



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

Agenda	Consent
Item:	Agenda
Date:	05 01 2024

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Zoning Board of Adjustment Committee Report  
Hanna McCloud, Chair

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The Zoning Board of Adjustment held a special meeting to conduct an Evidentiary Hearing following quasi-judicial procedures on Wednesday, March 27, 2024, at 6:00 p.m. The purpose of this meeting was to hear and decide Case A24-000001 Appeal by Matthew Davis/Coastland Construction LLC 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.

Attorney Edes asked Vice Chair Dorazio if he felt based upon the circumstances that he could not be fair and impartial. Vice Chair Dorazio explained there was a conflict of interest since he was on the Village of Stump Sound ARC Board where the violation was enforced. **Ms. Kozlowski made a motion to recuse Mr. Dorazio. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.**

Attorney Edes asked the applicants' attorney Mr. Stephen Coggins as to whether the appellant wished to proceed with only four members. Attorney Stephen Coggins with Roundtree Losee in Wilmington introduced himself and explained that he was specifically representing Phil and Kristen Buckley, the property owners to whom the citation for the penalty was issued. Mr. Coggins stated that they could not stipulate to only four members for purposes of the merits. He asked the Board to consider mediation. Mr. Coggins explained that mediation would require the Buckylys and the Town to agree to mediation, require each to designate someone with authority to represent them in the mediation, and mutually agree to a mediator. Mr. Coggins stated that they would stipulate to the four Board members making a decision regarding going into the voluntary mediation process.

Attorney Edes asked Attorney Coggins if he had any objections if the Board of Adjustment was inclined to move forward with mediation, designating two Board members to be present at the

mediation as decision makers, and if the mediation was not fruitful, then return and hear the appeal. Attorney Coggins replied, "No objections."

**Ms. Kozlowski made a motion to have a continuance to and have mediation in between, continue it to April.**

Attorney Edes recommended having one motion at a time.

**Ms. Kozlowski revised the motion to continue to the next regularly scheduled meeting in April. Mr. Malcolm seconded the motion. The motion passed unanimously, 4-0.**

Attorney Edes asked if the Board was inclined to pursue mediation in the interim.

**Ms. Kozlowski made a motion to pursue mediation in the interim. Mr. Morse seconded the motion. The motion passed unanimously, 4-0.**

Attorney Edes asked if the Board was inclined to designate no more than two members of the Board of Adjustment to attend the mediation. Mr. Malcolm explained that he would not be available at the end of April. Chair McCloud volunteered. Mr. Morse explained that April was a busy month for him. There was discussion. Attorney Edes recommended appointing people from the Board who were present at the meeting.

**Mr. Morse made a motion to appoint Lisa (Kozlowski) and Hanna (McCloud) to the mediation. Mr. Malcolm seconded the motion. The motion passed unanimously, 4-0.**

The Zoning Board of Adjustment meeting adjourned at 6:22 p.m.