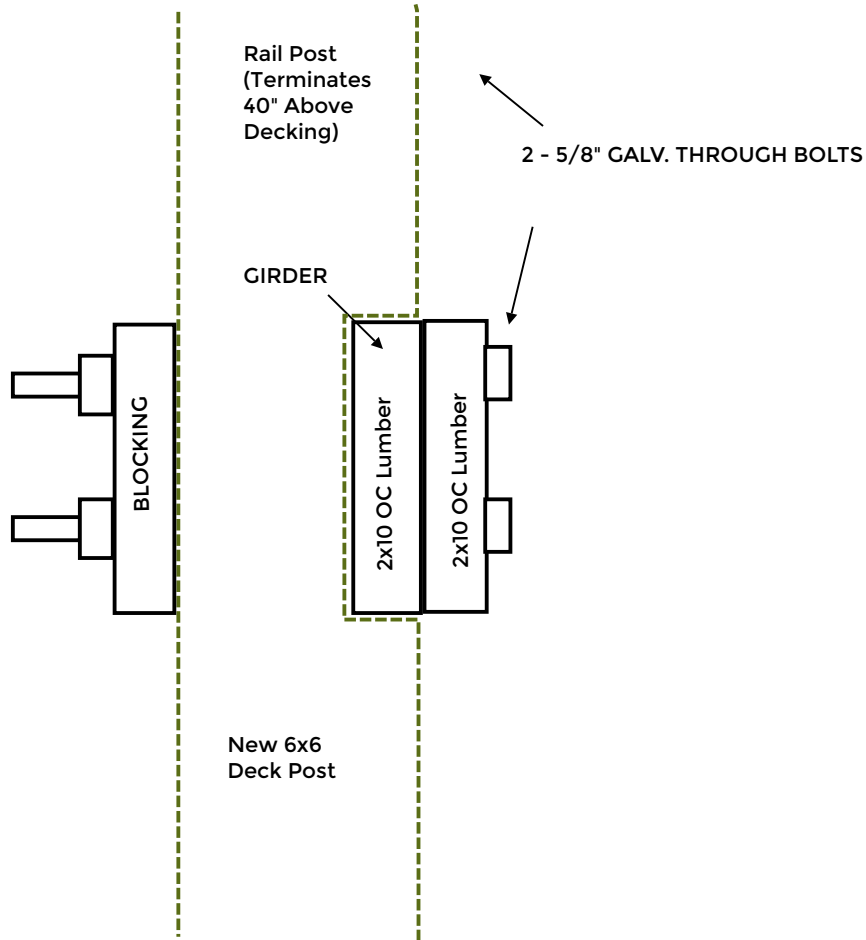
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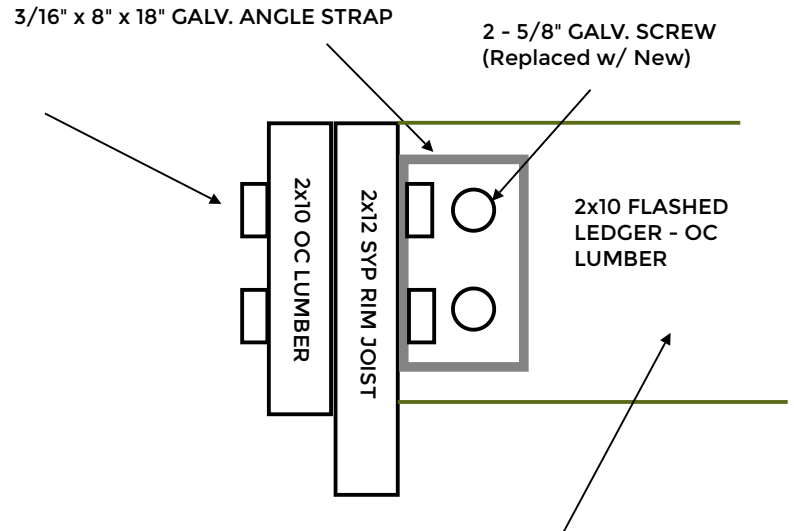
Date: 10/30/2023

Rev: A

**NEW POST TO BEAM CONNECTION**  
(Lower Level Walkway)



**S1**  
**HOST TO RIM JOIST CORNER CONNECT**



DECK ATTACHMENT FOR ALL STRUCTURES EXCEPT BRICK VENEER

FASTENERS	8' MAX JOIST SPAN <sup>a</sup>	16' MAX JOIST SPAN <sup>a</sup>
5/8" Hot-dip galvanized bolts with nut and washer <sup>b</sup> and 12d Common hot-dip galvanized nails <sup>c</sup>	1 @ 3'-6" o.c. and 2 @ 8" o.c.	1 @ 1'-8" o.c. and 3 @ 6" o.c.
OR		
Self-drilling screw fastener <sup>d</sup>	12" o.c. staggered	6" o.c. staggered

Site: **114 N. Permuda Wynd**

Drawing: **801506**

Project: **0000416**

Drawn: **MSD**

Notes:

Title: **Buckley Deck Rebuild**

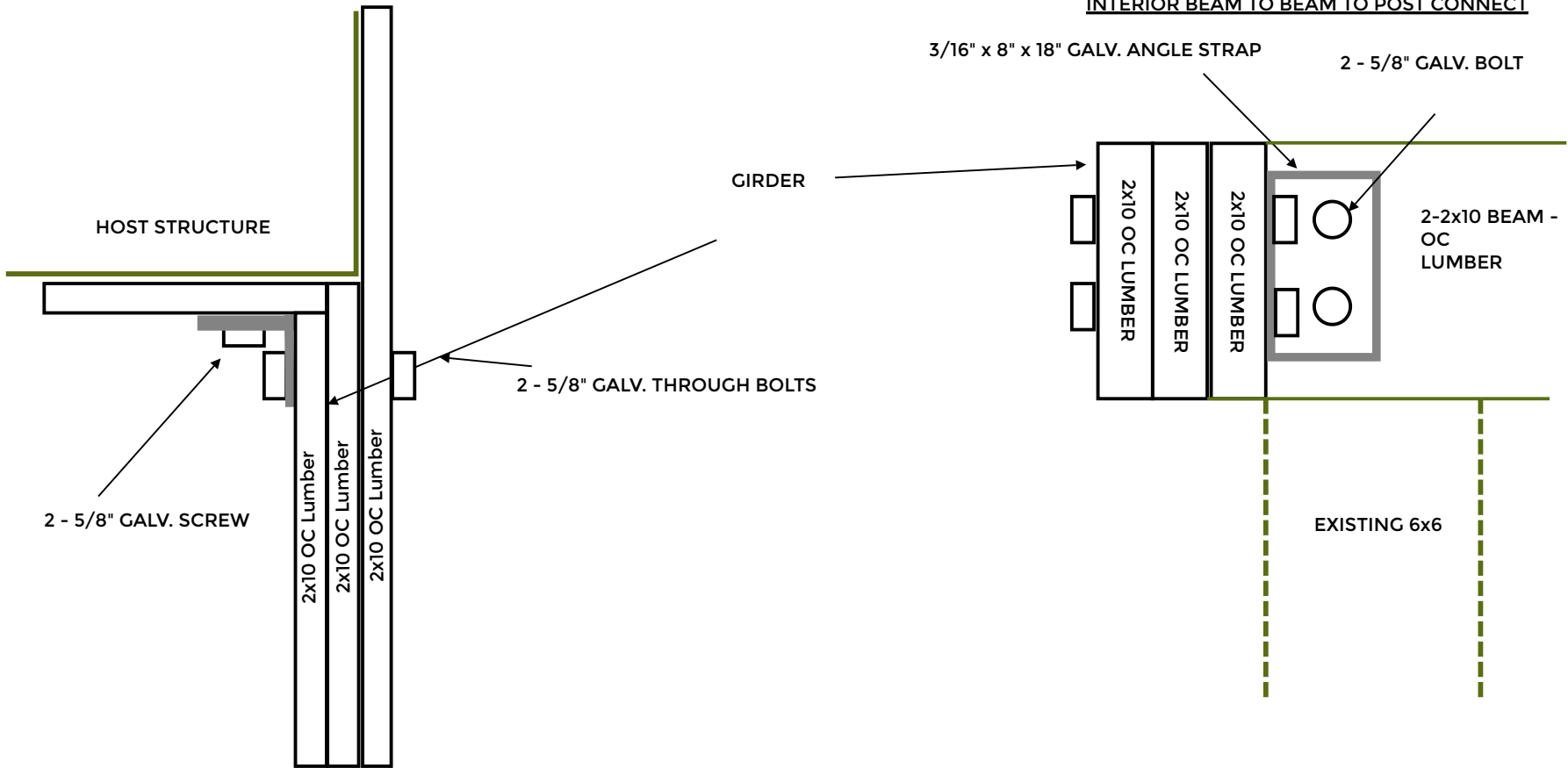
Scale: **1/4":1'0"**

Date: **10/30/2023**

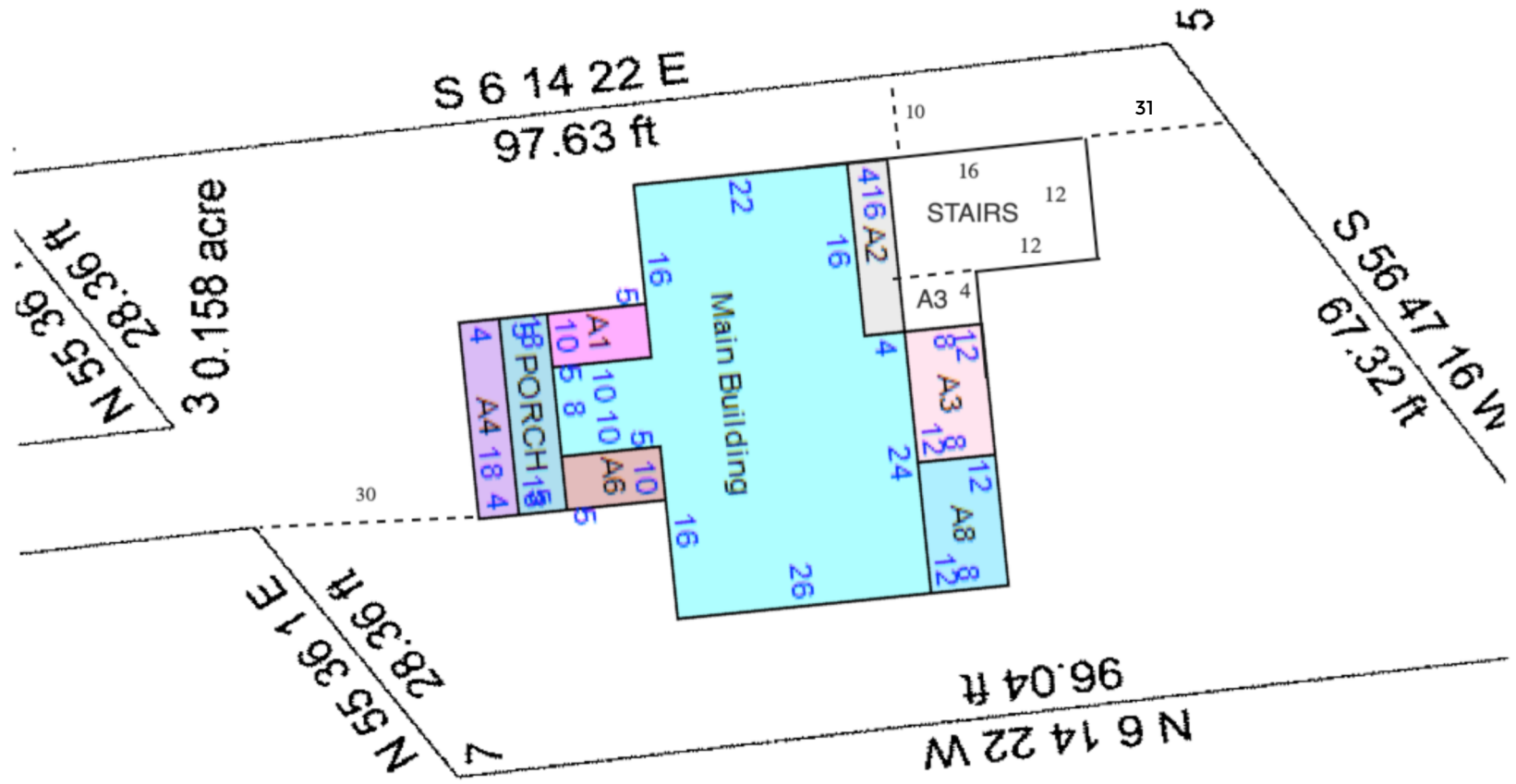
Rev: **A**

**S 2**  
HOST TO RIM JOIST CORNER CONNECT

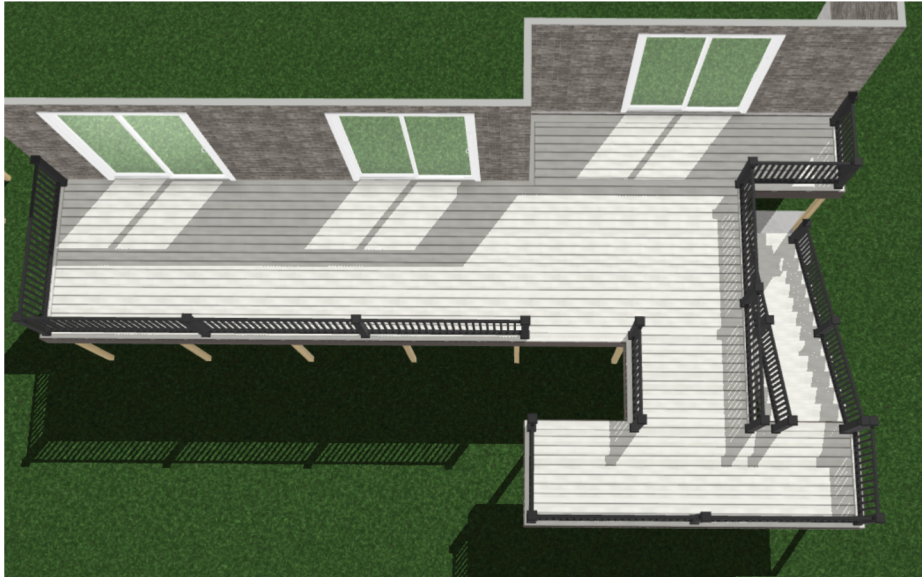
**S 3**  
INTERIOR BEAM TO BEAM TO POST CONNECT



Site: 114 N. Permuda Wynd	Drawing: 801506	Project: 0000416	Drawn: MSD	Notes:
Title: Buckley Deck Rebuild	Scale: 1/4":1'0"	Date: 10/30/2023	Rev: A	



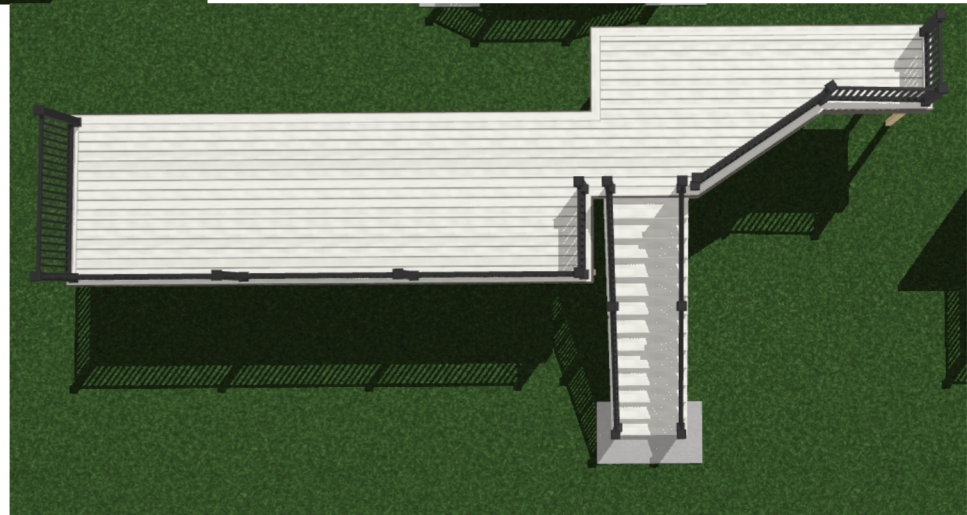
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Title:	Buckley Deck Rebuild	Scale:	1/4":1'0"	Date:	10/30/2023	Rev:	A	



1st FLOOR DECK

**BUCKLEY - Deck Rebuild**  
**114 N. Permuda Wynd**  
**North Topsail Beach, NC**

2nd FLOOR DECK



Site:	<b>114 N. Permuda Wynd</b>	Drawing:	<b>801506</b>	Project:	<b>0000416</b>	Drawn:	<b>MSD</b>	Notes:
Title:	<b>Buckley Deck Rebuild</b>	Scale:	<b>1/4":1'0"</b>	Date:	<b>10/30/2023</b>	Rev:	<b>A</b>	

Plat Plan  
 (As submitted on page 6 of project plans)

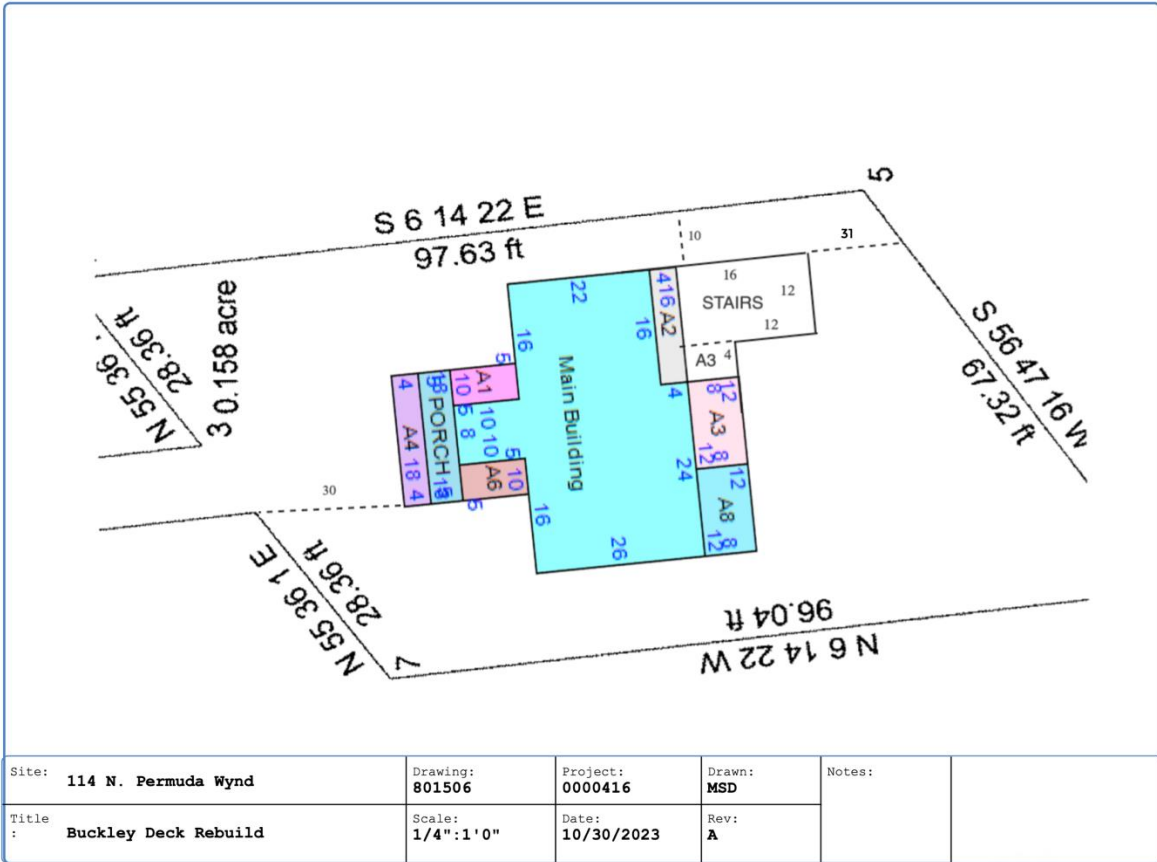













EXHIBIT H - BUCKLEY APPEAL





**From:** Coastland Skipper mdavis@coastlandbuilt.com   
**Subject:** SITE VISIT - 114 N PERMUDA WYND  
**Date:** January 25, 2024 at 8:43 AM  
**To:** jonathan.lucas@deq.nc.gov  
**Bcc:** Kristen Buckley kristen@1918.me

Jonathan,

Thank you for your swift response and availability for the site visit today at 114 N Permuda Wynd. We definitely make every effort to be up-to-date and informed as possible so we can provide as a resource to our customers while attempting to make your agency portions as seamless as possible. Your response time and knowledge base was certainly a welcomed treat and I personally appreciate it.

To recap:

1. We reviewed the previous deck and stair configuration to which we applied for and were issued CAMA EX 53-23 Maintenance and Repair Exemption in November 2023.
2. We reviewed the necessary building codes and zoning side setbacks that prompted the need to reconfigure reconstruct the stair layout.
3. We reviewed the impeding portions of the dune, the "footprint" and available options to address.
4. We discussed the pending "action items" and the follow-up items required, which were:
  - a. Consult and inquire with second level DEQ about stair and subsequent walkway to stairs (JL)
  - b. Provide digital copies of deck layout (MD)
  - c. Provide digital copies of revised deck layout for CAMA Exemption as "Beach Access Walkway" (MD)

In a separate and independent email, I will provide the revised CAD deck layout from action item b. and c. Each will be titled as such so each individual item is appropriately provided.

As a point of review for your consideration on the existing CAMA EX 53-23 and prior to your commencement and conclusion of action item a., I further researched some additional CAMA guidelines in confluence with NC Existing Building Code regarding the area of the platform providing access to the stairs and I think it may be beneficial. I will share some of the sources below:

1. The job, in its entirety (CAMA & NTB Building Safety) is permitted as Maintenance and Repair.
2. Both provisions outline we cannot expand the building footprint.
3. NC Existing Building code requires: (BS) 606.1 ... *Regardless of the extent of structural and non-structural damage, dangerous conditions shall be eliminated. Regardless of the scope of repair, new structural members used for repair or rehab shall comply with the detailing provisions of International Building Code for new buildings of similar structure, purpose and location.*
4. NC Existing Building Code also states: 605.1 General. *Repairs shall be done in a manner that maintains the level of accessibility that exists.*
5. In review of the necessity to reposition the stairs because of the existing non-conforming layout, I was reminded that the building footprint not only excludes stairs BUT ALSO ramps that provide access.
6. For Stairs, building code R311.7.6 Landings for Stairs, *There shall be a floor or landing at the top and bottom of each stairway. The width perpendicular to the direction of travel shall be not less than the width of the flight served. . Where the stairway has a straight run, the depth in the direction of travel shall be not less than 36 inches.*
- 7.

Ramps that provide access initially felt like a stretch but in review of the detailing provisions of International Building Code required of us in the Maintenance and Repair, Existing Building Code, the defining terms of a "ramp that provides access" threshold is that the MAXIMUM slope of 1:12, 1" rise per 12" travel, apply. There is no minimum. The only logical way to recreate the same level of accessibility within the confines and constraints of each applicable code is to connect the requisite stairs and landings back to the Level 1 deck. A ramp by its very assumed nature is sloped, or inclined plane, connecting 2 different surfaces. Ironically, so is the platform connecting the LEVEL 1 deck to the stair landings.

8. In lieu of speculation and my erroneous interpretation, I sought to find precedent of a similar layout, with a similar proximity to the dune, constructed in a relevant timeframe where a ramp was classified and considered exclusionary of the building footprint and its presence excluded.

9. Attached, along with the contents of this email:

- a. 114 N Permuda Wynd ocean facing total area of Deck and Stairs with dimensions.
- b. 114 N Permuda Wynd proposed layout under conditions of CAMA EX 53-23
- c. Precedent Property in North Topsail Beach constructed in 2021. (<1/2 mile south of 114 N Permuda Wynd). Project Includes:
  - I. 70+ Linear Foot Ramp with intermittent landings that terminates beyond the Toe of Frontal Dune (seaward)
  - II. Ramp sisters 6' wide Walkway
  - III. Termination Landing results in 12'x12' elevated deck prior to stair exit and over the toe of dune.
  - IV. Ramp is excluded from footprint.



I hope the contents of this email provide some assistance and relevancy in your inquiry. A follow-up email with the applied revisions for "beach access walkway" will be attached. We do not wish to seek 1 over the other as much as we are under some strict time constraints and seek the ultimate path of least resistance as it relates to time and the long term sustainability of the property and it's resources.

Thank you again and I look forward to your feedback!



**Matthew S. Davis**  
President - Chief Builder



 910-622-2242  
 252-624-4356



coastlandbuilt.com

mdavis@coastlandbuilt.com

177 Sloop Point Loop Rd., Hampstead, NC 28443

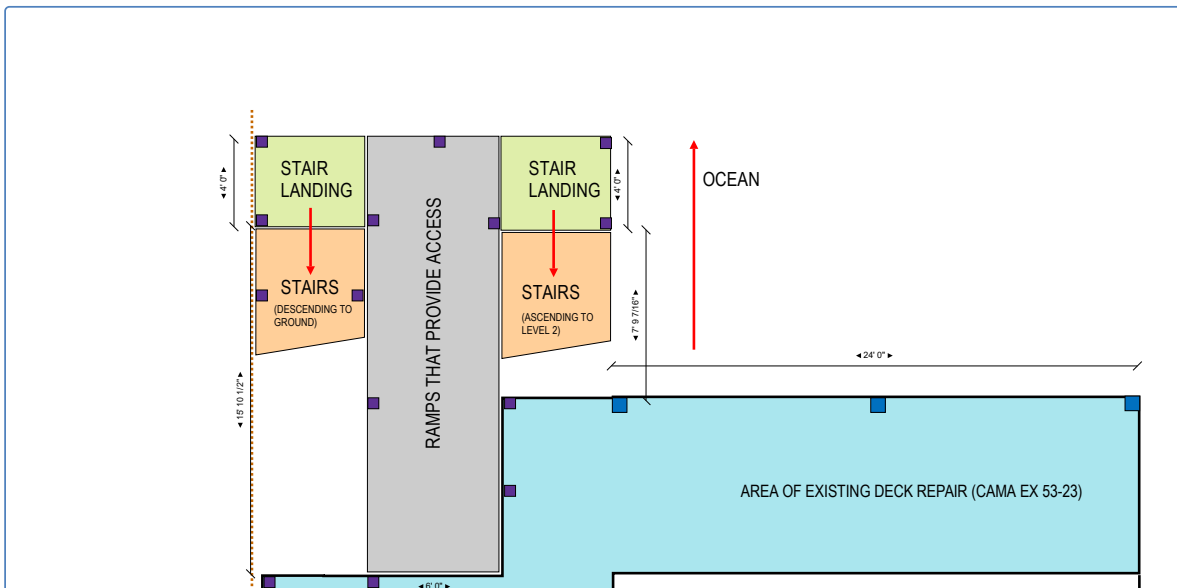


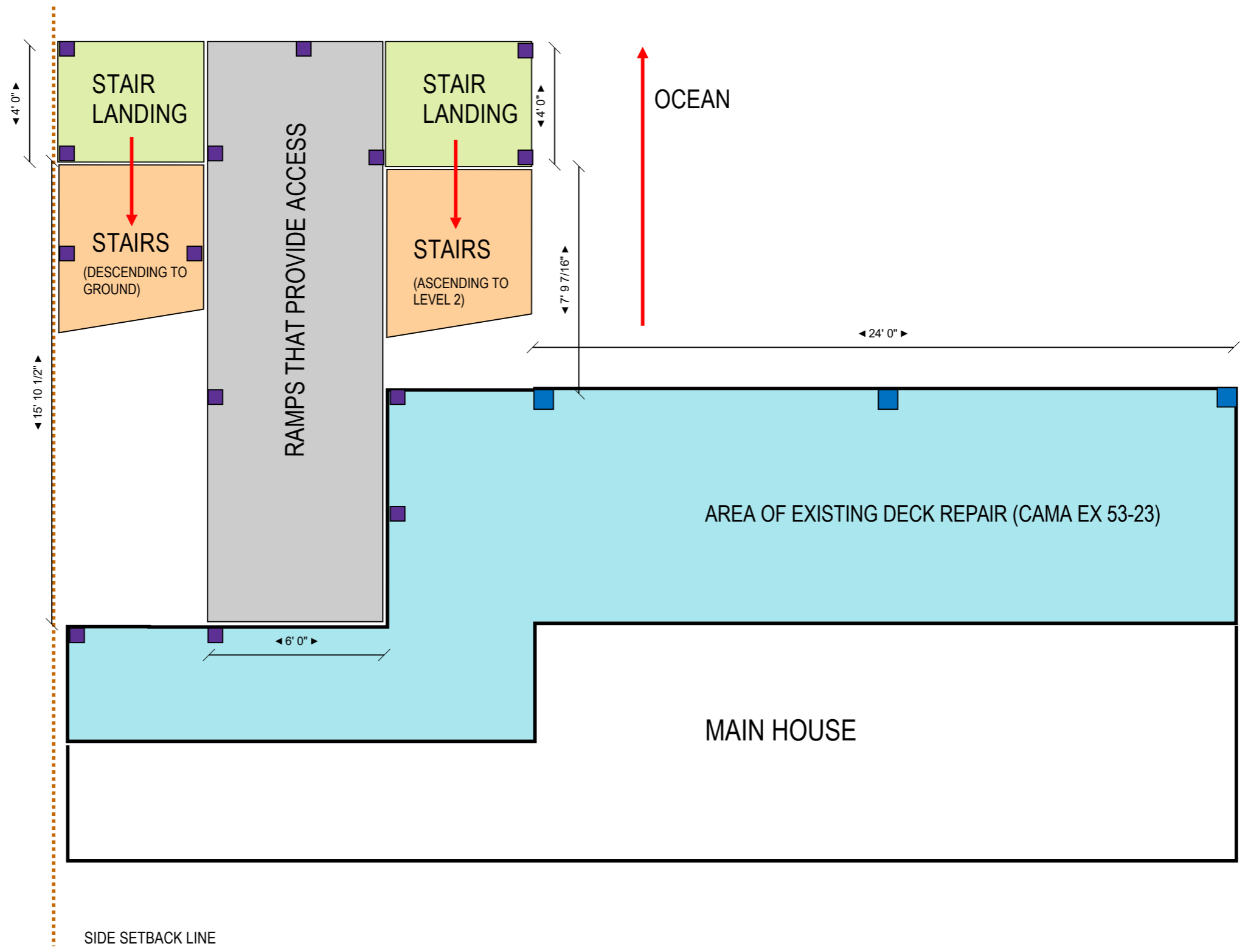
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"A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the equality of his actions and the integrity of his intent." -Douglas McArthur

BUCKLEY+-  
+Origin...rea.pdf





Site:	114 N Permuda Wynd, North Topsail Beach (LOT 30)	Drawing:	801506	Project:	0000416	Drawn:	MSD	Notes:	Coastland Construction 177 Sloop Point Loop Rd Hampstead, NC 28443
Title:	Existing Deck Construction	Scale:	1/4" : 1' 0"	Date:	12/1/2023	Rev:	A		



**Lucas, Jonathan R**  
RE: [External] BEACH ACCESS WALKWAY - 114 N Permuda Wynd  
To: Matthew Davis

**Siri Found a Contact**  
Jonathan R Lucas  
jonathan.lucas@deq.nc.gov

Matthew,

Thank you for this information. I'd like to be able to permit/exempt the new middle portion of the deck as a beach accessway, just give me a second to sort through it all here at the office one more time before I issue anything.

Respectfully,

**Jonathan Lucas**  
Field Representative for Western Onslow County  
North Carolina Division of Coastal Management  
400 Commerce Ave. Morehead City NC 28557  
Cell: (252) 725-3908  
Office: (252) 515-5420

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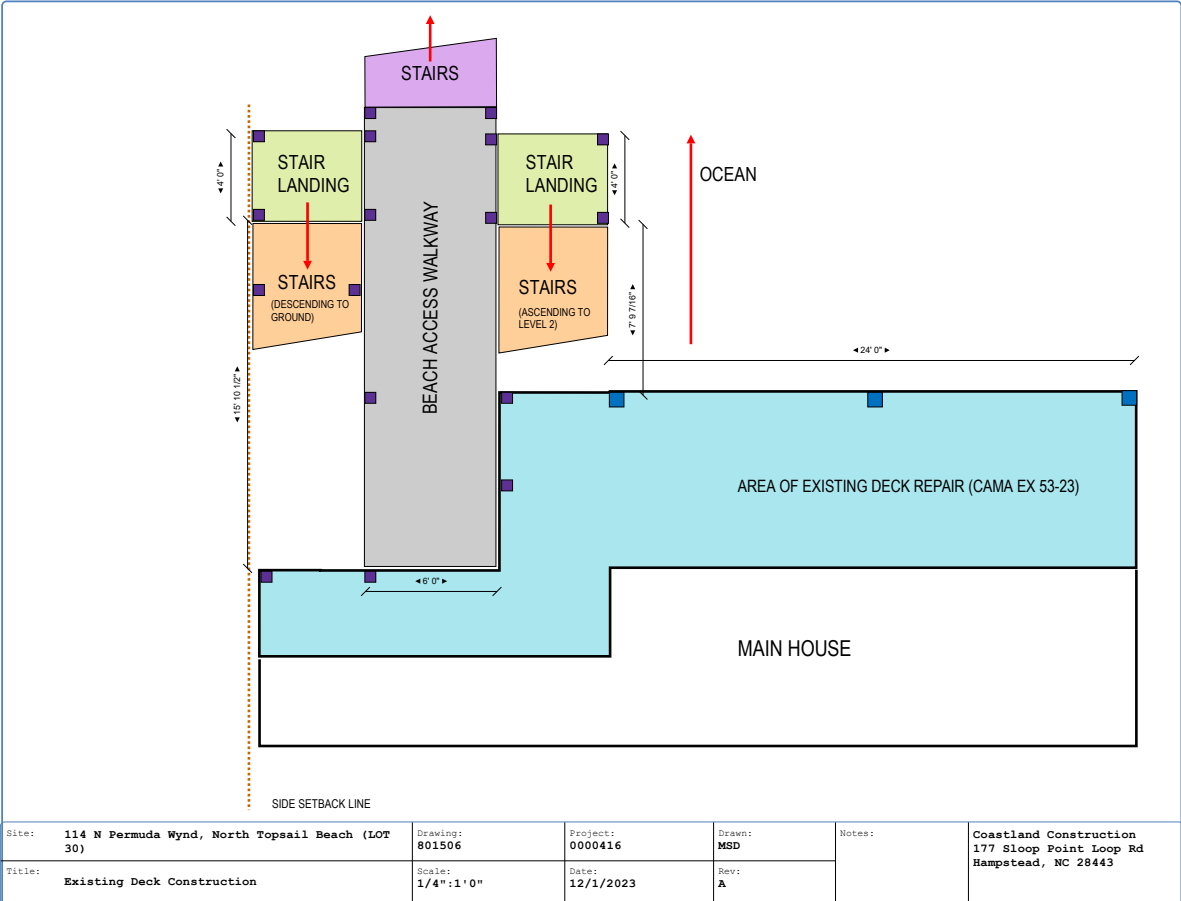


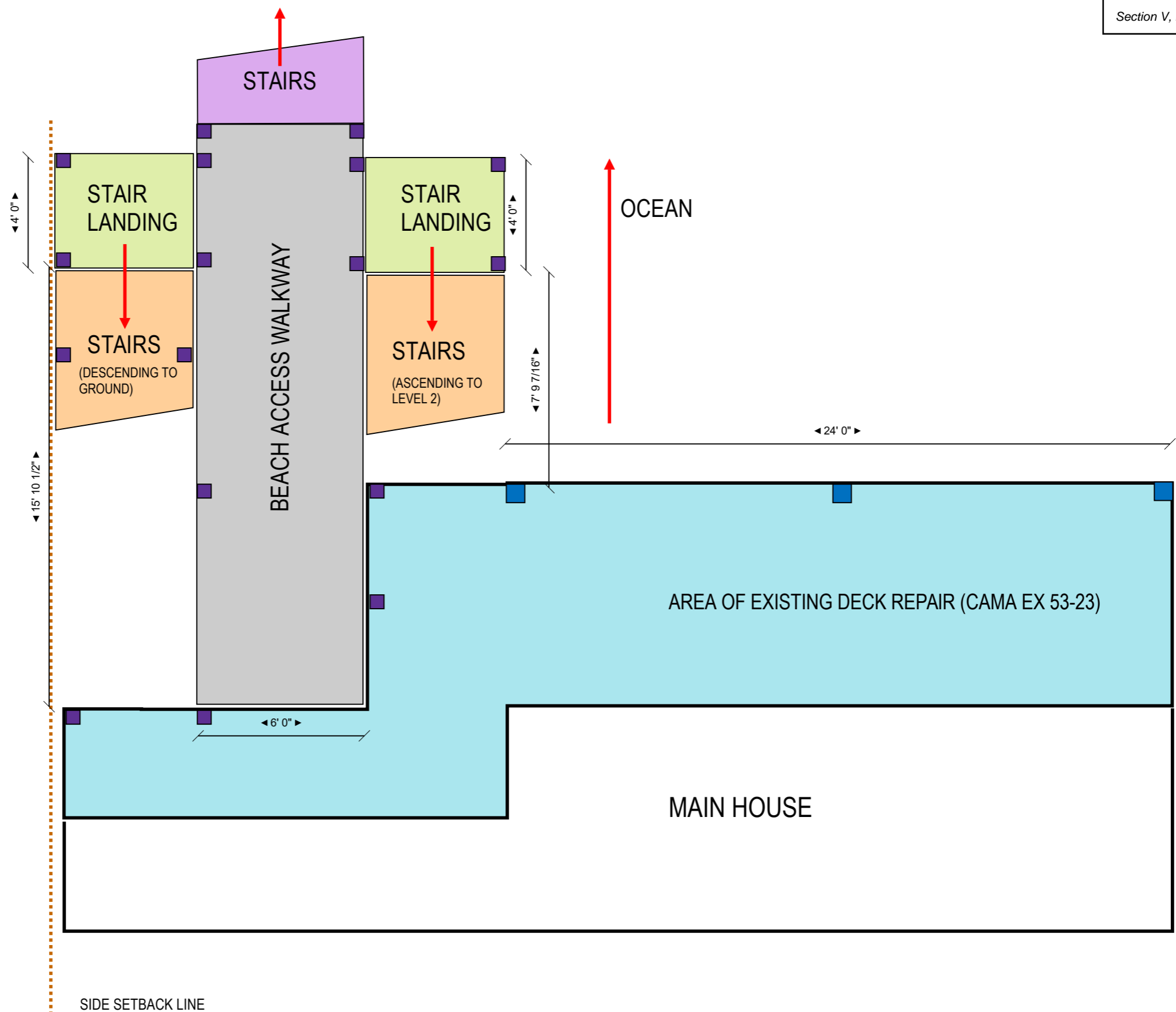
**From:** Coastland Skipper mdavis@coastlandbuilt.com  
**Subject:** BEACH ACCESS WALKWAY - 114 N Permuda Wynd  
**Date:** January 25, 2024 at 8:48 AM  
**To:** jonathan.lucas@deq.nc.gov  
**Bcc:** Kristen Buckley kristen@1918.me

Jonathan,

Attached is the requisite documentation requested for the Beach Access Walkway Exemption for 114 N Permuda Wynd.

For the purposes of maintaining the current deck repairs and active North Topsail Beach permits, we would like to keep the current residential exemption CAMA 53-23 active.





Site:	114 N Permuda Wynd, North Topsail Beach (LOT 30)	Drawing:	801506	Project:	0000416	Drawn:	MSD	Notes:	Coastland Construction 177 Sloop Point Loop Rd Hampstead, NC 28443
Title:	Existing Deck Construction	Scale:	1/4" : 1' 0"	Date:	12/1/2023	Rev:	A		

- o Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. **CONDITION: No change in footprint, existing pilings.**

Kindly,

**Kate Winzler, CMC, NCCMC**

Permit Specialist/Deputy Town Clerk

**Town of North Topsail Beach**

2008 Loggerhead Ct.

North Topsail Beach, NC 28460

910.328.1349



**From:** Lucas, Jonathan R <[jonathan.lucas@deq.nc.gov](mailto:jonathan.lucas@deq.nc.gov)>

**Sent:** Friday, January 26, 2024 3:57 PM

**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>

**Subject:** 114 N Permuda Wynd Dr. VOSS

Deb, Kate, and Ralph,

I visited 114 N. Permuda Wynd Dr. on Wednesday. Deck is currently being repaired under CAMA Exemption 53-23. Contractor (Coastland Construction) says the existing stair layout does not meet building code and the only way to make the new stairs meet code is to rotate them 90 degrees. This rotation moves the stairs out into the frontal dune. DCM is willing to permit the dune impacts in this case, if it is required for this existing deck to meet code.

Before I permit this, I'd like to ask for a determination from the town code enforcement that dune impacts are in fact necessary to meet code in this situation.

See the attached email for details.

Respectfully,

**Jonathan Lucas**

Field Representative for Western Onslow County

North Carolina Division of Coastal Management

400 Commerce Ave. Morehead City NC 28557

Cell: (252) 725-3908

Office: (252) 515-5420

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From: Deb Hill <dhill@northtopsailbeachnc.gov>  
Sent: Monday, January 29, 2024 10:19 AM  
To: Kate Winzler <kwinzler@northtopsailbeachnc.gov>; Lucas, Jonathan R <jonathan.lucas@deq.nc.gov>  
Cc: Ralph Allen <rallen@northtopsailbeachnc.gov>  
Subject: [External] RE: 114 N Permuda Wynd Dr. VOSS

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My recommendation is that he discuss his proposed modification with Ralph first, to verify that it is "the only way to make the new stairs meet code". He will have to request to modify his application and when I deny it, he can request a variance from § 10.07.02 from the Board of Adjustment.

(E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
Direct 910.581.3008  
Mobile 910.330.5047  
[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



From: Kate Winzler <kwinzler@northtopsailbeachnc.gov>  
Sent: Monday, January 29, 2024 8:31 AM  
To: Lucas, Jonathan R <jonathan.lucas@deq.nc.gov>  
Cc: Deb Hill <dhill@northtopsailbeachnc.gov>; Ralph Allen <rallen@northtopsailbeachnc.gov>  
Subject: RE: 114 N Permuda Wynd Dr. VOSS

Good morning Jonathan,  
Deb will be reaching out to you today to discuss this. This permit was issued with the following conditions:

**Deb Hill**

**From:** Deb Hill  
**Sent:** Monday, January 29, 2024 12:16 PM  
**To:** Lucas, Jonathan R; Kate Winzler  
**Cc:** Ralph Allen  
**Subject:** RE: [External] RE: 114 N Permuda Wynd Dr. VOSS

Thank you.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
dhill@northtopsailbeachnc.gov



**From:** Lucas, Jonathan R <jonathan.lucas@deq.nc.gov>  
**Sent:** Monday, January 29, 2024 10:48 AM  
**To:** Deb Hill <dhill@northtopsailbeachnc.gov>; Kate Winzler <kwinzler@northtopsailbeachnc.gov>  
**Cc:** Ralph Allen <rallen@northtopsailbeachnc.gov>  
**Subject:** RE: [External] RE: 114 N Permuda Wynd Dr. VOSS

Deb,

Thank you, I just called Matthew Davis at Coastland Construction and told him that the first step is for him to discuss his modification with Ralph.

Respectfully,

**Jonathan Lucas**  
Field Representative for Western Onslow County  
North Carolina Division of Coastal Management  
400 Commerce Ave. Morehead City NC 28557  
Cell: (252) 725-3908  
Office: (252) 515-5420

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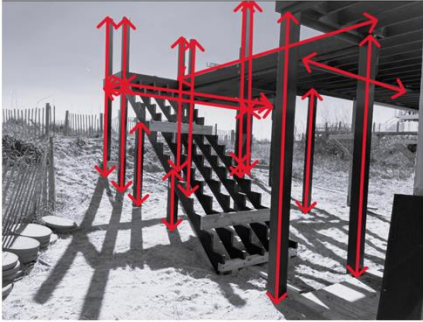


On Mon, Feb 5, 2024 at 3:28 PM Deb Hill <dhill@northpossumbeachnc.gov> wrote:

All construction outside of the original footprint of the deck and stairs, to include new pilings is in violation of the 1) Zoning Permit ZFP23-000224 and 2) Simple Build Permit SB23-000111 condition, "Scope of Work: Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. CONDITION: No change in footprint; existing pilings." And 3) CAMA Permit Exemption Number – EX 53-23 Condition #3, "No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint."

Requirements: 1) remove all new pilings, expanded deck area and stairs (remaining should be a 4' x 16' uncovered deck, 8 x 12' uncovered deck, and 8 x 12' covered deck unless any portion is supported by new pilings); and 2) repair damage to dunes and vegetation and pay the civil penalties on or before 02/08/2024.

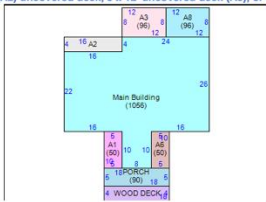
\*\*\*For any new pilings to remain because they are required to support 4' x 16' (A2) uncovered deck, 8 x 12' uncovered deck (A3), or 8 x 12' covered deck (A8) in sketch below, you must 1) obtain CAMA approval for modification request and 2) submit a modification request to your Zoning Permit ZFP23-000224 and Simple Build Permit SB23-000111 application for review and approval. No pilings within the 5-foot landward toe of the dune buffer will be authorized to remain.



Remaining should be 4' x 16' (A2) uncovered deck, 8 x 12' uncovered deck (A3), or 8 x 12' covered deck (A8) in sketch below.  
See More

BUCKLEY--Original+Deck+Area.pdf

Remaining should be 4' x 16' (A2) uncovered deck, 8 x 12' uncovered deck (A3), or 8 x 12' covered deck (A8) in sketch below.





MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

September 30, 2022

Mr. Jason Adkins  
President  
16 Pointe Properties, LLC  
222 Seacrest Drive  
Wrightsville Beach, NC 28480

**RE: 2018 NC Residential Code Section AM108.1 Post height and Table AM108.1 Deck Support Post Height**

Mr. Adkins:

This letter is in response to your request for formal interpretation dated September 15 that was received in NCDOT by email on September 15, 2022. Your request for formal interpretation states in part:

“Please advise if the height limit of a post for a deck described in AM108.1 is intended to limit the height due to a lack of lateral support for an individual deck (as there is no plurality given in the code). If so please advise if decks on top of one another, just like a floor stacks on top of one another, are individual decks since they are laterally supported just like a wall or if “deck” in AM108.1 counts all decks(s) as a cumulative height even when laterally supported. If the decks are cumulative then why does the code state deck in the singular and why does this not apply to a wall?”

**Remarks:**

Code sections noted in this letter are referring to the 2018 edition of the NC Residential Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

**Code Analysis:**

Wood decks regulated under the 2018 NC Residential Code are accessory structures and the code requirements are included in Appendix M.

**AM102.1 Footings.** Support posts shall be supported by a minimum footing in accordance with Figure AM102.1(1) and Table AM102.1. Minimum footing depth shall be 12 inches (305 mm) below finished grade in accordance with Section R403.1.4. Tributary area is calculated as shown in Figure AM102.1(2).



**TABLE AM102.1  
FOOTING TABLE<sup>a,b,c</sup>**

SIZE (inches)		TRIBUTARY AREA (sq. ft.)	THICKNESS (inches)	
A x A	B x C		Precast	Cast-in-Place
8 x 16	8 x 16	36	4	6
12 x 12	12 x 12	40	4	6
16 x 16	16 x 16	70	8	8
—	16 x 24	100	—	8
—	24 x 24	150	—	8

- For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>.  
 a. Footing values are based on single floor and roof loads  
 b. Support post must rest in center 1/3 of footer  
 c. Top of footer shall be level for full bearing support of post

*Comments: Section AM102.1 notes that support posts shall be supported by a minimum footing in accordance with the accompanying figure (not shown for brevity) and table. Footnote a. of Table AM102.1 notes that the footing values listed are based on single floor and roof loads.*

**AM108.1 Post Height.** Maximum height of deck support posts shall be in accordance with Table AM108.1.

**TABLE AM108.1  
DECK SUPPORT POST HEIGHT**

POST SIZE <sup>a</sup>	MAXIMUM POST HEIGHT <sup>b, c</sup>
4" x 4"	8'-0"
6" x 6"	20'-0"

- For SI: 1 inch = 25.4, 1 foot = 304.8 mm.  
 a. This table is based on No. 2 Southern Pine posts.  
 b. From top of footing to bottom of girder.  
 c. Decks with post heights exceeding these requirements shall be designed by a registered design professional.

*Comments: Section AM108.1 notes the maximum height of deck support posts shall be in accordance with the accompanying table. Footnote c. of Table AM108.1 notes that decks with post heights exceeding the listed requirements shall be designed by a registered design professional.*

**Conclusions:** Appendix M Wood Decks applies only to single-level decks with a single floor and roof load on a single footing, not two-story or more loading conditions on a single footing nor multi-level decks. Support posts for single-level decks that exceed the values listed in Table AM108.1 and all multi-level decks are required to be designed by a registered design professional as those conditions are outside the scope of Appendix M and this code.

Please call or email if you have comments or questions.

Sincerely,



David B. Rittlinger, PE, LEED AP

Chief Code Consultant  
NCDOT-OSFM Engineering & Codes Division

- cc: File
- Bridget Herring, Chair - BCC
- Mark Matheny, Vice-Chair - BCC
- Gary Embler, Chair, Residential Super Committee - BCC

## ATTACHMENT A



222 Seacrest Dr Wrightsville Beach NC 28480

910-434-5001

[jason@16pointeproperties.com](mailto:jason@16pointeproperties.com)

NCDOT  
 Codes & Interpretations  
 1201 Mail Service Center  
 Raleigh NC 27699-1201  
 Attention: Carl Martin, Pak Yip

Mssrs. Martin & Yip,

I am requesting a formal interpretation of Section AM108.1 and Table AM108.1 Post Height, with two questions to be answered as outlined below.

Mr. Yip as you know I have had multiple conversations with you regarding this section and the intent of it as well as with my engineer and other engineers in Wilmington. It clearly states "Deck Support Post Height". The intent is understood to be for a deck to not exceed the heights due to lack of lateral support and deflection of the post without that lateral support.

Part 1 of my request for interpretation is as follows. At the coast it is typical to have a deck with an 8"x8" post supporting it at approximately 10' in height. I have attached documentation where the NHC building department would not accept an 8"x8" at only 5' high that supported a deck nor at 10' and wanted an engineer's letter. This far exceeds the 6"x6" at 5', 10' or even 20' in the code and since codes are minimums it is my understanding that any time you exceed the minimum you have met the code. Evidently when you exceed the code minimum in New Hanover County an engineer is required. This is a slippery slope as a single story home built with 2x6's at 16" O.C. exceeds the code minimum of 2x4's. Please advise if exceeding code minimums requires an engineer.

Part 2 of my request for interpretation is as follows. Both of my engineers, my truss designer and myself are all in agreement that this is meant for a single deck to not have more than a 20' tall 6x6. Pretty clear in the code and we believe this limitation is due to lateral support of the 6x6 piling. However in the flood zones where we have pilings that are 8x8 and a deck that is 10' up and then another floor where a deck is another 10' and another 10 more feet up, etc these are still individual decks with lateral support at each level and regardless that they are stacked the 8x8 never exceeds 20' or even close to it laterally unsupported. The compressive strength of wood does not change as it gets taller only the bending strength does.

The deck is no different than a wall when it comes to support. I can stack walls with headers over openings transferring load down to the footing all day long as long as that wall is laterally supported. A deck with a post and girder is the same as a wall with a header and kings/jacks.

A perfect example of this interpretation comes from R301.3 as shown below.

**R301.3 Story height.**

The wind and seismic provisions of this code shall apply to buildings with story heights not exceeding the following:

- 1.1. For wood wall framing, the story height shall not exceed 11 feet 7 inches (3531 mm) and the laterally unsupported bearing wall stud height permitted by Table R602.3(5).

This is pretty clear that each story is its own just like each deck on that same story would be an individual deck. Since the house can be laterally supported with numerous floors stacked and they are treated as individual floors why would a deck not also be treated as individual decks? There is a girder and joists at each level tying the deck to the post and offering the same lateral support that a floor system does to a wall.

Pak you mentioned in your email to me on 1-29-21 that the "the column capacity shall be determined from the "effective unbraced length" between the fixity (end condition). This unbraced length constitutes the slenderness ratio to determine the buckling limitation of the column".

Since the 8x8 is braced the "buckling" limitation is lessened and further the "effective unbraced length" is less than the 20' height per code and the 8"x8" exceeds the code minimum of a 6"x6". In your informal interpretation you advised that "Even if the "unbraced length" of the column are identical between the upper level and the lower level, the design lateral load and gravity load are different between the two level support".

How is the gravity load of a deck any different than a wall with headers? Further proof of this rhetorical question is that AM105.3 Specifically refers back to Table R602.7(3) of which Chapter 6 is wall construction. By the way on a side note there is still a typo that needs to be addressed in AM105.3 which you have acknowledged regarding tables 1 and 2 in R602.7.

Please advise if the height limit of a post for a deck described in AM108.1 is intended to limit the height due to a lack of lateral support for an individual deck (as there is no plurality given in the code). If so please advise if decks on top of one another, just like a floor stacks on top of one another, are individual decks since they are laterally supported just like a wall or if "deck" in AM108.1 counts all decks(s) as a cumulative height even when laterally supported. If the decks are cumulative then why does the code state deck in the singular and why does this not apply to a wall?

Thank You,  
Jason Akins  
President  
16 Pointe Properties LLC







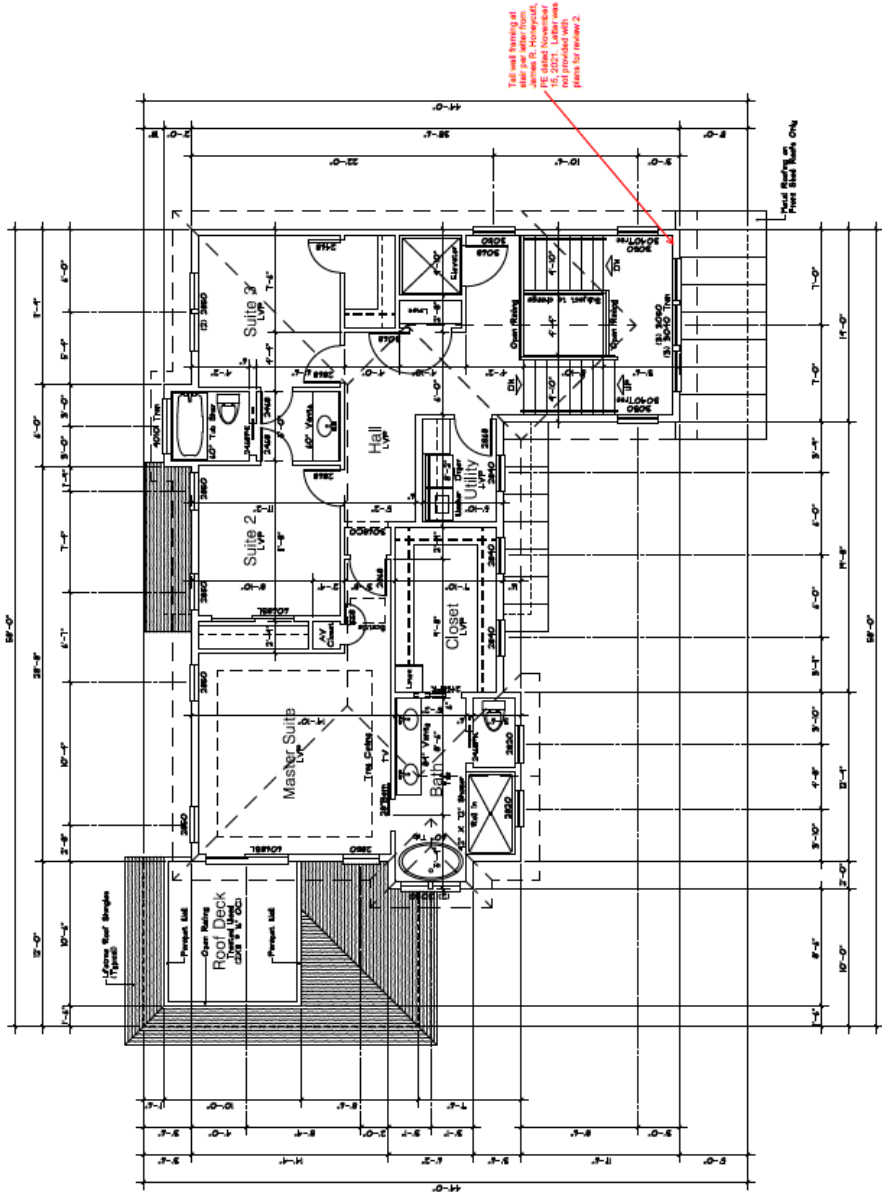
16 Pointe Properties LLC  
 222 Seacrest Drive  
 Wrightsville Beach, North Carolina

Bonoff Residence  
 412 Cranes Bill Court  
 Wilmington, North Carolina

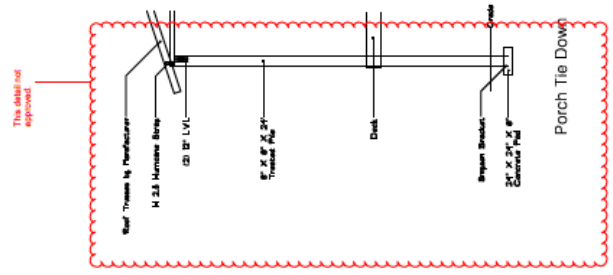
Second Level Plan	DATE	BY
16-01-2020	CA	NEWKIRK
16-02-2020	CA	NEWKIRK
16-03-2020	CA	NEWKIRK
16-04-2020	CA	NEWKIRK
16-05-2020	CA	NEWKIRK
16-06-2020	CA	NEWKIRK
16-07-2020	CA	NEWKIRK
16-08-2020	CA	NEWKIRK
16-09-2020	CA	NEWKIRK
16-10-2020	CA	NEWKIRK
16-11-2020	CA	NEWKIRK
16-12-2020	CA	NEWKIRK

NEWKIRK  
 DRAFTING & DESIGN  
 1601 S. UNIVERSITY AVENUE, SUITE 100  
 WILMINGTON, NC 28403  
 DATE: 07/20/21  
 FILE: Bonoff Rev.Dwg  
 SHEET

4



Scale: 1/4" = 1'-0"  
 1. ALL CONSTRUCTION TO COMPLY WITH LOCAL AND N.C. BUILDING CODES.  
 2. ALL HANDED WALLS TO BE FINISHED WITH 5/8" GYP BOARD.  
 3. ALL HANDED WALLS TO BE FINISHED WITH 1/2" GYP BOARD.  
 4. ALL HANDED WALLS OF UNFINISHED ROOMS TO BE FINISHED WITH 1/2" GYP BOARD.  
 5. ALL 1/2" GYP BOARD TO BE FINISHED WITH 1/2" GYP BOARD.  
 6. SEE FINISH SCHEDULE FOR FINISHES.





16 Pointe Properties LLC  
 222 Seacrest Drive  
 Wrightsville Beach, North Carolina

Bonoff Residence  
 4312 Cranes Bill Court  
 Wilmington, North Carolina

REVISIONS	BY	DATE
1	CA	10/14/2020
2	CA	10/14/2020
3	CA	10/14/2020
4	CA	10/14/2020
5	CA	10/14/2020
6	CA	10/14/2020
7	CA	10/14/2020
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17	CA	10/14/2020
18	CA	10/14/2020
19	CA	10/14/2020
20	CA	10/14/2020

**NEWKIRK**  
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 10000 W. 15th Street, Suite 100  
 Fort Lauderdale, FL 33324  
 (954) 576-1111  
 www.newkirk.com

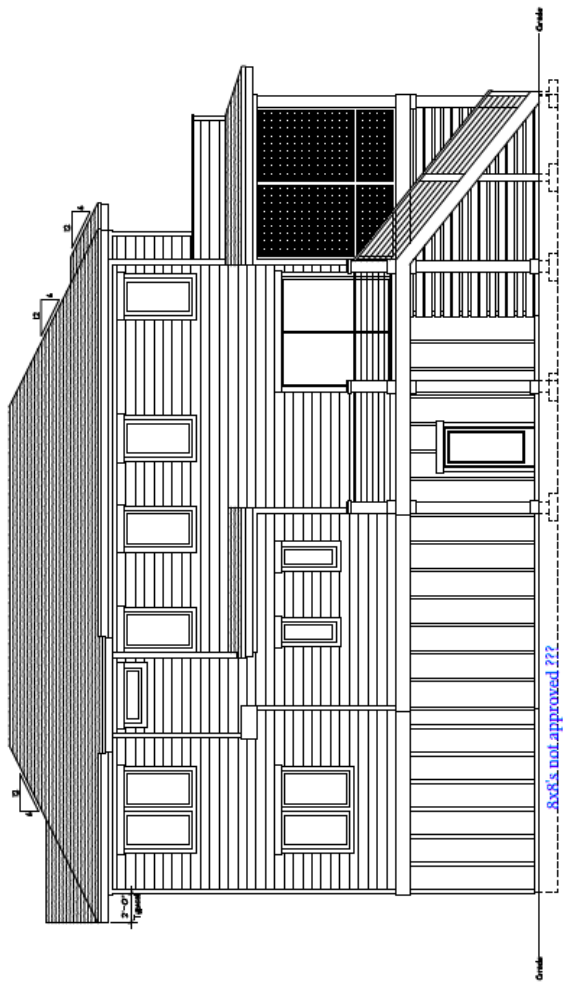
DATE: 07/20/21  
 FILE: Bonoff Rev04.dwg  
 SHEET

5

Notes for Review of this Construction - Materials, Finishes and Details. L.L.C.  
 Plans for Review or other use. Any drawings shall be prepared for the architect.  
 Drawing is the responsibility of the Owner or Contractor as shown. These  
 drawings shall not be used for any other project without the written consent of  
 the architect.

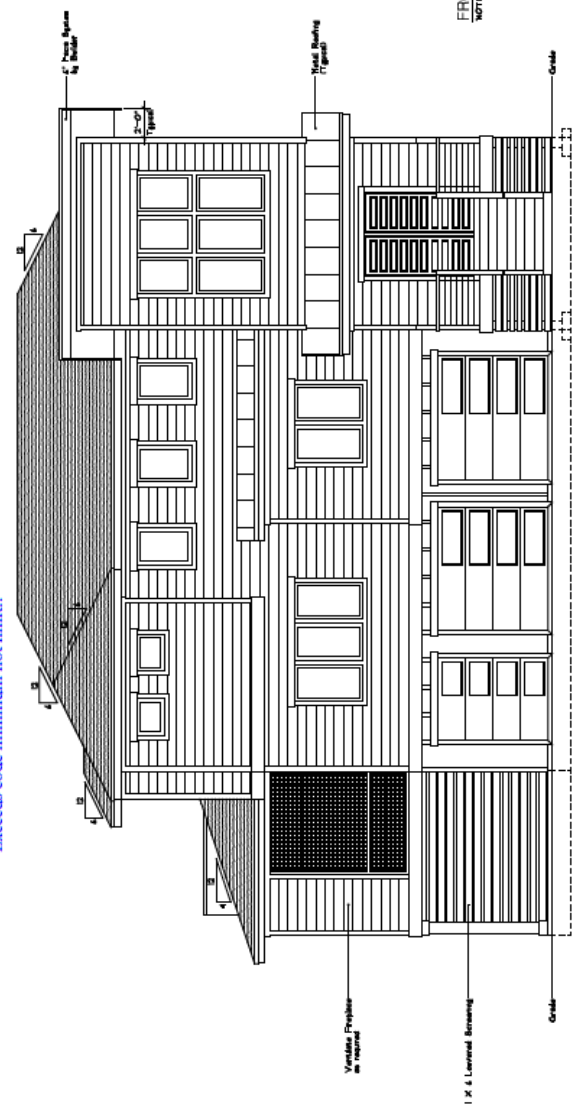
FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"

- NOTES:
1. ALL CONSTRUCTION TO COMPLY WITH LOCAL AND I.C. BUILDING CODES.
  2. MATERIALS ARE SUBJECT TO CHANGE.
  3. FINISHES ARE SUBJECT TO CHANGE.
  4. 2008 IBCD SO WITH SPD ZONE.
  5. 2008 IBCD WITH SPD ZONE.
  6. VENTILATION ATTIC AS REQUIRED.
  7. ROOF PITCHING IS NOT SHOWN.
  8. TYPICAL CROWN MOULD IS 3".



FRONT ELEVATION  
 SCALE: 1/4" = 1'-0"

- NOTES:
1. ALL CONSTRUCTION TO COMPLY WITH LOCAL AND I.C. BUILDING CODES.
  2. MATERIALS ARE SUBJECT TO CHANGE.
  3. FINISHES ARE SUBJECT TO CHANGE.
  4. 2008 IBCD SO WITH SPD ZONE.
  5. 2008 IBCD WITH SPD ZONE.
  6. VENTILATION ATTIC AS REQUIRED.
  7. ROOF PITCHING IS NOT SHOWN.
  8. TYPICAL CROWN MOULD IS 3".





[External] Re: Formal Interpretation of 2018 NC Residential Code AM108.1

Jason Akins <jason@16pointproperties.com>  
To: Rittlinger, David B  
Cc: Martin, Carl; Yip, Pak

Reply Reply All Forward

If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Thanks David. Let me know if I need to clarify anything. I think I worded it correctly.

Thank You,

Jason Akins  
910-434-5001  
16pointproperties.com  
www.facebook.com/16PointeProperties



RE: Formal Interpretation of 2018 NC Residential Code AM108.1

Rittlinger, David B  
To: Martin, Carl  
Cc: Yip, Pak; jason@16pointproperties.com

Reply Reply All Forward

Jason,  
Good morning.  
I am receipt of your request for formal interpretation. Our office will provide a formal interpretation letter to you as soon as possible.  
Thank you.

David B. Rittlinger, PE, LEED AP  
Code Interpretations Supervisor  
Chief Code Consultant  
Chief Mechanical & Fuel Gas Code Consultant  
Engineering Division



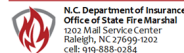
N.C. Department of Insurance  
Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
919.447.0008  
david.rittlinger@ncdoi.gov

Link to free view of 2018 NC Codes  
<https://codes.iccsafe.org/codes/north-carolina>

From: Martin, Carl <Carl.Martin@ncdoi.gov>  
Sent: Thursday, September 15, 2022 3:37 PM  
To: Rittlinger, David B <david.rittlinger@ncdoi.gov>  
Cc: Yip, Pak <pak.yip@ncdoi.gov>; jason@16pointproperties.com  
Subject: FW: Formal Interpretation of 2018 NC Residential Code AM108.1

David,  
As a request for formal interpretation, this request is forwarded to you for response as the Chief Code Consultant for the department.

Carl Martin, RA  
Deputy Commissioner  
Division Chief of Engineering



"Consistency" as defined by Merriam-Webster – "harmony of conduct or practice with profession"

From: Jason Akins <jason@16pointproperties.com>  
Sent: Thursday, September 15, 2022 1:30 AM  
To: Martin, Carl <Carl.Martin@ncdoi.gov>; Yip, Pak <pak.yip@ncdoi.gov>; Cameron Moore <cameron@wilmhba.org>; Jim Honeycutt <Masonboro@bellsouth.net>; Walt Rapp <walt.rapp@mgclaw.com>  
Subject: [External] Formal Interpretation of 2018 NC Residential Code AM108.1

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Carl/Pak,

Please find my request for a formal interpretation on letterhead as well as attached documentation noted in the formal request. Please note that in the document titled Construction plans I made notes for you that are in blue. The red notes are from NHC.  
Please advise if any wording needs to be clarified/modified in order to help you formulate your formal interpretation.

Thank You for your time in advance.

On a side note, Pak, What can I do to get the discussion moved along that you and I had the other day regarding 2x4 vs 2x6 wall construction?

Thank You,

Jason Akins  
910-434-5001  
16pointproperties.com  
www.facebook.com/16PointeProperties







9:25 PM Tue Jan 23 property.onslowcountync.gov

**Values**  
**Onslow County GIS**

Location	
Fronting	
Zoning	R-5-R-5
Map #	806-40
PIN Number	425505280846
Total Cards	1
Record Type	R

**Legal**

Legal Description	L8 S1 VILLAGE OF STUMP SOUND
Township	114 - STUMP SOUND
City Code	26 - NORTH TOPSAIL BEACH
Jurisdiction	1426 - STUMP SOUND NORTH TOPSAIL BEACH
Plat Book-Page/Subd #	27-107
Fire District	NT - NORTH TOPSAIL

Data Copyright Onslow Tax Office  
Last Updated: 22/JAN/2024



9:17 PM Tue Jan 23 property.onslowcountync.gov

Total Cards: 1  
Record Type: R

**Legal**

Legal Description: L2 ROBERT A FRANK & SUSAN C  
Township: 114 - STUMP SOUND  
City Code: 26 - NORTH TOPSAIL BEACH  
Jurisdiction: 1426 - STUMP SOUND NORTH TOPSAIL BEACH  
Plat Book-Page/Subd #: 78-160  
Fire District: NT - NORTH TOPSAIL

**Public Comments**

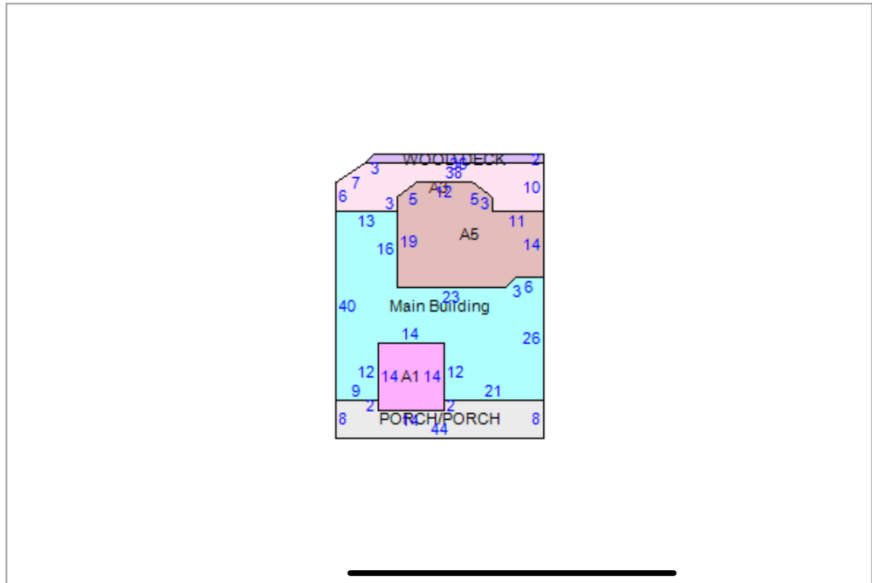
Line #	Dept	Comment
1	CN	LOT ON OCEANSIDE

Data Copyright Onslow Tax Office  
Last Updated: 22/JAN/2024



**Legal**

Legal Description	L1 ROBERT A & SUSAN C FRANK
Township	114 - STUMP SOUND
City Code	26 - NORTH TOPSAIL BEACH
Jurisdiction	1426 - STUMP SOUND NORTH TOPSAIL BEACH
Plat Book-Page/Subd #	78-160
Fire District	NT - NORTH TOPSAIL



**Deb Hill**

---

**From:** Kristen Buckley <kristen@1918.me>  
**Sent:** Monday, March 11, 2024 5:34 PM  
**To:** Deb Hill  
**Cc:** Phil Buckley  
**Subject:** Meeting Follow up  
**Attachments:** video (4).mp4; video.mp4; video (2).mp4; video (5).mp4; video (1).mp4; video (3).mp4

Hi Deb,  
Thanks again for meeting with us today at your office.  
It feels so much better to have a clear path forward and understand what we need to do to successfully complete this project.

Here's an update on the points that came up during our meeting.

**Plat plan:**

I left a voicemail for Charles Riggs as soon as we left your office but haven't heard back from him yet. Since time is of the essence I also reached out to Weston Lyall and was able to speak with them right away. I gave them the rundown of what's going on and now I'm just waiting to hear back from them with a proposal/price quote.

**Home Inspection items:**

I've attached the videos from our inspector. See attached.

**Pic of former deck:**



**Matt/Contractor:**

I let him know where we're at, as far as coming up with a new layout for the deck. Once we have a finished Plat we'll move forward on getting updated drawings and then we'll reach out to Kate Winzler to get the next steps.

If I'm forgetting anything, or you need more info don't hesitate to let me know.  
Thanks!  
Kristem



**Deb Hill**

---

**From:** Kristen Buckley <kristen@1918.me>  
**Sent:** Tuesday, March 12, 2024 4:24 AM  
**To:** Deb Hill; ICE Phil Buckley  
**Subject:** Inspection report

I forgot to send the actual page from our inspection report that discussed the stairs.  
Please see attached.

114 N Permuda Wynd Dr

---

### Windows

## **INSPECTION RESTRICTED**

We did not inspect all windows. We did inspect a representative sample of windows. We did not inspect every window component closely during a home inspection. We did not reach and access close to first floor level.

---

### Wall-Covering & Trim

## **INSPECTION WAS RESTRICTED**

We did not inspect all of the exterior wall-covering materials. My inspection of the exterior was limited. I did not inspect exterior wall-covering.

---

### Eaves, Soffits & Fascia

## **INSPECTION WAS RESTRICTED**

We did not inspect all of the eaves, soffit, and fascia. It's a home inspection. A home inspection is not an exhaustive inspection. We did not reach and access closely every part of the exterior.

---

### Gutters & Downspouts



**Deb Hill**

---

**From:** Kristen Buckley <kristen@1918.me>  
**Sent:** Monday, March 11, 2024 7:51 PM  
**To:** Deb Hill; Phil Buckley  
**Subject:** Stairs on side of house

Hi Deb.  
We've been running numbers all afternoon and we can't seem to make stairs on the (Gagliano) side of our house work. We have a 12' space to work in, from the edge of the house to the outside edge of where the deck used to be, and we need 20' to run stairs with a 4' platform at both the top and bottom of the stair run. That leaves us about 8' short.

So that seems to leave us with Plan B - a beach crossover.  
Are there any requirements or rules that we need to be aware of, when coming up with a plan for that? Jonathan Lucas advised us to just put stairs off the edge of what we've already built but I wasn't sure if that would get approved by y'all or not.  
Please let me know your thoughts.

Thanks!  
Kristen





Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Fred Fontana  
Richard Grant  
Tom Leonard  
Connie Pletl

Nancy Avery  
Interim Town Clerk

Adopted September 7, 2022, by Town of North Topsail Beach Board of Aldermen

UDO Amendment to Article 10 (Enforcement), Section 7 (Special Remedies and penalties), subsection 2 (Rebuilding of damaged dunes) by deleting language in red strikethrough and adding language in blue.

Submitted by Nancy Avery, Interim Town Clerk

**10.07.02 REBUILDING OF DAMAGED DUNES.**

(A) ~~Any~~ **All** dunes in the ~~required natural area~~ **Ocean Hazard Area** that ~~is~~ **are** damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the ~~required natural area~~ **Ocean Hazard Area** that has been damaged or excavated in violation of this ordinance shall be **subject to a fine of \$10,000** and restored within ~~60~~ **seven (7)** days of notice.

**(B) Failure to repair damage to dunes and vegetation after seven(7) days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.**

**(C) Any development proposed within the Ocean Hazard Area shall indicate on a plat submitted with the application, the dune contour/topography and dune profile by elevation, the landward toe of the dune by bearing and distance.**

**(D) No disturbance, no development, no structure shall be permitted within 5.0 feet of the landward toe of the dune, "dune buffer," except beach access crossovers as permitted.**

**(E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."**

**(F) If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.**



## NOTE

2/12/2024 6:50	Online Document Upload - Activity	Activity Online Document Upload has been reassigned from Kate Winzler to Deborah Hill.	Kate Winzler
2/12/2024 6:50	Activity Update	Online Document Upload Due Date Changed from 02/18/2024 to 02/11/2024 by Kate Winzler.	Kate Winzler
2/11/2024 23:44	Online Document Upload - Activity	A Online Document Upload activity has been assigned to Kate Winzler in the North Topsail Beach	Coastland Construction LLC - Matthew Davis
2/11/2024 23:44	Document Attached	Document "Exhibit I(1).pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/11/2024 23:44	Document Attached	Document "Exhibit K (1).pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/9/2024 9:02	Online Payment Received - Activity	Activity Online Payment Received has been reassigned from Kate Winzler to Deborah Hill.	Kate Winzler
2/9/2024 8:39	Online Payment Received - Activity	Activity Online Payment Received has been reassigned from Ralph Allen to Kate Winzler.	Ralph Allen
2/8/2024 20:23	Online Payment Received - Activity	A Online Payment Received activity has been assigned to Ralph Allen in the North Topsail Beach department.	System User
2/8/2024 20:23	Document Attached	Document "Your citizenserve payment has been received.htm" was attached to the case.	System User
2/8/2024 20:23	Payment Added	Payment of \$500.00 added to AA24-000001 receipt	System User
2/8/2024 20:20	Permit Added	Permit # AA24-000001 added to this file by Coastland Construction LLC - Matthew Davis on 02/08/2024	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Your application has been received.htm" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Zoning Review - Activity	A Zoning Review activity has been assigned to Deborah Hill in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	0 - Activity	A 0 activity has been assigned to Deborah Hill in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Portal Submitted	§10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and assessed citation penalty § 10.07.02 REBUILDING OF DAMAGED DUNES. on 114 N PERMUDA WYND DR Submitted by Coastland Construction LLC - Matthew Davis and 02/08/2024 06:20 PM	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Citation (to Property Owner) (4).pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Citation (to Property Owner) (4).pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "114 N Permuda PLAT (pg 6 of Plans).png" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "114 N Permuda Appeal.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT A.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT B.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT C.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit D.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis

2/8/2024 20:20	Document Attached	Document "Exhibit E.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis Section V, ItemA.
2/8/2024 20:20	Document Attached	Document "EXHIBIT F.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT G.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT H.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit I.rtf.zip" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit I-1.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit I-2.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT J.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit K.rtf.zip" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit K-1.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit L.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT M.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "Exhibit N.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "EXHIBIT O.docx" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/8/2024 20:20	Document Attached	Document "signature.png" was attached to the case.	Coastland Construction LLC - Matthew Davis
2/5/2024 15:59	Document Attached	Document "RE_ IMMEDIATE RESPONSE REQUESTED - Re_ FILE #_ 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION.pdf" was attached to the case.	Deborah Hill
2/2/2024 9:05	Activity Update	CE Citation Start Date Changed from - to 02/01/2024 by Deborah Hill.	Deborah Hill
2/2/2024 9:05	Activity Update	CE Citation Due Date Changed from - to 02/01/2024 by Deborah Hill.	Deborah Hill
2/2/2024 9:05	Activity Update	CE Citation assigned to Deborah Hill was completed by Deborah Hill on 02/02/2024	Deborah Hill
2/2/2024 9:05	Activity Update	CE Citation assigned to Deborah Hill status changed from to Complete by Deborah Hill on 02/02/2024	Deborah Hill
2/2/2024 9:04	Violation Modified	Violation #10.02.03 has been modified by Deborah Hill on 02/02/24.	Deborah Hill
2/1/2024 18:18	Document Attached	Document "Email (Planning).htm" was attached to the case.	Deborah Hill
2/1/2024 17:52	Document deleted	A Document (Citation (to Property Owner).pdf) was deleted from this file on 02/01/2024 by Deborah Hill.	Deborah Hill
2/1/2024 17:52	Document Attached	Document "Citation (to Property Owner) (4).pdf" was attached to the case.	Deborah Hill
2/1/2024 17:35	Document Attached	Document "Citation (to Property Owner).pdf" was attached to the case.	Deborah Hill

2/1/2024 17:28	Fee Added	A Fee of \$10,000.00 added to this file by Deborah Hill on dated 02/01/2024	Deborah Hill	Section V, ItemA.
2/1/2024 17:28	Fee status changed	The Fee Status changed from: to Unpaid by Deborah Hill on fee dated 02/01/2024	Deborah Hill	
2/1/2024 17:28	Fee changed	Deborah Hill changed a fee from \$0.00 to \$10,000.00	Deborah Hill	
2/1/2024 17:24	CE Citation - Activity	A CE Citation activity has been assigned to Deborah Hill in the North Topsail Beach department.	Deborah Hill	
2/1/2024 17:22	Violation Modified	Violation #10.02.02 has been modified by Deborah Hill on 02/01/24.	Deborah Hill	
2/1/2024 17:21	Violation Modified	Violation #10.07.02 (A) has been modified by Deborah Hill on 02/01/24.	Deborah Hill	
2/1/2024 17:18	Activity Update	CE Inspection assigned to Deborah Hill was completed by Deborah Hill on 02/01/2024	Deborah Hill	
2/1/2024 16:54	CE Inspection - Activity	A CE Inspection activity has been assigned to Deborah Hill in the North Topsail Beach department.	Deborah Hill	
2/1/2024 15:14	Violation Modified	Violation #10.02.02 has been modified by Deborah Hill on 02/01/24.	Deborah Hill	
2/1/2024 15:12	Document	Document "IMG_0823[1].JPG" was attached to the	Deborah Hill	
2/1/2024 15:04	Document Attached	Document "Your inspection has been completed.htm" was attached to the case.	Ralph Allen	
2/1/2024 15:04	Activity Update	Other assigned to Ralph Allen was completed by Ralph Allen on 02/01/2024	Ralph Allen	
2/1/2024 15:04	Activity Update	Other assigned to Ralph Allen status changed from Online Inspection Scheduled to Fail by Ralph Allen on 02/01/2024	Ralph Allen	
2/1/2024 15:00	Document	Document "IMG_0823[1].JPG" was attached to the	Deborah Hill	
1/31/2024 16:56	Activity Update	Other Start Date Changed from 01/31/2024 - 09:00 AM to 02/01/2024 - 09:00 AM by Ralph Allen.	Ralph Allen	
1/31/2024 9:34	Other - Activity	A Other activity has been assigned to Ralph Allen in the North Topsail Beach department.	Ralph Allen	
11/22/2023 9:40	Activity Update	Online Payment Received assigned to Kate Winzler was completed by Kate Winzler on 11/22/2023	Kate Winzler	
11/22/2023 9:40	Activity Update	Online Payment Received assigned to Kate Winzler status changed from to Complete by Kate Winzler on 11/22/2023	Kate Winzler	
11/22/2023 9:40	Document Attached	Document "Permit Issuance.htm" was attached to the case.	Kate Winzler	
11/22/2023 9:39	Document Attached	Document "Floodplain Development Permit.htm" was attached to the case.	Kate Winzler	
11/22/2023 9:39	Document Attached	Document "Zoning Permit.pdf" was attached to the case.	Kate Winzler	
11/22/2023 9:38	Document deleted	A Document (Zoning Permit.pdf) was deleted from this file on 11/22/2023 by Kate Winzler.	Kate Winzler	
11/22/2023 9:38	Document deleted	A Document (Simple Build Permit.htm) was deleted from this file on 11/22/2023 by Kate Winzler.	Kate Winzler	
11/22/2023 9:38	Document Attached	Document "Simple Build Permit.htm" was attached to the case.	Kate Winzler	
11/22/2023 9:36	Document Attached	Document "Zoning Permit.pdf" was attached to the case.	Kate Winzler	
11/22/2023 9:36	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.	System User	

11/22/2023 9:36	Permit Updated	Permit # ZFP23-000224 approval date changed from to 11/22/2023 by Kate Winzler	Kate Winzler	Section V, ItemA.
11/22/2023 9:36	Permit Updated	Permit # ZFP23-000224 issue date changed from to 11/22/2023 by Kate Winzler	Kate Winzler	
11/22/2023 9:36	Permit Status Updated	Permit# ZFP23-000224 status was changed from Online Application Received to Issued by Kate Winzler	Kate Winzler	
11/22/2023 9:35	Document Attached	Document "Simple Build Permit.htm" was attached to the case.	Kate Winzler	
11/22/2023 9:34	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.	System User	
11/22/2023 9:34	Permit Updated	Permit # SB23-000111 issue date changed from to 11/22/2023 by Kate Winzler	Kate Winzler	
11/22/2023 9:34	Permit Updated	Permit # SB23-000111 expiration date changed from to 11/22/2024 by Kate Winzler	Kate Winzler	
11/22/2023 9:34	Permit Status Updated	Permit# SB23-000111 status was changed from Ready for Payment to Issued by Kate Winzler	Kate Winzler	
11/21/2023 21:23	Document Attached	Document "Your citizenserve payment has been received.htm" was attached to the case.	System User	
11/21/2023 21:23	Online Payment Received - Activity	A Online Payment Received activity has been assigned to Kate Winzler in the North Topsail Beach	System User	
11/21/2023 21:23	Payment Added	Payment of \$200.00 added to SB23-000111 receipt	System User	
11/21/2023 16:54	Document Attached	Document "Permit Payment.htm" was attached to the case.	Kate Winzler	
11/21/2023 16:52	Document Attached	Document "Your citizenserve application status has changed.htm" was attached to the case.	System User	
11/21/2023 16:52	Permit Status Updated	Permit# SB23-000111 status was changed from Online Application Received to Ready for Payment by Kate Winzler	Kate Winzler	
11/21/2023 16:51	Permit Fee Added	Credit -10-357-08 fee of \$125.00 added to ZFP23-000224 by Kate Winzler	Kate Winzler	
11/21/2023 16:49	Activity Update	Permit Review assigned to Kate Winzler status changed from Approved with Comments to Approved by Kate Winzler on 11/21/2023	Kate Winzler	
11/21/2023 16:49	Activity Update	Permit Review assigned to Kate Winzler was completed by Kate Winzler on 11/21/2023	Kate Winzler	
11/21/2023 16:49	Activity Update	Permit Review assigned to Kate Winzler status changed from to Approved by Kate Winzler on 11/21/2023	Kate Winzler	
11/21/2023 15:18	Activity Update	Zoning Review assigned to Deborah Hill was completed by Deborah Hill on 11/21/2023	Deborah Hill	
11/21/2023 15:17	Activity Update	Zoning Review assigned to Deborah Hill status changed from to Approved with Comments by Deborah Hill on 11/21/2023	Deborah Hill	
11/16/2023 13:24	Activity Update	Permit Review assigned to Kate Winzler was completed by Kate Winzler on 11/16/2023	Kate Winzler	
11/16/2023 13:24	Activity Update	Permit Review assigned to Kate Winzler status changed from to Approved with Comments by Kate Winzler on 11/16/2023	Kate Winzler	
11/16/2023 8:18	Activity Update	Building Review assigned to Ralph Allen was completed by Ralph Allen on 11/16/2023	Ralph Allen	
11/16/2023 8:18	Activity Update	Building Review assigned to Ralph Allen status changed from to Approved by Ralph Allen on 11/16/2023	Ralph Allen	84

11/14/2023 16:10	Document Attached	Document "Application submitted for review.htm" was attached to the case.	Kate Winzler	Section V, ItemA.
11/14/2023 16:09	Activity Update	Building Review Start Date Changed from - to 11/14/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Building Review Due Date Changed from - to 11/16/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Initial Review assigned to Kate Winzler status changed from Pending to Approved by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 16:09	Activity Update	Zoning Review Start Date Changed from - to 11/14/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Zoning Review Due Date Changed from - to 11/16/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Initial Review Start Date Changed from 11/07/2023 to 11/14/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Initial Review Due Date Changed from 11/08/2023 to 11/15/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 16:09	Activity Update	Initial Review assigned to Kate Winzler completion date changed from 11/09/2023 to 11/14/2023 by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 16:09	Activity Update	Initial Review assigned to Kate Winzler status changed from On Hold. See Review Comments to Approved by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:11	Document Attached	Document "Application Incomplete.htm" was attached to the case.	Kate Winzler	
11/14/2023 14:10	Activity Update	Initial Review Start Date Changed from 11/07/2023 to 11/14/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 14:10	Activity Update	Initial Review Due Date Changed from 11/08/2023 to 11/15/2023 by Kate Winzler.	Kate Winzler	
11/14/2023 14:10	Activity Update	Initial Review assigned to Kate Winzler completion date changed from 11/09/2023 to 11/14/2023 by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:10	Activity Update	Initial Review assigned to Kate Winzler status changed from On Hold. See Review Comments to Pending by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:03	Permit Status Updated	Permit# SB23-000111 status was changed from Revise and Resubmit to Online Application Received by Kate Winzler	Kate Winzler	
11/14/2023 14:03	Activity Update	Online Modification assigned to Kate Winzler was completed by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:03	Activity Update	Online Modification assigned to Kate Winzler status changed from to Complete by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:02	Activity Update	Online Modification assigned to Kate Winzler was completed by Kate Winzler on 11/14/2023	Kate Winzler	
11/14/2023 14:02	Activity Update	Online Modification assigned to Kate Winzler status changed from to Complete by Kate Winzler on 11/14/2023	Kate Winzler	
11/11/2023 18:52	Online Modification -	A Online Modification activity has been assigned to Kate Winzler in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis	
11/11/2023 18:17	Online Modification -	A Online Modification activity has been assigned to Kate Winzler in the North Topsail Beach department.	Coastland Construction Matthew Davis	85

11/9/2023 21:27	Document Attached	Document "Build PLans - Not Engineered.pdf" was attached to the case.	Kate Winzler	Section V, ItemA.
11/9/2023 21:27	Document Attached	Document "OC Lumber_Span-Performance-06092023_Rev1.pdf" was attached to the case.	Kate Winzler	
11/9/2023 21:27	Document Attached	Document "xf13T6-CBI Listing - Owens Corning - Owens Corning Lumber - CL 2302-42.pdf" was attached to the case.	Kate Winzler	
11/9/2023 21:23	Document Attached	Document "Application Incomplete.htm" was attached to the case.	Kate Winzler	
11/9/2023 21:23	Activity Update	Online Document Upload assigned to Kate Winzler was completed by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:23	Activity Update	Online Document Upload assigned to Kate Winzler status changed from to Complete by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:20	Permit Status Updated	Permit# SB23-000111 status was changed from Online Application Received to Revise and Resubmit by Kate Winzler	Kate Winzler	
11/9/2023 21:20	Activity Update	Zoning Review Start Date Changed from 11/09/2023 to - by Kate Winzler.	Kate Winzler	
11/9/2023 21:20	Activity Update	Zoning Review Due Date Changed from 11/11/2023 to - by Kate Winzler.	Kate Winzler	
11/9/2023 21:19	Activity Update	Initial Review assigned to Kate Winzler status changed from to On Hold. See Review Comments by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:16	Activity Update	Initial Review assigned to Kate Winzler was completed by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:15	Activity Update	Building Review Due Date Changed from 11/11/2023 to - by Kate Winzler.	Kate Winzler	
11/9/2023 21:14	Activity Update	Building Review Start Date Changed from 11/09/2023 to - by Kate Winzler.	Kate Winzler	
11/9/2023 21:13	Activity Update	Initial Review assigned to Kate Winzler status changed from to On Hold. See Review Comments by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:13	Permit Moved	ZFP23-000224 moved from file 23-001116 to 23-001117 by Kate Winzler	Kate Winzler	
11/9/2023 21:12	Activity Update	Initial Review assigned to Kate Winzler was completed by Kate Winzler on 11/09/2023	Kate Winzler	
11/9/2023 21:11	Activity deleted	A Zoning Review created on 11/07/2023 was deleted by Kate Winzler.	Kate Winzler	
11/9/2023 21:09	Document deleted	A Document (Buckley+-+114+N+Permuda+Wynd-3.pdf) was deleted from Permit SB23-000111 on 11/09/2023 by Kate Winzler.	Kate Winzler	
11/9/2023 21:09	Document deleted	A Document (Buckley+-+114+N+Permuda+Wynd-3.pdf) was deleted from Permit ZFP23-000224 on 11/09/2023 by Kate Winzler.	Kate Winzler	
11/9/2023 21:09	Document deleted	A Document (Buckley+-+114+N+Permuda+Wynd-3.pdf) was deleted from Permit ZFP23-000224 on 11/09/2023 by Kate Winzler.	Kate Winzler	
11/9/2023 21:09	Document deleted	A Document (Buckley+-+114+N+Permuda+Wynd-3.pdf) was deleted from Permit SB23-000111 on 11/09/2023 by Kate Winzler.	Kate Winzler	

11/9/2023 21:09	Document deleted	A Document (Buckley+-+114+N+Permuda+Wynd-3.pdf) was deleted from Permit ZFP23-000224 on 11/09/2023 by Kate Winzler.	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Section V, ItemA.</div> Kate Winzler
11/7/2023 21:42	Online Document Upload - Activity	A Online Document Upload activity has been assigned to Kate Winzler in the North Topsail Beach	Coastland Construction LLC - Matthew Davis
11/7/2023 21:42	Document Attached	Document "OC Lumber_Span-Performance-06092023_Rev1.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
11/7/2023 21:42	Document Attached	Document "xf13T6-CBI Listing - Owens Corning - Owens Corning Lumber - CL 2302-42.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Document Attached	Document "Your permit application has been received.htm" was attached to the case.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Portal Submitted	Online application for Rebuild and replace existing deck and stairs on existing pilings on 114 N PERMUDA WYND DR Submitted by Coastland Construction LLC - Matthew Davis and 11/07/2023 04:51 PM	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Zoning Review - Activity	A Zoning Review activity has been assigned to Deborah Hill in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Building Review - Activity	A Building Review activity has been assigned to Ralph Allen in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Initial Review - Activity	A Initial Review activity has been assigned to Kate Winzler in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Permit Review - Activity	A Permit Review activity has been assigned to Kate Winzler in the North Topsail Beach department.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Contact Added	Matthew Davis was added to the case by System User.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Document Attached	Document "Buckley+-+114+N+Permuda+Wynd-3.pdf" was attached to the case.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Document Attached	Document "Screenshot 2023-11-07 at 6.45.18 PM.png" was attached to the case.	Coastland Construction LLC - Matthew Davis
11/7/2023 18:51	Document Attached	Document "signature.png" was attached to the case.	Coastland Construction LLC - Matthew Davis



ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director

October 26, 2023

Exemption Number – EX 53-23

Philip and Kristen Buckley  
c/o Mathew Davis  
1735 Minley Way  
Apex, NC 27502

RE: EXEMPTED PROJECT (Statutory Exclusion) - MAINTENANCE AND REPAIR OF EXISTING STRUCTURES - [G.S. 113-103(5)(B)(5) and [15A NCAC 7K.0103(a)]

PROJECT ADDRESS – 114 N Permuda Wynd Drive, North Topsail Beach  
AREA OF ENVIRONMENTAL CONCERN – Ocean Hazard AEC

Dear Mr./Mrs. Buckley:

I have reviewed the information submitted to this office in your contractor's inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. I have determined that the activity proposed is exempt from needing a minor development permit as long as it remains consistent with the description and materials list submitted via email on 10/26/2023, and meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

**MAINTENANCE AND REPAIR – [G.S. 113-103(5)(B)(5) and 15A NCAC 7K.0103(a)]** - Maintenance and repairs (excluding replacement) necessary to repair damage to structures caused by the elements are specifically excluded from the definition of development under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC shall contact the local CAMA representative for consultation and advice before beginning work.

Structures may be repaired in a similar manner, size and location as the original structure. No expansions or additions are permissible. The repairs are limited to 50% of the market value of the existing structure and the following specific conditions.

1. The project consists of the repair of the decks, railings, stairs, and damaged structural joists.
2. The proposed repairs shall be consistent with all other applicable local ordinances and North Carolina Building Code standards.
3. No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint.
4. No other work is authorized by this exemption letter.
5. **The Permittee shall be responsible for obtaining any and all necessary authorizations, approvals, or zoning and building permits from the local government having jurisdiction (Town of North Topsail Beach and/or Onslow County) prior to commencing work.**

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization and N.C. Building Permits. This exemption expires 90 days from the date of the letter.

Sincerely,

*Heather M. Styron*

Heather M. Styron, District Manager  
NC Division of Coastal Management  
400 Commerce Ave.,  
Morehead City, NC 28557





Town of North Topsail Beach  
 2008 Loggerhead Ct  
 North Topsail Beach, NC 28460  
 Phone: 910-328-1349

Application Date: 11/07/2023  
 Issuance Date: 11/22/2023  
 Expiration Date: 05/22/2024

<p><b>Property Address:</b> 114 N PERMUDA WYND DR                  NORTH TOPSAIL BEACH, NC 28460</p> <p><b>Parcel#:</b> 806-63</p> <p><b>Owner Name:</b> BUCKLEY PHILIP H &amp; KRISTEN A</p> <p><b>Owner Phone:</b></p> <p><b>Applicant:</b> Coastland Construction LLC</p>	<p><b>Scope of Work:</b>                  Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. <b>CONDITION:</b> No change in footprint; existing pilings.</p> <p><b>Contractor Name:</b> Coastland Construction LLC</p> <p><b>Contractor License#:</b> None</p> <p><b>Contractor Phone#:</b></p>
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**Permit Details**

Fee	Description	\$Total
Residential Technology Fee		\$5.00
Floodplain Permit Fee		\$50.00
Zoning Permit Fee		\$75.00
Residential Fee		\$70.00

I hereby certify that all information above is true and correct. That all work under this permit shall comply and conform to all Town ordinances, State and Federal laws pertaining thereto, whether specified or not, and in accordance with any plans submitted or required to be submitted regulating building codes and building construction in the Town of North Topsail Beach, NC. I further agree to remove all construction debris from the site when completed, and that I am the owner or authorized by the owner to do the work described in this permit.

Permit shall be void if construction authorized by permit shall not have been commenced within six (6) months after the date of issuance thereof, or if after commencement of construction, the work shall be discontinued for a period of twelve (12) months, work shall not be resumed until the permit has been renewed.

All final inspections are mandatory before occupancy. All work shall be performed by a licensed contractor in the state. It is unlawful and illegal to occupy any building before final inspection and a certification of occupancy has been issued. All fees are non-refundable after 60 days.

**Applicant Signature:**  **Date:** 11/07/2023

Town of North Topsail Beach  
 2008 Loggerhead Ct  
 North Topsail Beach, NC 28460  
 Phone: 910-328-1349

Application Date: 11/07/2023  
 Issuance Date: 11/22/2023  
 Expiration Date: 05/22/2024

<p><b>Property Address:</b> 114 N PERMUDA WYND DR                  NORTH TOPSAIL BEACH, NC 28460</p> <p><b>Parcel#:</b> 806-63</p> <p><b>Owner Name:</b> BUCKLEY PHILIP H &amp; KRISTEN A</p> <p><b>Owner Phone:</b></p> <p><b>Applicant:</b> Coastland Construction LLC</p>	<p><b>Scope of Work:</b>                  Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. <b>CONDITION:</b> No change in footprint; existing pilings.</p> <p><b>Contractor Name:</b> Coastland Construction LLC</p> <p><b>Contractor License#:</b> None</p> <p><b>Contractor Phone#:</b></p>
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<b>Permit Details</b>
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Fee	Description	\$Total
Floodplain Permit Fee		\$50.00
Zoning Permit Fee		\$75.00
Credit -10-357-08	Included on SB23-000111	\$125.00

I hereby certify that all information above is true and correct. That all work under this permit shall comply and conform to all Town ordinances, State and Federal laws pertaining thereto, whether specified or not, and in accordance with any plans submitted or required to be submitted regulating building codes and building construction in the Town of North Topsail Beach, NC. I further agree to remove all construction debris from the site when completed, and that I am the owner or authorized by the owner to do the work described in this permit.

Permit shall be void if construction authorized by permit shall not have been commenced within six (6) months after the date of issuance thereof, or if after commencement of construction, the work shall be discontinued for a period of twelve (12) months, work shall not be resumed until the permit has been renewed.

All final inspections are mandatory before occupancy. All work shall be performed by a licensed contractor in the state. It is unlawful and illegal to occupy any building before final inspection and a certification of occupancy has been issued. All fees are non-refundable after 60 days.

**Applicant Signature:**  **Date:** 11/07/2023

**FLOODPLAIN DEVELOPMENT PERMIT# ZFP 23-000224**  
NOT VALID UNTIL SIGNED AND ACKNOWLEDGED BY APPLICANT


In accordance with the North Topsail Beach Flood Damage Prevention Ordinance, a Floodplain Development Permits is hereby granted to **Coastland Construction LLC** to conduct development activities within the area of special flood hazard on property located at **114 N PERMUDA WYND DR**. This Permit is issued to the aforementioned individual, firm, partnership, etc. for the purpose noted above and in accordance with the North Topsail Beach Flood Damage Prevention Ordinance, Floodplain Development Permit and attachments thereto; and is subject to the following modifications and/or performance reservations: **Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs.**


**CONDITION: No change in footprint; existing pilings.**

1. Permit issued for the following development only
2. Pursuant to Article 4, Section B (3) (a) ii) of the North Topsail Beach Flood Damage Prevention Ordinance, it shall be the duty of the permit holder to submit to the Floodplain Administrator the Elevation Certification within 7 calendar days after establishment of the lowest floor.
3. All buildings or structures shall be located and comply with all applicable CAMA setback requirements and as specified by your CAMA MINOR PERMIT # **EX 53-23**
4. Below DFE enclosures are to be used for parking vehicles, building access, or storage only. Living space below DFE is not only a violation but will result in an insurance submit-to-rate to FEMA headquarters which will require an explanation from the town. If the plans indicate storage below DFE, the flood development permit requires flood resistant materials below DFE, all electrical work below DFE within enclosed area will be in accordance with NEC210.70A3 for storage room in a regulated flood zone and a statement on the certificate of occupancy will indicate that "habitable space" below DFE is considered a violation of the building and flood codes.
5. Proper Erosion and Sediment control measures shall be installed and maintained in accordance with North Carolina State Standards during fill operations.
6. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is AT OR ABOVE DESIGN FLOOD ELEVATION (BFE + 2 feet freeboard MSL) [NGVD 1929 or NAVD 1988] with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to breakaway in the event of abnormal wave action pursuant to the North Topsail Beach Flood Damage Prevention Ordinance.
7. All attendant utilities shall be AT OR ABOVE DESIGN FLOOD ELEVATION (BFE + 2 feet freeboard MSL) [NGVD 1929 or NAVD 1988].
8. All building or structures shall be securely anchored on pilings or columns and meet the following minimum criteria:
  - a. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.  
A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions
  - b. contained in Article 4, Section B, Article 5, Section G (3)(a&b), Article 5, Section G(4) and Article 5, Section G(6) of this ordinance on North Carolina's "National Flood Insurance Program V-Zone Certification" form dated May 1992 or newer.
9. Non-compacted fill may be used around the perimeter of a building for landscaping and/or aesthetic purposes. The local floodplain administrator shall approve design plans for landscaping and/or aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist which demonstrates that the following factors have been fully considered to meet compliance of this ordinance:
  - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
  - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
  - c. Slope and fill will not cause wave run-up or ramping.
10. Maximum thickness of concrete shall not exceed 4 inches. The slab must be frangible to allow the slab to collapse if significantly undercut by scour, rather than damaging the structure. The use of fill beneath an elevated building to elevate a slab above natural grade is considered an obstruction and is therefore prohibited.
11. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met.
  - a. No solid walls shall be allowed. Only breakaway walls will be allowed BELOW DESIGN FLOOD ELEVATION (BFE + 2 feet freeboard MSL) [NGVD 1929 or NAVD 1988]. Material shall consist of wood or mesh screening only.
  - b. Design safe loading resistance of each wall shall be not less than 10 nor more than 20 pounds per square foot or,
  - c. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components

- (structural and non-structural). The water loading values used shall be those associated with the base loading values used shall be those required by the North Carolina State Building Code.
12. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
  13. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the local administrator for approval.
  14. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in the North Topsail Beach Flood Damage Prevention Ordinance.
  15. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with the North Topsail Beach Flood Damage Prevention Ordinance.
  16. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the provisions of the North Topsail Beach Flood Damage Prevention Ordinance.
  17. Temporary Structures shall be permitted in Coastal High Hazard Areas provided that they meet the provisions of the North Topsail Beach Flood Damage Prevention Ordinance.

I understand that failure to comply with the North Topsail Beach Flood Damage Prevention Ordinance including any modifications and/or performance reservations could result in assessment of civil penalties or initiation of civil or criminal court actions.

**Applicant Signature:**  **Date: 11/07/2023** **NOT VALID UNTIL SIGNED AND ACKNOWLEDGED BY APPLICANT**

**Issued By:**  **Date: 11/22/2023**

**Deb Hill**

---

**From:** Deb Hill  
**Sent:** Monday, January 29, 2024 12:16 PM  
**To:** Lucas, Jonathan R; Kate Winzler  
**Cc:** Ralph Allen  
**Subject:** RE: [External] RE: 114 N Permuda Wynd Dr. VOSS

Thank you.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
**dhill@northtopsailbeachnc.gov**



---

**From:** Lucas, Jonathan R <jonathan.lucas@deq.nc.gov>  
**Sent:** Monday, January 29, 2024 10:48 AM  
**To:** Deb Hill <dhill@northtopsailbeachnc.gov>; Kate Winzler <kwinzler@northtopsailbeachnc.gov>  
**Cc:** Ralph Allen <rallen@northtopsailbeachnc.gov>  
**Subject:** RE: [External] RE: 114 N Permuda Wynd Dr. VOSS

Deb,

Thank you, I just called Matthew Davis at Coastland Construction and told him that the first step is for him to discuss his modification with Ralph.

Respectfully,

**Jonathan Lucas**  
Field Representative for Western Onslow County  
North Carolina Division of Coastal Management  
400 Commerce Ave. Morehead City NC 28557  
Cell: (252) 725-3908  
Office: (252) 515-5420

[Find a Field Rep \(arcgis.com\)](http://arcgis.com)





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**From:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>  
**Sent:** Monday, January 29, 2024 10:19 AM  
**To:** Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Lucas, Jonathan R <[jonathan.lucas@deg.nc.gov](mailto:jonathan.lucas@deg.nc.gov)>  
**Cc:** Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>  
**Subject:** [External] RE: 114 N Permuda Wynd Dr. VOSS

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

My recommendation is that he discuss his proposed modification with Ralph first, to verify that it is “the only way to make the new stairs meet code”. He will have to request to modify his application and when I deny it, he can request a variance from § 10.07.02 from the Board of Adjustment.

(E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the “dune buffer.”

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



**From:** Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>  
**Sent:** Monday, January 29, 2024 8:31 AM  
**To:** Lucas, Jonathan R <[jonathan.lucas@deg.nc.gov](mailto:jonathan.lucas@deg.nc.gov)>  
**Cc:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>  
**Subject:** RE: 114 N Permuda Wynd Dr. VOSS

Good morning Jonathan,  
Deb will be reaching out to you today to discuss this. This permit was issued with the following conditions:

- Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on pilings to meet building code. The footprint will remain unchanged, including the descending stairs. Section V, Item A.  
**CONDITION: No change in footprint; existing pilings.**

Kindly,

**Kate Winzler, CMC, NCCMC**

Permit Specialist/Deputy Town Clerk

**Town of North Topsail Beach**

2008 Loggerhead Ct.

North Topsail Beach, NC 28460

910.328.1349



---

**From:** Lucas, Jonathan R <[jonathan.lucas@deg.nc.gov](mailto:jonathan.lucas@deg.nc.gov)>

**Sent:** Friday, January 26, 2024 3:57 PM

**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>

**Subject:** 114 N Permuda Wynd Dr. VOSS

Deb, Kate, and Ralph,

I visited 114 N. Permuda Wynd Dr. on Wednesday. Deck is currently being repaired under CAMA Exemption 53-23. Contractor (Coastland Construction) says the existing stair layout does not meet building code and the only way to make the new stairs meet code is to rotate them 90 degrees. This rotation moves the stairs out into the frontal dune. DCM is willing to permit the dune impacts in this case, if it is required for this existing deck to meet code.

Before I permit this, I'd like to ask for a determination from the town code enforcement that dune impacts are in fact necessary to meet code in this situation.

See the attached email for details.

Respectfully,

**Jonathan Lucas**

Field Representative for Western Onslow County

North Carolina Division of Coastal Management

400 Commerce Ave. Morehead City NC 28557

Cell: (252) 725-3908

Office: (252) 515-5420

[Find a Field Rep \(arcgis.com\)](#)





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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.



Section V, Item A.



**From:** noreply-portal@citizenserve.com  
**Sent:** 02/01/2024 - 03:04 PM  
**To:** mdavis@coastlandbuilt.com  
**Subject:** Your inspection has been completed

---

# INSPECTION REPORT

Your inspection has been completed.

**SB23-000111**

Address: 114 N PERMUDA WYND DR

Project Description: Rebuild and replace existing deck and stairs on existing pilings

Inspection Type: Other

Inspection Date: 02/01/2024

Inspection Status: Fail

[CLICK HERE TO VIEW YOUR FILES](#)

---



**From:** dhill@northtopsailbeachnc.gov  
**Sent:** 02/01/2024 - 06:18 PM  
**To:** kristen@1918.me,mdavis@coastlandbuilt.com  
**CC:** dhill@northtopsailbeachnc.gov,kwinzler@northtopsailbeachnc.gov,inspector@northtopsailbeachnc.gov  
**Subject:** FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

Attachments:

Citation (to Property Owner) (4).pdf

You are hereby notified of an inspection conducted on February 01, 2024, by Deborah Hill and Ralph Allen of 114 N PERMUDA WYND DR

North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice, from 02/01/2024 to 02/08/2024.

Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

**Deborah Hill, MPA AICP CFM CZO**

Planning Director

**Town of North Topsail Beach**

2008 Loggerhead Ct

North Topsail Beach, NC 28460

910.328.1349

[www.ntbnc.org/planning](http://www.ntbnc.org/planning)



**Deb Hill**

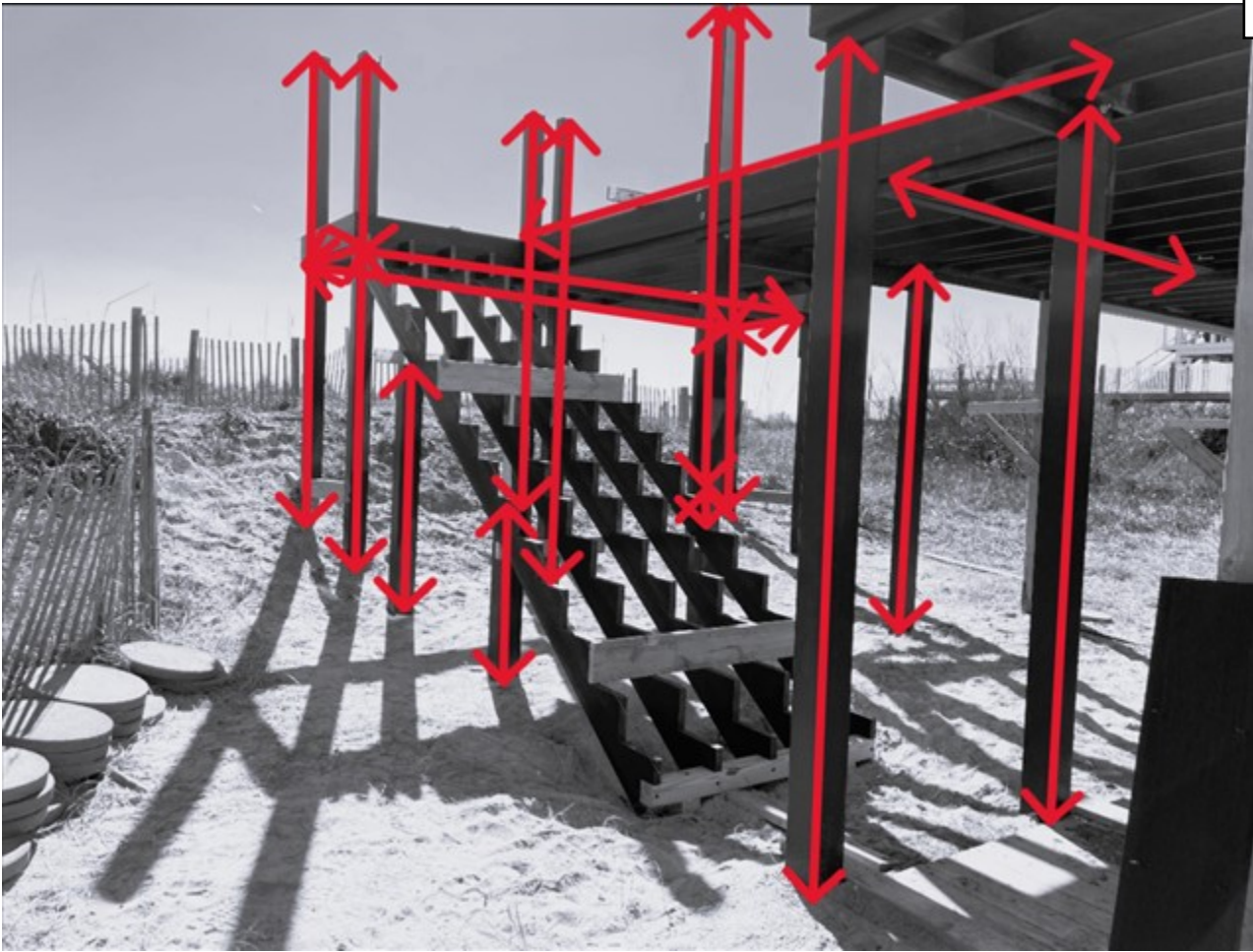
---

**From:** Deb Hill  
**Sent:** Monday, February 5, 2024 3:28 PM  
**To:** Coastland Skipper  
**Cc:** Kristen Buckley; Kate Winzler; Ralph Allen; Alice Derian; Jonathan R Lucas  
**Subject:** RE: IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND  
DR CODE ENFORCEMENT INSPECTION

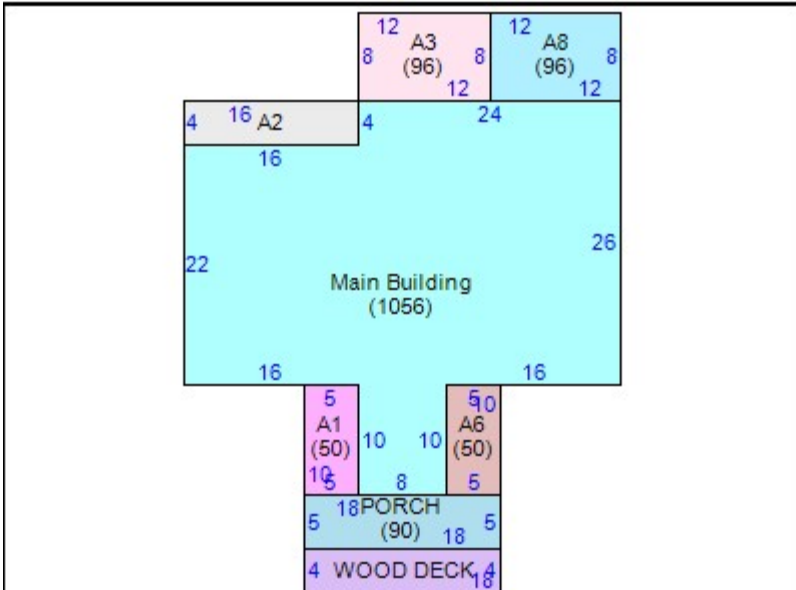
All construction outside of the original footprint of the deck and stairs, to include new pilings is in violation of the 1) Zoning Permit ZFP23-000224 and 2) Simple Build Permit SB23-000111 condition, “*Scope of Work: Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. CONDITION: No change in footprint; existing pilings.*” And 3) CAMA Permit Exemption Number – EX 53-23 Condition #3, “No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint.”

Requirements: 1) **remove all new pilings, expanded deck area and stairs** (remaining should be a 4’ x 16’ uncovered deck, 8 x 12’ uncovered deck, and 8 x 12’ covered deck unless any portion is supported by new pilings); and 2) repair damage to dunes and vegetation and pay the civil penalties on or before 02/08/2024.

\*\*\*For any new pilings to remain because they are required to support 4’ x 16’ (A2) uncovered deck, 8 x 12’ uncovered deck (A3), or 8 x 12’ covered deck (A8) in sketch below, you must 1) obtain CAMA approval for modification request and 2) submit a modification request to your Zoning Permit ZFP23-000224 and Simple Build Permit SB23-000111 application for review and approval. No pilings within the 5-foot landward toe of the dune buffer will be authorized to remain.



Remaining should be 4' x 16' (A2) uncovered deck, 8 x 12' uncovered deck (A3), or 8 x 12' covered deck (A8) in sketch below.



If this is not clear, or if you have additional questions, please contact me.

Section V, Item A.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
**dhill@northtopsailbeachnc.gov**



---

**From:** Coastland Skipper <mdavis@coastlandbuilt.com>  
**Sent:** Saturday, February 3, 2024 1:33 PM  
**To:** Deb Hill <dhill@northtopsailbeachnc.gov>; Alice Derian <aderian@northtopsailbeachnc.gov>; Jonathan R Lucas <jonathan.lucas@deq.nc.gov>  
**Cc:** Kristen Buckley <kristen@1918.me>; Kate Winzler <kwinzler@northtopsailbeachnc.gov>; Ralph Allen <rallen@northtopsailbeachnc.gov>  
**Subject:** IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

North Topsail Beach Town Officials,

IMMEDIATE RESPONSE & ACTION REQUESTED

On February 1, 2024, at 6:18 PM, COASTLAND CONSTRUCTION and HOMEOWNERS of 114 N PERMUDA WYND received notification of violation of Ordinance 10.02.02 DEVELOPMENT INCONSISTENT WITH CONDITIONS OF ZONING PERMIT ZFP23-000224 and the assessed civil penalty 10.07.02(A) REBUILDING OF DAMAGED DUNES. Pursuant to the directives issued in the violation, corrective action on behalf of the homeowners was requested by the Town of North Topsail Beach officials within a specified timeframe to avoid further penalties assessed.

Attached in this email are the ZONING PERMIT ZFP23-00024 permitted plans submitted 11-7-2023 and approved 11-21-2023 (file named: "Build PLans - Not Engineered.pdf") retrieved directly from North Topsail Beach online permitting portal CitizenServe.

Directing your attention to page 2 and page 7 of the retrieved documents (screenshots included) and in confluence with the photograph attached herein (designated as current construction completed as of January 19, 2024) we are requesting your specific instruction as follows:

COASTLAND CONSTRUCTION and homeowners, KRISTEN & PHIL BUCKLEY, are attempting to comply with the directives of the violation set forth and are requesting IMMEDIATE ADVISEMENT & DIRECTION from NORTH TOPSAIL BEACH to satisfy the conditions of the violation notice. Specifically and without delay, we are requesting to know what AREAS OF THE BUILD are deemed in violation and which DECK SUPPORT POSTS need to be removed to satisfy requirements?

Please provide us your determination so we may comply with your imposed violation directives IMMEDIATELY WITHOUT DELAY. It is requested your response and directives be rendered IN WRITING to avoid any misinterpretations or further missteps on our behalf.

A copy of this email has been provided to NC Department of Environmental Quality field representative JONATHAN LUCAS and North Topsail Beach Town Manager, ALICE DERIAN.

Thank you in advance for your time and cooperation and we look forward to response.

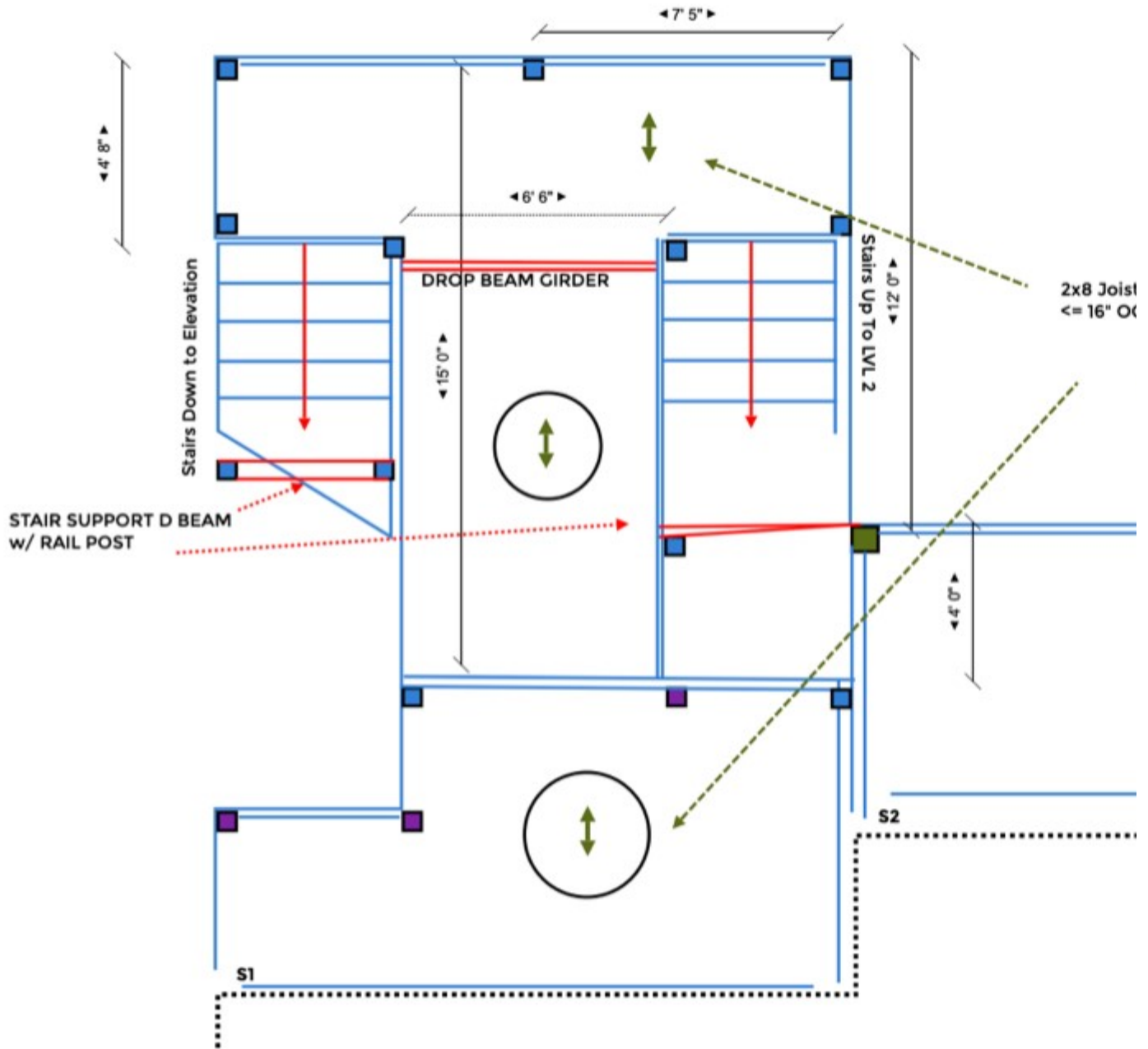
**PLEASE NOTE:** The file name of project plans submitted 11-7-2023 was administratively renamed by town officials during the review process. The file, in its original title format, is attached herein. The converted file name may be retrieved from the portal.

*Buckley+-+114+N+Permuda+Wynd-2.pdf = Build PLans - Not Engineered.pdf*

11/09/23	Building Plans if applicable
11/09/23	Building Plans if applicable







On Feb 1, 2024, at 6:18 PM, [dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov) wrote:

You are hereby notified of an inspection conducted on February 01, 2024, by Deborah Hill and Ralph Allen of 114 N PERMUDA WYND DR North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. Any dune in the required

natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice, from 02/01/2024 to 02/08/2024. Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

**Deborah Hill, MPA AICP CFM CZO**  
Planning Director  
**Town of North Topsail Beach**  
2008 Loggerhead Ct  
North Topsail Beach, NC 28460  
910.328.1349  
[www.ntbnc.org/planning](http://www.ntbnc.org/planning)



**Matthew S. Davis**  
President - Chief Builder



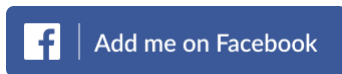
910-622-2242

252-624-4356

coastlandbuilt.com

mdavis@coastlandbuilt.com

177 Sloop Point Loop Rd., Hampstead, NC 28443



"A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the equality of his actions and the integrity of his intent." -Douglas McArthur

Section V, Item A.



Section V, Item A.



Exhibit 37

Photo 20240209\_145146166\_IOS taken 02 09 2024 0951 114 N Permuda Wynd Drive

Section V, Item A.



Section V, Item A.



Section V, Item A.



Exhibit 41 Photo 20240209\_150022522\_iOS taken 02.09.2024 1000 114 N Permuda Wynd Drive







Exhibit 42. Photo 20240209\_150116989\_iOS taken 02 09 2024 1001 114 N Permuda Wynd Drive

**Deb Hill**

---

**From:** Deb Hill  
**Sent:** Friday, March 1, 2024 10:28 AM  
**To:** Coastland Skipper  
**Cc:** Kristen Buckley; gloria.whitehead@ncleg.gov  
**Subject:** AA24-000001 114 N PERMUDA WYND DR

The Town of North Topsail Beach Zoning Board of Adjustment will hold an evidentiary hearing following quasi-judicial procedures on Wednesday, March 27, 2024, at 6:00 p.m. at Town Hall, 2008 Loggerhead Court, North Topsail Beach, NC.

The purpose of this meeting is to hear and decide Case #AA24-000001, an appeal by Matthew Davis/Coastland Construction LLC from 114 N Permuda Wynd - §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and assessed citation penalty § 10.07.02 REBUILDING OF DAMAGED DUNES.

Mrs. Buckley, I spoke with Mrs. Gloria Whitehead this morning so that she and/or Rep. Carson Smith may plan to attend.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
**dhill@northtopsailbeachnc.gov**



---

**From:** Deb Hill  
**Sent:** Friday, February 9, 2024 4:45 PM  
**To:** Coastland Skipper <mdavis@coastlandbuilt.com>  
**Cc:** Kristen Buckley <kristen@1918.me>; Kate Winzler <kwinzler@NORTHTOPSAILBEACHNC.GOV>; Ralph Allen <rallen@NORTHTOPSAILBEACHNC.GOV>; Alice Derian <aderian@NORTHTOPSAILBEACHNC.GOV>; Jonathan R Lucas <jonathan.lucas@deq.nc.gov>  
**Subject:** RE: IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

The files within Exhibit I.rtf.zip and Exhibit K.rtf.zip cannot be opened. If they are documents, could you please provide in either .pdf or .docx format?

Please clarify your request to "Please provide next instructions at your first available opportunity and active status of ZFP23-000224."

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator

**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



---

**From:** Coastland Skipper <[mdavis@coastlandbuilt.com](mailto:mdavis@coastlandbuilt.com)>  
**Sent:** Thursday, February 8, 2024 8:40 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>  
**Cc:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Alice Derian <[aderian@northtopsailbeachnc.gov](mailto:aderian@northtopsailbeachnc.gov)>; Jonathan R Lucas <[jonathan.lucas@deq.nc.gov](mailto:jonathan.lucas@deq.nc.gov)>  
**Subject:** Re: IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

After careful consideration, we have elected to appeal North Topsail Beach citation and civil penalty assessed 2/1/2024. The application for appeal has been submitted online via CitizenServe effective 2/8/2024. The appeal number is AA24-000001 and the \$500.00 fee has been paid.

Please provide next instructions at your first available opportunity and active status of ZFP23-000224.

On Feb 6, 2024, at 5:41 PM, Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)> wrote:

Mrs. Buckley, the first step is to remove all the unpermitted work to include new pilings, pay the citation and restore the dune. I advise Mr. Davis to install a silt fence at least 5 feet from the toe of the dune to prevent any collateral damage to your dune system.

Once that is completed, Mr. Davis may submit a modification request to replace the original deck and stairs to include the required pilings to your CAMA, Zoning Permit ZFP23-000224 and Simple Build Permit SB23-000111 application for review and approval. Under no circumstances will pilings within the 5-foot landward toe of the dune buffer will be authorized.

The Building Inspector is responsible for administration and enforcement of the State Building Codes. It will be exclusively his determination - as the individual having authority in this jurisdiction and as certified by the State - if a proposed stair configuration meets the building code.

Without the request to modify and other pertinent information, I cannot make a determination – and certainly not on behalf of DCM nor Building Inspections – whether or not the modification could or could not be approved. But I think it’s safe to say that all of us are prepared to work with you and your contractor to make repairs/replacements that comply with the Town’s Dune Protection Ordinance, the State’s CAMA regulations and the NC Building Code. If the modification to the applications are denied, you have the right to administrative due process, which includes either of the following:

- **APPEALS OF ADMINISTRATIVE DECISIONS:** Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the town clerk. The notice of appeal shall state the grounds for the appeal. The owner or other party has 30 days from receipt of the written notice of the determination within which to file an appeal.
- **VARIANCES:** When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the conditions outlined in UDO 2.03.04.

If you have any additional questions or concerns, please let me know. I'm available to discuss on the phone or in person, if that works for you. In the meantime, I look forward to resolving this matter and getting your contractor back to work.

**Deborah J. Hill MPA AICP CFM CZO**  
 Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
 2008 Loggerhead Ct.  
 North Topsail Beach, NC 28460  
 Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)  
 <image001.jpg>

---

**From:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>  
**Sent:** Tuesday, February 6, 2024 12:49 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>  
**Cc:** Coastland Skipper <[mdavis@coastlandbuilt.com](mailto:mdavis@coastlandbuilt.com)>; Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Alice Derian <[aderian@northtopsailbeachnc.gov](mailto:aderian@northtopsailbeachnc.gov)>; Jonathan R Lucas <[jonathan.lucas@deq.nc.gov](mailto:jonathan.lucas@deq.nc.gov)>  
**Subject:** Re: IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

Hi Deb,  
 Please forgive my lack of knowledge about this, as this is all new to me and my husband but I'm hoping you could clarify for us.  
 If I'm reading your email correctly, it states that even though we had stairs on the former deck we will no longer be allowed to build new stairs since there is no stair configuration that will meet both the dune codes as well as new building code.  
 And that the posts that collapsed when the deck was removed will not be able to be rebuilt (along with the deck that was previously above it) either, without a new permit.

Is this a correct understanding?  
 Please let us know.  
 Thanks for your time on this matter.

Kristen Buckley

On Mon, Feb 5, 2024 at 3:28 PM Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)> wrote:

**All construction outside of the original footprint of the deck and stairs, to include new pilings** in violation of the 1) Zoning Permit ZFP23-000224 and 2) Simple Build Permit SB23-000111 condition, *“Scope of Work: Rebuild existing 2-story rear deck(s) partially covered, 512 total square feet and stairs on existing pilings to meet building code. The footprint will remain unchanged, including the descending stairs. CONDITION: No change in footprint; existing pilings.”* And 3) CAMA Permit Exemption Number – EX 53-23 Condition #3, “No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint.”

**Requirements:** 1) **remove all new pilings, expanded deck area and stairs** (remaining should be a 4’ x 16’ uncovered deck, 8 x 12’ uncovered deck, and 8 x 12’ covered deck unless any portion is supported by new pilings); and 2) repair damage to dunes and vegetation and pay the civil penalties on or before 02/08/2024.

**\*\*\*For any new pilings to remain because they are required to support 4’ x 16’ (A2) uncovered deck, 8 x 12’ uncovered deck (A3), or 8 x 12’ covered deck (A8) in sketch below, you must 1) obtain CAMA approval for modification request and 2) submit a modification request to your Zoning Permit ZFP23-000224 and Simple Build Permit SB23-000111 application for review and approval. No pilings within the 5-foot landward toe of the dune buffer will be authorized to remain.**

<image002.png>

**Remaining should be 4’ x 16’ (A2) uncovered deck, 8 x 12’ uncovered deck (A3), or 8 x 12’ covered deck (A8) in sketch below.**

<image003.png>

<image004.png>

If this is not clear, or if you have additional questions, please contact me.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**  
2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
Town Hall 910.328.1349  
**Direct 910.581.3008**  
**Mobile 910.330.5047**  
[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)  
<image001.jpg>

**From:** Coastland Skipper <[mdavis@coastlandbuilt.com](mailto:mdavis@coastlandbuilt.com)>  
**Sent:** Saturday, February 3, 2024 1:33 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Alice Derian <[aderian@northtopsailbeachnc.gov](mailto:aderian@northtopsailbeachnc.gov)>; Jonathan R Lucas <[jonathan.lucas@deq.nc.gov](mailto:jonathan.lucas@deq.nc.gov)>  
**Cc:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>  
**Subject:** IMMEDIATE RESPONSE REQUESTED - Re: FILE #: 23-001117 114 N PERMUDA WYND DR CODE ENFORCEMENT INSPECTION

North Topsail Beach Town Officials,

IMMEDIATE RESPONSE & ACTION REQUESTED

On February 1, 2024, at 6:18 PM, COASTLAND CONSTRUCTION and HOMEOWNERS of 114 N PERMUDA WYND received notification of violation of Ordinance 10.02.02 DEVELOPMENT INCONSISTENT WITH CONDITIONS OF ZONING PERMIT ZFP23-000224 and the assessed civil penalty 10.07.02(A) REBUILDING OF DAMAGED DUNES. Pursuant to the directives issued in the violation, corrective action on behalf of the homeowners was requested by the Town of North Topsail Beach officials within a specified timeframe to avoid further penalties assessed.

Attached in this email are the ZONING PERMIT ZFP23-00024 permitted plans submitted 11-7-2023 and approved 11-21-2023 (file named: "Build PLans - Not Engineered.pdf") retrieved directly from North Topsail Beach online permitting portal CitizenServe. Directing your attention to page 2 and page 7 of the retrieved documents (screenshots included) and in confluence with the photograph attached herein (designated as current construction completed as of January 19, 2024) we are requesting your specific instruction as follows:

COASTLAND CONSTRUCTION and homeowners, KRISTEN & PHIL BUCKLEY, are attempting to comply with the directives of the violation set forth and are requesting IMMEDIATE ADVISEMENT & DIRECTION from NORTH TOPSAIL BEACH to satisfy the conditions of the violation notice. Specifically and without delay, we are requesting to know what AREAS OF THE BUILD are deemed in violation and which DECK SUPPORT POSTS need to be removed to satisfy requirements?

Please provide us your determination so we may comply with your imposed violation directives IMMEDIATELY AND WITHOUT DELAY. It is requested your response and directives be rendered IN WRITING to avoid any misinterpretations or further missteps on our behalf.

A copy of this email has been provided to NC Department of Environmental Quality field representative JONATHAN LUCAS and North Topsail Beach Town Manager, ALICE DERIAN.

Thank you in advance for your time and cooperation and we look forward to response.

PLEASE NOTE: The file name of project plans submitted 11-7-2023 was administratively renamed by town officials during the review process. The file, in its original title format, is attached herein. The converted file name may be retrieved from the portal.  
*Buckley+-+114+N+Permuda+Wynd-2.pdf = Build PLans - Not Engineered.pdf*

<image005.png>

<image006.jpg>  
<image007.png>

On Feb 1, 2024, at 6:18 PM, [dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov) wrote:

You are hereby notified of an inspection conducted on February 01, 2024, by Deborah Hill and Ralph Allen of 114 N PERMUDA WYND DR North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice, from 02/01/2024 to 02/08/2024. Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

**Deborah Hill, MPA AICP CFM CZO**  
Planning Director  
**Town of North Topsail Beach**  
2008 Loggerhead Ct  
North Topsail Beach, NC 28460  
910.328.1349  
[www.ntbnc.org/planning](http://www.ntbnc.org/planning)



**Matthew S. Davis**  
President - Chief Builder

[910-622-2242](tel:910-622-2242)

[252-624-4356](tel:252-624-4356)

[coastlandbuilt.com](http://coastlandbuilt.com)

[mdavis@coastlandbuilt.com](mailto:mdavis@coastlandbuilt.com)

[177 Sloop Point Loop Rd., Hampstead, NC 28443](https://www.google.com/maps/place/177+Sloop+Point+Loop+Rd.,+Hampstead,+NC+28443)



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"A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the equality of his actions and the integrity of his intent." -Douglas McArthur


Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.



**Matthew S. Davis**  
President - Chief Builder



 [910-622-2242](tel:910-622-2242)

 [252-624-4356](tel:252-624-4356)


 [coastlandbuilt.com](http://coastlandbuilt.com)

 [mdavis@coastlandbuilt.com](mailto:mdavis@coastlandbuilt.com)

 [177 Sloop Point Loop Rd., Hampstead, NC 28443](#)



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**Deb Hill**

---

**From:** Kristen Buckley <kristen@1918.me>  
**Sent:** Friday, March 8, 2024 3:55 PM  
**To:** Deb Hill  
**Cc:** Alice Derian; Kate Winzler; Kristen Buckley; Phil Buckley; Ralph Allen  
**Subject:** Re: 114 N Permuda Wynd Drive, NTB

Excellent. Looking forward to meeting you both.  
See you then. Have a great weekend.

Best,  
Kristen

On Fri, Mar 8, 2024 at 3:52 PM Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)> wrote:

Excellent. Ralph and I will plan on meeting you at 9 am on Monday, as requested.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**

[2008 Loggerhead Ct.](#)

[North Topsail Beach, NC 28460](#)  
Town Hall 910.328.1349

**Direct 910.581.3008**

**Mobile 910.330.5047**

[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



---

**From:** Alice Derian <[aderian@northtopsailbeachnc.gov](mailto:aderian@northtopsailbeachnc.gov)>  
**Sent:** Friday, March 8, 2024 3:51 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>  
**Cc:** Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Phil Buckley

<[phil@1918.me](mailto:phil@1918.me)>

**Subject:** RE: [114 N Permuda Wynd Drive](#), NTB

We will not be having a staff meeting.

Thank you,

**Alice Derian, ICMA-CM**  
Town Manager  
**Town of North Topsail Beach**

[2008 Loggerhead Ct.](#)

[North Topsail Beach, NC 28460](#)

910.328.1349



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**From:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>

**Sent:** Friday, March 8, 2024 3:46 PM

**To:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>

**Cc:** Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Phil Buckley <[phil@1918.me](mailto:phil@1918.me)>; Alice Derian <[aderian@northtopsailbeachnc.gov](mailto:aderian@northtopsailbeachnc.gov)>

**Subject:** RE: [114 N Permuda Wynd Drive](#), NTB

There's a chance that we could have a dept head meeting then, but I've cc'd the Town Manager so that she is aware that Ralph and I are trying to meet with you and your husband.

If we had a meeting, we could certainly be there right after, probably by 10 am. But let's shoot for 9.

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**

[2008 Loggerhead Ct.](#)

[North Topsail Beach, NC 28460](#)  
Town Hall 910.328.1349

**Direct 910.581.3008**

**Mobile 910.330.5047**

[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



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**From:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>  
**Sent:** Friday, March 8, 2024 3:35 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>  
**Cc:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>; Phil Buckley <[phil@1918.me](mailto:phil@1918.me)>  
**Subject:** Re: [114 N Permuda Wynd Drive](#), NTB

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Oh fantastic.

Would 9a on Monday work for you?

On Fri, Mar 8, 2024 at 3:31 PM Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)> wrote:

Ralph and I are available anytime convenient to you.

Please call me, “Deb”

**Deborah J. Hill MPA AICP CFM CZO**  
Planning Director & Zoning Administrator  
**Town of North Topsail Beach**

[2008 Loggerhead Ct.](#)

[North Topsail Beach, NC 28460](#)  
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**Direct 910.581.3008**

**Mobile 910.330.5047**

[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)



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**From:** Kristen Buckley <[kristen@1918.me](mailto:kristen@1918.me)>  
**Sent:** Friday, March 8, 2024 3:24 PM  
**To:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>; Ralph Allen <[rallen@northtopsailbeachnc.gov](mailto:rallen@northtopsailbeachnc.gov)>; Kate Winzler <[kwinzler@northtopsailbeachnc.gov](mailto:kwinzler@northtopsailbeachnc.gov)>  
**Cc:** Phil Buckley <[phil@1918.me](mailto:phil@1918.me)>  
**Subject:** [114 N Permuda Wynd Drive](#), NTB

Hi Ms. Hill,

My husband Phil and I are eager to get our deck project into compliance and we'd love an opportunity to meet with you and/or Ralph Allen to see if we can come up with a plan that meets all of NTB's requirements.

Is there a day/time this coming week that we could set something up with either of you?

Please let us know your availability. We can be available any day/time.

Thank you.

Kristen Buckley

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.



Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Richard Grant  
Tom Leonard  
Laura Olszewski  
Connie Pletl

Nancy Avery  
Interim Town Clerk

**PUBLIC NOTICE**  
**Zoning Board of Adjustment**  
**Special Meeting**  
**Wednesday, March 27, 2024, 6:00 p.m.**

Public notice is hereby given that the Town of North Topsail Beach Zoning Board of Adjustment will hold an Evidentiary Hearing following quasi-judicial procedures on Wednesday, March 27, 2024, at 6:00 p.m. at Town Hall, 2008 Loggerhead Court, North Topsail Beach, NC.

The purpose of this meeting is to hear and decide Case #AA24-000001, an application by Matthew Davis to appeal Citation 23-00117 dated February 1, 2024, issued to owners of 114 North Permuda Wynd Drive, Philip & Kristen Buckley, through COASTLAND CONSTRUCTION LLC (contracted party) violated town ordinance §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and assessed citation penalty § 10.07.02 REBUILDING OF DAMAGED DUNES.

To promote transparency, the agenda is attached to this notice for review. All information pertaining to the Board of Adjustment public hearing may be viewed at Town Hall, 2008 Loggerhead Court, North Topsail Beach, NC, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. All interested citizens are encouraged to attend.

Kate Winzler, CMC, NCCMC  
Clerk to the Zoning Board of Adjustment  
Posted 3/11/2024