

## Deb Hill

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**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**



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**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  
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**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>

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**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.  
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[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)  
<image001.jpg>

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



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

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

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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



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