

From: Deanna Lanni <deanna@reachprop.com>
Sent: Thursday, May 30, 2024 11:54 AM
To: Haley Moccia
Cc: Kyle Sears
Subject: Re: 24-004950- Dry Dock pool fence

Be Advised: This email originated from outside of the Town of Carolina Beach, NC

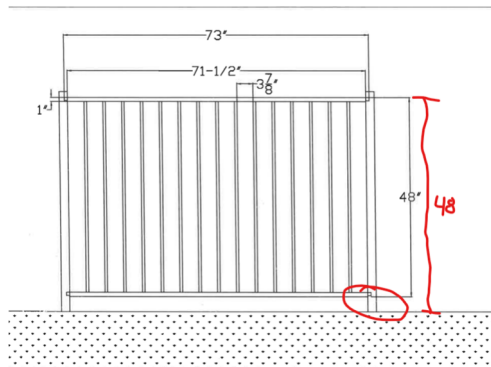
Haley,

I have spoken to Ladd and Kyle regarding our options and Ladd does not want a fence with two different height variations as that will look ridiculous. We are going to go ahead a file for the variance at this point in time. If you could forward the necessary paperwork that would be great. Thank You!

On Thu, May 16, 2024 at 8:39 AM Haley Moccia <haley.moccia@carolinabeach.org> wrote:

Hi Deanna,

In my email to Kyle on April 9th below, the height between cross bars of the fence may be 48", but there is a couple inch gap from that cross section to the concrete pool decking which makes the height of the fence over 48".



Therefore, the proposed fencing would not meet Carolina Beach fencing requirements for fencing within the front set back. I told Kyle this and instead of trying to meet on site or brainstorm other ideas to meet both Town and County pool fencing requirements, you all went ahead and installed the fence without approval... again.

I had asked Kyle if the fence posts could be anchored to the edge of the pool deck instead of on top so the bottom of the cross section could be level with the top of the pool deck (Pic below). I also asked if a different type of fence could be used. When I gave Andrea Thomas a call to check NC Building Code requirements, I asked if a chain link fence could be used to meet NC Building Code requirements and she said it would. There are other options, either possibly through different anchoring or using a different type of fence to meet the Town fence height requirements.



Your options going forward are to either try and anchor the existing fence in a different way (possibly to the side of the pool deck), install a new fence that does not exceed 48", or apply for a variance.

Please let me know which route you will take. I can meet onsite to discuss if needed.

Best,

Haley

[Haley Moccia](#)

Planner

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
910-707-2042
www.carolinabeach.org



From: Deanna Lanni <deanna@reachprop.com>
Sent: Wednesday, May 15, 2024 3:45 PM
To: Haley Moccia <haley.moccia@carolinabeach.org>
Cc: Kyle Sears <kyle@searsfence.com>
Subject: Re: 24-004950- Dry Dock pool fence

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Haley,

Fencing is sold at heights of 48", 52" and 54" to meet various requirement codes as directed by cities and counties. We went with the lowest one (48") in order to pass code with the town of Carolina Beach AND the county which has less restrictions, as you know. However, you cannot put a 48" fence directly on the ground or pavement or the gates will not function properly and if you move the posts to the exterior it will compromise the integrity of the fencing and the county said we are not allowed to do that. Please advise as we are talking about 1-1/2" variance in order to make sure that our gates work properly otherwise they would be non-functioning.

On Wed, May 15, 2024 at 3:35 PM Haley Moccia <haley.moccia@carolinabeach.org> wrote:

Hi all,

I wanted to check in about my email sent last week. Do you have any updates?

Best,

Haley

Haley Moccia

Planner

Town of Carolina Beach

1121 N. Lake Park Blvd.

Carolina Beach, NC 28428

910-707-2042

www.carolinabeach.org



From: Haley Moccia
Sent: Friday, May 10, 2024 3:10 PM
To: 'Kyle Sears' <kyle@searsfence.com>
Cc: Deanna Lanni <deanna@reachprop.com>; 'anthomas@nhcgov.com' <anthomas@nhcgov.com>
Subject: RE: 24-004950- Dry Dock pool fence

Hi Kyle,

I went by 201 Fayetteville Ave this afternoon and noticed the fence was already installed without a commercial fence permit being issued. The fence is too tall in the front setback. I spoke with Andrea Thomas today at Environmental Health, after receiving your email, and she confirmed the minimum requirements to meet code is 48". Please contact me as soon as possible with a plan to meet the 48" requirement for the fencing located within the front setback.

Best,

Haley

Haley Moccia

Planner

Town of Carolina Beach

1121 N. Lake Park Blvd.

Carolina Beach, NC 28428

910-707-2042

www.carolinabeach.org



From: Haley Moccia
Sent: Friday, May 10, 2024 11:48 AM
To: 'Kyle Sears' <kyle@searsfence.com>
Subject: RE: 24-004950- Dry Dock pool fence

Hi Kyle,

I'll check with NHC Environmental Health Department about the fencing height requirement you mentioned.

Additionally, the Dry Dock Inn has previously done a variance on the fence surrounding the pool on the corner, but this variance was granted after the fence contractor was told it could not exceed 48" and they installed a higher fence anyway. I do not think the Board of Adjustment council members will approve a second one when the owner of Dry Dock already had one granted asking forgiveness after it was installed. This time we have the ability to adhere to the ordinance before the fence is installed. That being said, the owner can go for another variance if they wish, but I would suggest we try and find a way to meet the 48" height before doing that.

Is there a way to put the fence posts on the outside of the pool deck so the bottom horizontal bar sits flush with the pool deck? This way the body of the fence does not exceed 48" from the deck of the pool. Or can you use a different fence type to meet the 48" requirement?

Best,

Haley

[Haley Moccia](#)

Planner

Town of Carolina Beach

1121 N. Lake Park Blvd.

Carolina Beach, NC 28428

910-707-2042

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From: Kyle Sears <kyle@searsfence.com>
Sent: Friday, May 10, 2024 10:38 AM
To: Haley Moccia <haley.moccia@carolinabeach.org>
Subject: Re: 24-004950- Dry Dock pool fence

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The exact measurements for proper install of the proposed NC pool compliant fence mounted to the concrete with floor flanges is 49 1/2" from the concrete pad. Can we get a

variance for the 1 1/2" difference since this is the minimum height pool fence for a commercial property required by the state of NC?

Kyle Sears

Sears Fence

Phone: 910-279-7573

Email: kyle@searsfence.com

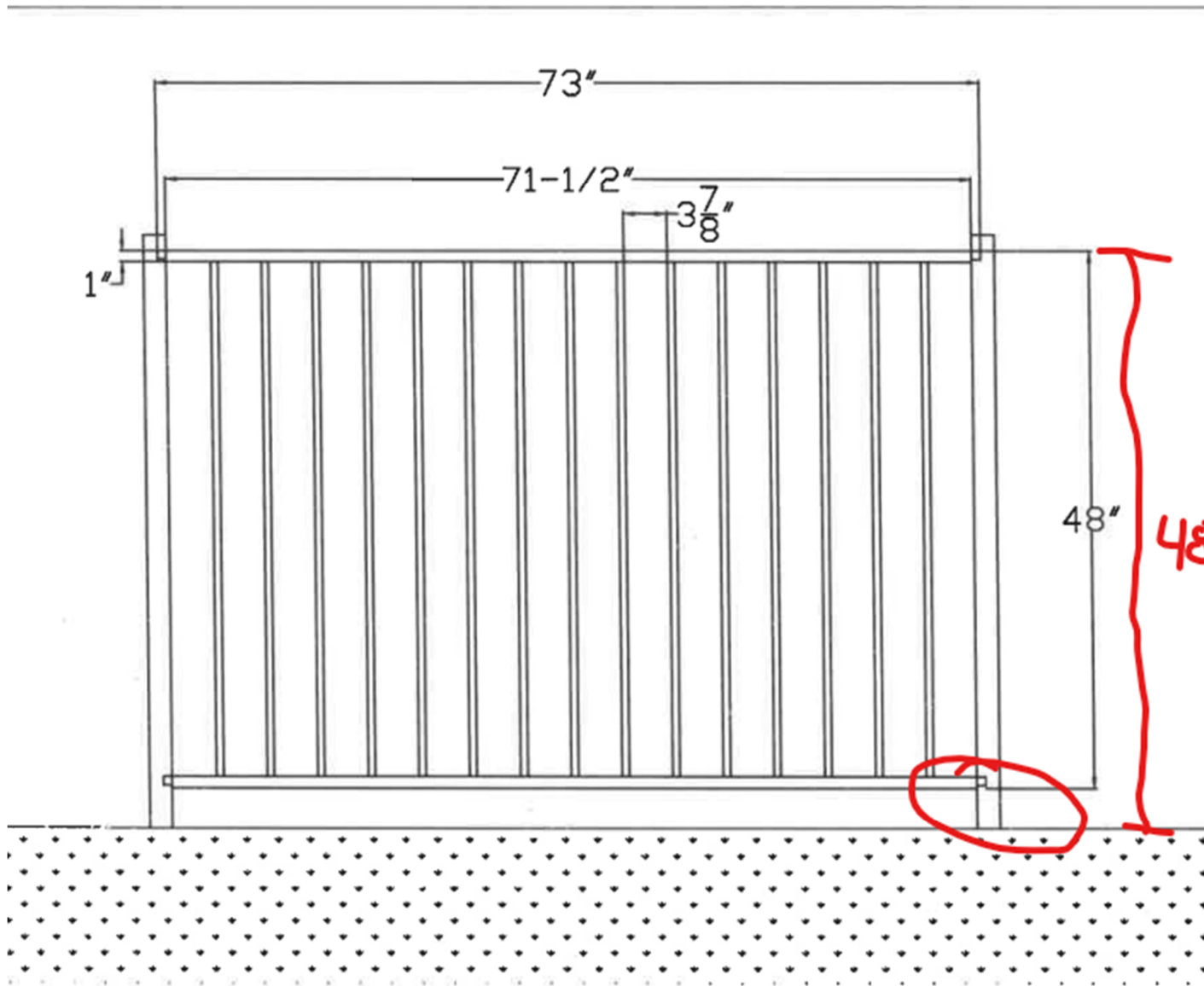
Web: www.searsfence.com

On Tue, Apr 9, 2024 at 1:58 PM Haley Moccia <haley.moccia@carolinabeach.org> wrote:

Hi Kyle,

I took a look at what you are proposing, and our ordinance only allows fences of up to 48" in the front setback measured from the top of the slab or grade. The fence section you submitted shows the main body of the fence being 48" and there is a few inch gap between the main fence section and the slab. Technically, the fence cannot exceed 48" including the gap under the fence. See pic below. I will have to mark it resubmit at the county so you can adjust your plans to meet our fence height requirements for fencing in the front setback.

Let me know if you have any questions.



Haley Moccia

Planner

Town of Carolina Beach

1121 N. Lake Park Blvd.

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From: Kyle Sears <kyle@searsfence.com>
Sent: Tuesday, April 9, 2024 8:41 AM
To: Haley Moccia <haley.moccia@carolinabeach.org>
Subject: Fwd: 24-004950- Dry Dock pool fence

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H, Good morning. Can you please look into this for me please?

Kyle Sears

Sears Fence

Phone: 910-279-7573

Email: kyle@searsfence.com

Web: www.searsfence.com

----- Forwarded message -----

From: **Thomas, Andrea** <anthomas@nhcgov.com>
Date: Mon, Apr 8, 2024 at 3:31 PM
Subject: RE: 24-004950- Dry Dock pool fence
To: Kyle Sears <kyle@searsfence.com>

It looks like Town of CB still needs to complete their review.

Andrea Thomas

Env Hlth Prog Specialist
New Hanover County - Health and Human Services
(910) 798-6663 p | (910) 798-7815 f
anthomas@nhcgov.com
230 Government Center Drive, Suite 140
Wilmington, NC 28403
www.NHCgov.com

From: Kyle Sears <kyle@searsfence.com>
Sent: Wednesday, April 3, 2024 3:00 PM
To: Thomas, Andrea <anthomas@nhcgov.com>
Subject: Re: 24-004950- Dry Dock pool fence

**** External Email: Do not click links, open attachments, or reply until you know it is safe ****

Hi Andrea,

I wanted to check and see if this was complete? According to Coast, I have one pending and one complete but I do not see any fees.

Thank you

Kyle Sears

Sears Fence

Phone: 910-279-7573

Email: kyle@searsfence.com

Web: www.searsfence.com

On Fri, Mar 29, 2024 at 9:29 AM Kyle Sears <kyle@searsfence.com> wrote:

Ok, Thank you.

Kyle Sears

Sears Fence

Phone: 910-279-7573

Email: kyle@searsfence.com

Web: www.searsfence.com

On Thu, Mar 28, 2024 at 10:02 PM Thomas, Andrea <anthomas@nhcgov.com> wrote:

Thank you. I approved with a note that bottom gap needs to 2” or less and the magna latch at 54”. We will need to do a final inspection. Also my approval is pending CB and building safety’s reviews and approvals.

Andrea Thomas

Env Hlth Prog Specialist
New Hanover County - Health and Human Services
(910) 798-6663 p | (910) 798-7815 f
anthomas@nhcgov.com
230 Government Center Drive, Suite 140
Wilmington, NC 28403
www.NHCgov.com

From: Kyle Sears <kyle@searsfence.com>
Sent: Thursday, March 28, 2024 10:58 AM
To: Thomas, Andrea <anthomas@nhcgov.com>
Subject: Re: 24-004950- Dry Dock pool fence

**** External Email: Do not click links, open attachments, or reply until you know it is safe ****

Andrea,

Yes, the latch will be a magna latch top pull lockable magnetic latch with the top pull release mechanism located 54" from the concrete pad.

Kyle Sears

Sears Fence

Phone: 910-279-7573

Email: kyle@searsfence.com

Web: www.searsfence.com

On Thu, Mar 28, 2024 at 7:27 AM Thomas, Andrea <anthomas@nhcgov.com> wrote:

Kyle,

Do you have the specifications for what kind of latch will be used for the gate? It will need to comply with .2528 of the rules. If you can send this information today, that would be great.

Thank you.

Andrea

15A NCAC 18A Fences (a)(7)

Access gates shall comply with the dimensional requirements for fences and shall be equipped to accommodate a locking device. Effective April 1, 2011, pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device except where a gate attendant and lifeguard are on duty. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall require the use of a key, combination or card reader to open or shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no openings greater than 0.5 inch within 18 inches of the release mechanism;

Andrea Thomas

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DEE LANNI

*Dry Dock Inn GM
Property Specialist*

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