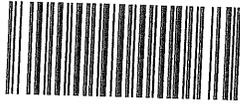


BOOK 2065 PAGE 47 (4)

700019984



Recorded: 12/16/2015 12:05:40 PM
BY: Claudia Harrington
Vanzolla McMurrin, Register of Deeds
Dare County, NC

Fee Amt: \$26.00

NC Excise Tax: \$0.00

Return to:
Town of Kill Devil Hills
Attn: Meredith Guns
PO Box 1719
Kill Devil Hills, NC 27948

ORDINANCE NO. 15-9

AN ORDINANCE DESIGNATING PROPERTY KNOWN AS Perry/Owens Cottage
AND LOCATED AT 2019 SOUTH VIRGINIA DARE TRAIL AS A LOCAL HISTORIC
LANDMARK

WHEREAS, pre-requisites to the adoption of this ordinance as prescribed in Part 3C, Article 19, Chapter 160A of the North Carolina General Statutes have been met; and,

WHEREAS, the Kill Devil Hills Board of Commissioners has taken full consideration of all statements and information presented at the public hearing on December 14, 2015 and considered the recommendations of the North Carolina Department of Cultural Resources on the question of designating the property known as Perry/Owens Cottage located at 2019 South Virginia Dare Trail as a local historic landmark; and,

WHEREAS, the structure known as Perry/Owens Cottage is of historic, architectural, and cultural significance in that provides distinct architectural character of a beach-box vacation dwelling; and,

WHEREAS, Perry/Owens Cottage was originally built as a shed by LB Perry but moved to the oceanfront and converted to a cottage in 1946 by Mr. Perry's son, Milton Perry; and,

WHERE, the Perry/Owens Cottage has been in the Perry Family since it was constructed by LB Perry as a shed. The family has maintained it as a cottage in its current location for the past sixty nine year; and,

WHEREAS, LB Perry was a builder on the Outer Banks in the 1930's after he left Elisabeth City during the Great Depression. He built historic structures on the beach such as First Colony Inn, C.O Robinson cottage and the Buchanan Cottage; and,

WHEREAS, the Perry/Owens Cottage was moved to the oceanfront and built on short piles in 1946 and raised and moved east in 1978; and,

WHEREAS, the Perry/Owens Cottage was built as a summer home with little to no insulation and no central heating or air conditioning

WHEREAS, the house was passed from LB and Sallie Perry to their son Milton Perry and his wife Maude in 1951, then to their daughter Dorothy Owens and her husband Willis in 1976.

WHEREAS, beginning in the 1950's Willis Owens worked in Elizabeth City and commuted to the beach house daily; Dorothy Owens, her mother Maude Perry and their three daughters would spend the entire summer at the cottage; and,

WHEREAS, the Perry/Owens Cottage maintains its original integrity of design, setting, workmanship, feeling, and association on both the exterior architecture and interior finishes; and,

WHEREAS, the Perry/Owens Cottage survived several major storms on the Outer Banks including the Ash Wednesday Storm of 1962, Mrs. Owens insist that the large dune in front has protected the cottage since it was built; and,

WHEREAS, the Perry/Owens Cottage has had minor modifications including being raised and moved east in 1978. At that time, the lap siding was replaced with cedar shakes and the two bedrooms were constructed under the house.

WHEREAS, in 1993 an addition to the eastside of the cottage was complete to expand interior living room and the windows were replaced; and,

WHEREAS, the Perry/Owens Cottage has the original tongue and groove paneling on the walls and ceiling throughout the house; and,

WHEREAS, the Perry/Owens Cottage continues to be used as a summer home that has never been rented; and,

WHEREAS, the Perry/Owens Cottage in good condition and remains in its original design and character in the Town of Kill Devil Hills; and,

WHEREAS, the location of the Perry/Owens Cottage on the oceanfront is connected to the history of the structure;

NOW, THEREFORE, BE IT ORDAINED BY THE KILL DEVIL HILLS BOARD OF COMMISSIONERS THAT:

1. All of the property located at 2019 SOUTH VIRGINIA DARE TRAIL in the Town of Kill Devil Hills is hereby designated as a local historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the North Carolina General Statutes. The property is presently owned by Julie Owens Robinson, Successor Trustee and is identified on Dare County Tax Maps as Pin No. 989313240235 and is further described on Exhibit A attached hereto and made a part hereof.
2. The significant features of the building located on said property may not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness being issued by the Kill Devil Hills Historic Landmarks Commission. Any application for the demolition of this building shall require the waiting period set forth in Part 3C of Article 19 of Chapter 160A.

For purposes of this designation, "significant features" shall be understood to include:

- a. The exterior of the building
- b. The grounds

3. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any architectural feature in or on the said building and property that does not involve a change in design, material or outer appearance, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a Kill Devil Hills Building Inspector or similar official certifies to the Kill Devil Hills Historic Landmarks Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

4. A suitable sign or plaque shall be posted indicating the property has been designated as a local historic landmark and containing any other appropriate information. If the owner consents, the sign or plaque shall be placed upon the building or property. If the owner objects, the sign or plaque shall be placed in the nearby public right-of-way.

5. The owner and occupants of the building known as "Perry/Owens Cottage" shall be given notice of this ordinance as required by applicable law and copies of this ordinance shall be filed and indexed in the offices of the Town Clerk, Dare County Register of Deeds, the Town's Building Inspector and Dare County Tax Department as required by applicable law.

Read, approved, and adopted this 14th day of December, 2015.

Harriet B. Banner
Deputy Town Clerk

Mark F. Davis
Mayor

Approved as to form:

John Michael
Town Attorney



NORTH CAROLINA
DARE COUNTY

I, the undersigned Notary Public do hereby certify that Harriet Banner personally appeared before me and acknowledged that she is the Deputy Town Clerk for the Town of Kill Devil Hills and that by authority duly given and as the act of the Town of Kill Devil Hills, the foregoing instrument was signed in its name by its Mayor, and attested by her as its Deputy Town Clerk. Witness my hand and official stamp or seal, this 14th day of Dec., 2015.

My commission expires 6/1/2020

Donna E. Elliott
Notary Public

