



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

November 14, 2016

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager

REF: Consent Agenda

1. **Minutes (Attached CA-1A)**
 - A. October 12, 2016
2. **Schedule for public hearing on December 12, 2016 – historic landmark designations ordinances (Attached CA-2A and 2B)**
 - A. 2306 North Virginia Dare Trail – Smith Cottage
 - B. 418 West Hayman Boulevard – Hayman House

Approval of the Consent Agenda will schedule these two items for public hearing on Monday, December 12, 2016 at 5:30 p.m. in the Meeting Room at the Administration Building.

Staff recommends approval of the Consent Agenda as submitted and a motion will be in order.

Minutes of the Wednesday, October 12, 2016 regular meeting of the Kill Devil Hills Board of Commissioners held at 5:30 o'clock p.m. in the Meeting Room at the Administration Building, 102 Town Hall Drive, off Colington Road.

Members Present: Mayor Sheila F. Davies; Commissioners Travis Appleman, Mike Hogan, Michael Midgette, and Brandi Rheubottom

Members Absent: None

Others Present: Debora P. Diaz, Town Manager; Casey Varnell, Town Attorney; Meredith Guns, Planning Director; Mary E. Quidley, Town Clerk

Call to Order

At 5:30 p.m. Mayor Davies called this meeting of the Kill Devil Hills Board of Commissioners to order and welcomed all present.

Pledge of Allegiance and Moment of Silence

Mayor Davies spoke to the Board and audience. She acknowledged that throughout this past week Kill Devil Hills citizens and visitors have suffered hardships due to Hurricane Matthew. This week and over the past weekend has been an extremely difficult time for the Town, its citizens and visitors. The storm caused a great deal of damage and destruction, from which the Town and Outer Banks has not fully recovered and won't recover for some time. The Mayor has already been advised of and witnessed acts of kindness and assistance and she praised our citizens for reaching out to those in need. Willingness, cooperation, patience and caring are qualities which abound on the Outer Banks and they will be the same qualities that will help us get past this period and recover.

Mayor Davies also recognized the passing of former Commissioner, and long-time Board of Adjustment Chairman Richard Baer. Mr. Baer's elected and appointed service to the Town extends nearly 40 years to his first appointment in 1982. The Mayor extended our community's thoughts and prayers to Richard's wife, Sunny, their children and entire family.

There is a new community liaison with Dominion Power, Pam Pekrun. She provided current information to Mayor Davies regarding electrical outages:

- As of 3:30 p.m. today there were 279 outages still in Kill Devil Hills.
- Tomorrow morning there will be only 120.
- There are 50 properties that because of standing water in yards and on the property that access has not yet been able to be secured.
- Yesterday morning, there were 5,000 people in Dare County without service.

Mayor Davies commended the Town's Staff, particularly emergency response personnel, the Public Services Department and the Planning and Inspections Department for doing a phenomenal job during these last few days and for the work they will continue to do as the Town works its way through storm recovery.

Agenda Approval

Mayor Davies made a motion for the Board of Commissioners to approve the agenda for this meeting with the relocation of the *Town Attorney's Agenda* immediately following the first *Response to Public Comment*. Commissioner Rheubottom seconded that motion and approval was unanimous, 5-0.

Public Comment (Time limit of 3 minutes per person; 5 minutes per group)

Skip Jones, 1508 Captains Lane, Kill Devil Hills: Mr. Jones told the Board about a house on the beaches in Currituck County that has +/- 3-4 feet of stormwater water standing on the property. There is no drainage relief available in the subdivision and Mr. Jones explained that the situation is dire. Knowing what those property owners are facing, Mr. Jones wondered if the Town of Kill Devil Hills had anything in place to help people pump water from their properties in the event of a similar disaster?

Response to Public Comment

Public Services Director Steve Albright came forward to address Mr. Jones' question. He explained the overall situation including how much rain fell, which was about 13.7 inches; how short a time period it took for it to fall, which was 13 inches in six hours; how well so much of the Town's drainage conveyances have worked; the high water table our area is experiencing due to both Hurricane Matthew, and Tropical Storm Hermine, which had grazed the Outer Banks several weeks ago; and, the areas in Kill Devil Hills that are experiencing stormwater problems due to the need for significant drainage improvements and the unusually high water table.

He concluded with saying that he was unaware of any property that had "feet" of standing water and that the Town, at this time, has no means of clearing flood water from private property.

Town Attorney's Agenda

1. Closed Session

Mayor Davies made a motion that in accordance with the provisions of NCGS 143-318.11(a)(3) for the Board of Commissioners to closed session discussions to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual

claim, administrative procedure or judicial action concerning beach nourishment easements. Commissioner Hogan seconded that motion and approval was unanimous, 5-0.

Attorney Ben Gallop also joined the Board in Closed Session.

It was 5:49 p.m.

At 6:16 p.m., Mayor Davies made a motion for the Board to re-enter the regular meeting and Commissioner Hogan seconded that motion. Approval was unanimous, 5-0.

The Town Attorney explained that the Board had gone into Closed Session for the purpose of holding discussions to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure or judicial action concerning beach nourishment easements.

Introductions and Presentations

1. North Carolina Lions Visually Impaired Persons Fishing Tournament

The Town Manager explained that the 33rd Annual Lions Visually Impaired Persons (VIP) Fishing Tournament is slated for October 17-20. The tournament, hosted by the First Flight, Manteo, Nags Head, Wanchese, Lower Currituck and the Columbia Lions clubs is the largest service project of its kind in the world.

VIPs from across North Carolina, will be joined by VIPs from Alabama, Connecticut, West Virginia, Massachusetts, Rhode Island, South Carolina, Virginia, California, and Canada for bragging rights as a national winning angler. There will be 525 VIPs and their guests, about 300 volunteers, plus about 125 high school and college student volunteers.

This event is more than a few hours of fishing. It has everything to do with people. Attendees face daily obstacles that sighted people take for granted. During the three-day independent living event participants develop self-confidence, courage, and self-esteem. Besides fishing, the VIPs learn independent living skills and get to enjoy the beauty of our community, tourist attractions, restaurants, hotels, and the fellowship of others. It provides Lions an opportunity to walk alongside the people they serve.

Fishing will be on the Avalon, Nags Head, Jennette's, and Kitty Hawk Fishing Piers and two head boats, the Crystal Dawn and Miss Oregon Inlet. All other events and banquets will be at the Lions Westcott Park in Manteo.

Old Business

New Business

1. Report on history of *tattooing* regulations (Attached NB-1)

Recently, the Board of Commissioners requested information regarding tattoo regulations in Town and also neighboring municipalities and counties.

Dare County allows tattoo parlors and at this time there are three located in unincorporated Dare: Hatteras, Stumpy Point, and Colington. Currently, no municipality in Dare County allows tattoo parlors. In Currituck, tattoo parlors are allowed on the mainland in the industrial areas, but not on the Currituck Outer Banks.

In Kill Devil Hills:

- A 1998 zoning amendment request to allow tattoo and body piercing as a conditional use in the Light Industrial One zoning district was denied by the Board of Commissioners.
- In 2001 an amendment request was submitted to allow body piercing as a conditional use in the Commercial zoning district. As a result, regulations were adopted in the Town Code, Chapter 114, Body Piercing Establishments, which ultimately included the primary requirement that “No person shall perform or offer to perform body piercing services at any body piercing business unless said person is a licensed osteopath or physician pursuant to the laws of the state.”
- No requests to allow tattoo parlors have been submitted in Kill Devil Hills since 1998.

The Board agreed to take no action at this time; to wait until an ordinance amendment is requested before further considering the matter.

2. Appointments (Attached NB-2)

Applications on file from persons interested in the appointment positions available at this time have previously been copied to the Board of Commissioners.

A. Board of Adjustment (BOA) – one alternate and one regular position

Kevin Cox and Robert Rollason, III each hold an alternate and regulation position, respectively, on the BOA, and each desires to be considered for reappointment.

Commissioner Hogan made a motion for the Board of Commissioners to reappoint Mr. Cox and Mr. Rollason to an alternate and regular position on the Board of Adjustment, respectively, each for a three year term that would expire in October 2019. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

B. Street Improvements and Special Projects Committee (SISPC)

Commissioner Hogan made a motion for the Board of Commissioners to appoint Chris Stoessner to the SISPC. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

C. Community Appearance Commission (CAC)

The unfulfilled term for this appointment expires in October 2017.

Commissioner Hogan made a motion for the Board of Commissioners to appoint Natalie Painter to the unexpired term on the CAC, which will come due in October 2017. Commissioner Appleman seconded that motion and approval was unanimous, 5-0.

Commissioners' Agenda

Commissioner Midgette

- Commended Staff for the great level of information provided during Hurricane Matthew.

Commissioner Rheubottom

- Agreed with Commissioner Midgette's comment.
- Thanked everyone involved for the success of the Ice Cream Social – it was a wonderful and great time, she said, and greatly enjoyed.
- The local Alzheimer's Walk was well attended, although the weather was very hot. She recognized Chief Tilley for having one of the Town's fire apparatus there, which was enjoyed by attending children.
- Staff's doing a great job, she stated.

Commissioner Hogan

- Thanked everyone for all they've done during the Hurricane Matthew event. He added that he's getting used to the Town's high quality level of response and assistance.

Mayor's Agenda

1. Resolution Requesting Summer Traffic Control from the NC Highway Patrol (Attached MA-1)

Each weekend during the summer, traffic gridlock occurs at the intersection of US 158 and NC 12 in front of the Aycock Brown Welcome Center in Kitty Hawk. It lasts for hours at a time with little to no relief and causes great inconvenience, and potentially dangerous conditions, for our residents and visitors. Local law enforcement personnel have worked together to provide traffic control at the intersection and this has made a tremendous difference. Our local agencies are unable to continually provide the total law enforcement resources that are required to provide this coverage without seriously jeopardizing our ability to respond to other emergencies in our communities.

For two weekends this summer, the North Carolina Highway Patrol provided traffic control assistance to local agencies at the Aycock Brown area intersection, and their participation was greatly needed and appreciated. The Dare County Board of Commissioners voted unanimously on October 3rd to adopt a resolution formally asking the North Carolina Highway Patrol to provide traffic control assistance at the intersection during summer weekends. A copy of their resolution is attached and the Dare County Board has requested each of the

municipalities support their action by adopting a similar resolution. The target date is for Dare County to submit one unified package on behalf of all our entities by November 30th.

Mayor Davies recommended the Kill Devil Hills Board of Commissioners support this matter by taking favorable action on the attached resolution which has been modified for our adoption.

Commissioner Hogan explained that he had heard about this resolution through Kitty Hawk Mayor Gary Perry who requested a grant from the Tourism Board for assistance in paying overtime salaries for local law enforcement officers placed at the Duck intersection. It was agreed by the Tourism Board that local officials should pursue obtaining a commitment from the State for Highway Patrol assistance at the Duck intersection in the future.

Mayor Davies made a motion for the Board of Commissioners to adopt this resolution and Commissioner Rheubottom seconded that motion. Approval was unanimous, 5-0.

- *Pink Ribbons for National Breast Cancer Awareness Month.* Prior to the beginning of this meeting, Staff provided the Board and audience with commemorative pink ribbons to help increase consciousness of National Breast Cancer Awareness Month. Mayor Davies also explained that at the Frog Pond, Staff has constructed a tall, pink ribbon, which was welded together for use and reuse. The ribbon, pictured below, will remain lighted through October. Mayor Davies commended Staff and stated that the ribbon is quite beautiful. As capabilities allow, there are plans to commemorate other such campaigns in the future.



The ribbon was constructed by Ross Cipriano and Cliff Hoggard of the Buildings and Grounds Division; and, Kenny Crawford and Todd Magee in the Fleet Maintenance Division did all the welding of the ribbon.

Town Manager's Agenda

The Town Manager expressed her appreciation of the Board's indulgence in allowing her to miss several meetings due to a late-spring back injury. She also expressed her appreciation to Assistant Town Manager Shawn Murphy for attending those meetings on her behalf.

Consent Agenda

1. Minutes (Attached CA-1A)

A. September 14, 2016

2. Personnel Policy amendment to add Veterans Preference (Attached CA-2)

This addition to the Town's Personnel Policy in the definitions section (Page 8), and the Equal Employment Opportunity Policy (Page 17), recognizes the contribution of our veterans and gives credit for military service training, schooling and experience to them and their qualified dependents when seeking employment with the Town.

The proposed amendment has been reviewed and approved by the Town Attorney.

Approval of the Consent Agenda will add the attached language to Kill Devil Hill's Personnel Policy guide document.

3. Schedule public hearing on Beach Nourishment Municipal Service District (MSD) amendment (Attached CA-3)

As stated in the attached draft public hearing notice, Kill Devil Hills proposes to remove properties from the MSD and to adopt a new map depicting the new boundaries of the MSD.

Upon adoption after the public hearing, the necessary documentation will reduce the MSD. Two votes will be required to adopt the change and the first will be scheduled for November 14th, with the second at the December 12th regular meeting.

Approval of the Consent Agenda will authorize Staff to proceed with advertising and scheduling the public hearing for Monday, November 14, 2016 at 5:30 o'clock p.m. here in the Meeting Room.

4. NC Parks and Recreation Trust Fund Project (PARTF) Agreement (Attached CA-4)

Kill Devil Hills was recently awarded a \$250,000 grant by PARTF for extension of the Bay Drive Multi-Use Path, Phases 3 & 4. Approval of the Consent Agenda will record the Board's approval of the agreement subject to review and approval by the Town Attorney, and authorize the agreement's execution by Mayor Davies.

The Town Manager congratulated the Planning Department, particularly Planning Director Meredith Guns, for their vigilance in applying for and monitoring this grant process to its successful conclusion!

(Note: Additional grant applications are underway to further assist the Town with the overall costs of this project.)

5. Waiver of building permits fees for construction and repairs related to Hurricane Matthew

Approval of the Consent Agenda will record the Board's approval to waive building permit fees for construction and repairs related to Hurricane Matthew between Monday, October 11, 2016 and November 10, 2016.

Staff recommended approval of the Consent Agenda as presented.

Commissioner Hogan made a motion for the Board of Commissioners to approve the Consent Agenda as submitted and Commissioner Appleman seconded that motion. Approval was unanimous, 5-0.

Public Comment

Response to Public Comment

Adjourn

There being no further business before the Board at this time, Commissioner Rheubottom made a motion to adjourn this meeting. Commissioner Midgette seconded that motion and approval was unanimous, 5-0.

It was 6:36 p.m.

Director of
Planning and Inspections
MEREDITH GUNS

Chief Building Inspector
MATT LOWCHER

Code Enforcement Officer
MARTY SHAW



Assistant Director of
Planning and Inspections
BRYAN BRIGHTBILL

Senior Planner
CAMERON RAY

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 11, 2016

Memorandum

To: Debora P. Diaz, Town Manager

From: Meredith Guns, Planning Director *MG*

Subject: Schedule Public Hearing - Local Historic Designation – 2306 North Virginia Dare Trail – Smith Cottage

Attached with this memorandum you will find an ordinance for designation of the 2306 North Virginia Dare Trail, as a Local Historic Landmark. You will also find the designation report and State comments, which provides justification for the designation.

The attached designation report for 2306 North Virginia Dare Trail was reviewed by the NC Department of Cultural Resources, Division of Archives and History and has obtained non-binding State comments regarding the designation. On October 18, 2016, the Landmarks Commission held a public hearing for designation of 2306 North Virginia Dare Trail with all comments positive for it's designation.

The Commission is forwarding the ordinance designating Smith Cottage, located at 2306 North Virginia Dare Trail, as a Local Historic Landmark to the Board of Commissioners recommending adoption after the required public hearing. Once adopted the ordinance will be filed with the register of deeds and the structure will be subject to the regulations outlined in Chapter 31 of the Town Code.

Staff recommends setting a public hearing for this designation for December 12, 2016.

ATTACHMENT CA-2A

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING PROPERTY KNOWN AS SMITH COTTAGE
AND LOCATED AT 2306 NORTH 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 _____ and considered the recommendations of the North Carolina Department of Cultural Resources on the question of designating the property known as Smith Cottage located at 2306 North Virginia Dare Trail as a local historic landmark; and

WHEREAS, the structure known as Smith Cottage is of historic, architectural, and cultural significance in that it embodies the distinctive architectural characteristics of a Outer Banks vacation dwelling; and

WHEREAS, Smith Cottage was constructed, is maintained and remains in the Smith Family and their heirs for the past 62 years; and,

WHEREAS, Smith Cottage was constructed in 1954 by Luther Terry from Hertford, NC and Mr. Smith himself; and

WHEREAS, The cottage is a block structure with two bedroom, one bath with a cover porch; and,

WHEREAS, the lumber for the roof of the Smith Cottage was milled in Hertford and the sheathing came from Mr. Smith's half-brother's saw mill in Jacksonville, NC; and,

WHEREAS, Smith Cottage was one of thirty-two remaining house built prior to 1955 at the north end of Kill Devil Hill; and,

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

WHEREAS, Smith Cottage maintains its wooden shutters, block construction, flat roof and covered porches; and,

WHEREAS, Smith Cottage has remained in the original location at it original height since its construction; and

WHEREAS, Smith Cottage survived the Ash Wednesday Storm of 1962 with little to no damage as well as multiple other hurricanes and nor'easters that caused major damage to surrounding structures; and

WHEREAS, Smith Cottage is maintained as a summer home with minor upgrades including window unit air conditioning, water heater and telephone; and,

WHEREAS, Smith Cottage has had no additions since its construction and the interior maintains the original interior doors and natural exposed wood ceilings, as well as the original windows; and,

WHEREAS, Smith Cottage is in good condition and maintains its original design and character and it is an excellent examples of a summer beach house in the Town of Kill Devil Hills; and,

WHEREAS, the location of Smith Cottage 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 2306 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 Statues. The property is presently owned by Eula S. Smith and is identified on Dare County Tax Maps as Pin No. 988517213719 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 “Smith 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 _____ day of _____, 2016.

Town Clerk

Mayor

Approved as to form:

Town Attorney

NORTH CAROLINA
DARE COUNTY

I, the undersigned Notary Public do hereby certify that Mary E. Quidley personally appeared before me and acknowledged that she is the 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 Town Clerk. Witness my hand and official stamp or seal, this _____ day of _____, _____.

My commission expires _____

Notary Public

SEAL

Exhibit "A"

Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the Virginia Dare Trail, which said beg. Point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning.

Being the Northerly 46 ¼ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina.

For further description and chain of title, see the deeds recorded in Book 49, Page 146 and Book 758, Page 114 in the Office of the Register of Deeds of Dare County, North Carolina. Also see the Will of Lewis A. Smith, of record in Estate File No.: 07-E-335 in the Office of the Clerk of Superior Court of Dare County.



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Pat McCrory, Governor
Susan Kluttz, Secretary
Kevin Cherry, Deputy Secretary

Division of Historical Resources
Office of Archives and History
State Historic Preservation Office

Meredith B. Guns
Assistant Planning Director
Town of Kill Devil Hills
102 Town Hall Drive PO Box 1719
Kill Devil Hills, NC 27948

October 21, 2016

RE: Landmark Designation Report
Smith Cottage, 2306 North Virginia Dare Trail

Dear Meredith:

Thank you for your submittal of the Survey and Research Report for the Smith Cottage in Kill Devil Hills. We reviewed the information in the report and offer the following comments in accordance with North Carolina General Statutes 160A-400.6.

The Smith Cottage located at 2306 North Virginia Dare Trail and built for L.A. and Geneva Smith appears to be an intact example of the modest, single story flat roof houses of mid-20th century origin that continued to be constructed in the Outer Banks in a similar vein to the historic Flat-Top houses of Southern Shores developed by Frank Stick. Given the preserved state of this building type, it appears to be a good candidate for local landmark designation. The Smith Cottage was built in 1954. Given its lack of antiquity, there is a low probability for intact, significant archaeological resources to be associated with this property.

We feel the designation report conveys the historical and architectural significance of the site. The designation report should provide the Kill Devil Hills Historic Preservation Commission and the Town Council adequate information to determine the house has the requisite special significance and integrity for landmark designation.

A landmark designation means that the community recognizes the building is an important historic resource worthy of preservation. Any substantial exterior design changes will be subject to the design review procedures of the Commission. Owners of designated landmarks that are subject to property tax may apply for annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.

Please note that if the Council wishes to extend the Commission's design review authority to significant features of the interior, the designation ordinance must specify the significant features and describe the nature of the Commission's design review authority over them. Consent of the owner is required for interior design review when the landmark is privately owned, but not when the landmark is publicly owned.

Eastern Office

117 W. 5th Street • Greenville, North Carolina 27858 • (252) 830-6580 ext. 226 • Fax: (252) 830-6583

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Thank you for giving us the opportunity to comment on the report. Our comments are advisory only. Once the governing board has received a recommendation from the Kill Devil Hills Landmarks Commission and has proceeded in the same manner as would otherwise be required for an amendment to the zoning ordinance, the governing board may proceed with the designation decision. Once the designation decision has been made, please return the completed designation confirmation form, enclosed.

This letter serves as our comments on the proposed landmark designation of the Smith Cottage. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Scott Power

Scott Power
Regional Supervisor
Eastern Office
State Historic Preservation Office

Attachment

cc: Chairperson, Kill Devil Hills Historic Preservation Commission
Amber E. Kidd, Certified Local Government Coordinator

Survey and Research Report

1. Historical Name and Location of Property

Smith Cottage
2306 North Virginia Dare Trail

2. Name, Address and Telephone Number of Present Owner/Occupant

Eula Smith
436 Bagley Swam Road\
Hertford, NC 27944

3. Representative Photographs of the Property

Photos are attached.

4. Map Depicting the Location of the Property

Attached is a copy of a Dare County Tax Map depicting the property.

5. Current Deed Book Reference for the Property

Attached is a complete chain of title for the property. The most current deed reference is in Dare County Deed Book 758 page 114. The property is shown on Dare County Tax Map 9885(17). The Tax Parcel number is 000758000.

6. Legal Description

The property is located in Virginia Dare Shores subdivision, lot 1, block 2. The plat and slide location is 1 and 33 respectively.

7. Architectural Description of the Property

The house located at 2306 North Virginia Dare Trail is comprised of a modest single story structure with a flat roof on grade. It is one lot back from the ocean and stylistically is similar to the Historic Flat Tops developed by Frank Stick in Southern Shores. The eave is a thin line with a broad projection. It forms a distinctive cap that increases the effect of the house feeling horizontal in character. This is further emphasized by the adjacent houses which are on pilings and often three stories. In terms of materials, the house is composed of painted concrete cream colored block with adjustable olive green shutters and awnings.

The East side of the house faces North Virginia Dare Trail and features a covered entry porch on the right side. The posts are narrow 4" x 4" wood members set into a low concrete block wall. The main entry door to the house is roughly centered and flanked by two double hung windows with working shutters.

The North side of the house contains the open entry porch to the left and two windows with stand-off awning shutters. A fireplace splits the right side of this elevation and forms a rare vertical element to the home.

The West side of the house is rather non-descript with a low form and three windows. A small shed projects back and goes about half-way up the façade.

The South side provides a secondary entrance with windows on either side. The windows are distinctly different sizes.

9. Assessment of the Significance of the Site

a. Special significance in terms of its history, architecture, and/or cultural importance:

The property is quite well preserved and maintains original historic character. The house was constructed by L.A. and Geneva Smith. The Smiths were from the Hertford, NC. The house is a two bedroom, one bath with a covered porch on the east sides. Mr. Smith was a farmer in Hertford, NC that harvested and sold product in the Tidewater Virginia area. The wood timbers (3,5 X 6) used in the house were milled in Hertford by a the local minster and the roof sheathing came from Jacksonville, NC Mr. Smith half-brother saw mill. A Hertford local mason named Luther Terry constructed the block house while Mr. Smith and friends from Hertford did the woodwork and tarred the roof. The Smiths are the only owners of the house since it construction in 1954. LA Smith passed away in 1979 and his wife Geneva White passed away in _____. The three siblings, Lewis Smith, Ruby Winslow and Albert Smith, inherited the cottage. The cottage was passed down and eventually Eula Smith (Albert's wife) purchased the house from the other relatives to be the sole owner in 2007. There have been no additions to the house since it was constructed in 1954.

The structure is located in Virginia Dare Shores Subdivision, which was developed by Frank Stick, a pioneer developer on the outer banks. Virginia Dare Shores was the first subdivision in the Town of Kill Devil Hills.

b. Integrity of the property's design, setting, workmanship, materials, feeling and/or association:

The property is unaltered from its original appearance. The house was constructed in 1954. The block work was done by a mason from Hertford named Luther Terry. The remainder of the work was completed by LA smith and his friends from Hertford. The architecture is typical of an Outer Banks flat top originally started by Frank Stick in Sothern Shores. There have been no additions or exterior modifications to the house since it's construction. The house is approximately 624 square feet constructed of concrete block on slab with a flat roof. Because of the simple architectural designs, bright and vibrant colors were utilized for individuality and aesthetics. The color was changed from white block with green shutters to white block with yellow shutter and finally white block with tan shutters. The interior of the structure also remains largely unchanged with original interior doors and natural exposed wood ceiling wood. The windows are original to the structure. The windows are protected by a combination of side and top hinge hurricane shutters. The shutters were used not only to secure the house during storms and in the winter months but also to shade the house from direct sun during the summer months. The flat top roof was converted from a tar covered roof to a rubber covered roof to eliminate water leaks in the structure. The house has no central heat or air conditioning. The owners started using window air conditioning about 15 years ago. The property maintains its original integrity of design, setting, workmanship, feeling and association.

10. Assessment of the Property's Suitability for Preservation or Restoration, Educational Value, and Possibilities for Adaptive or Alternative Use

This structure is in excellent condition. There have been very few changes to the house outside maintenance since it was constructed in 1954. The house has never been lifted and continues to sit on concrete slab which was the original foundation. Much of the interior also remains intact including the exposed wood ceiling. It is an excellent example of Outer Banks style of architecture built in the time period.

11. Total Tax Value of the Property

The gross value of the property, based on the 2016 Tax Levy Value, is \$267,000.

12. Documentation of Historical Significance to the Town of Kill Devil Hills

This structure was built in 1954 for La and Geneva Smith of Hertford, NC. The house is located in the Virginia Dare Shores Subdivision developed by Frank Stick. Mr. Smith was a farmer from Hertford. He said that when the house was constructed, they could see the ocean to the east and the Wright Brothers Monument to the southwest.

Mr. Smith brought the property and built the house for \$2,500. Mr. Smith was also instrumental in some friends from eastern North Carolina by the adjacent lots. Mr. Smith's Grandson, Andy Smith, explained that it was always a mystery why his grandfather bought the property. He never wore shorts and was quite a conservative gentleman. The Smiths used the cottage as a get away from the farm but enjoyed September the most because of their love of fishing. Also LA Smith, his son, Albert, and grandson, Andy, are aviation buffs and come or come to every anniversary of the Wright Brothers flight on December. Andy is a commercial airline pilot and was here for the 100th anniversary of flight. His father, Albert was here for the 50th anniversary of flight. There was no phone or television in the house for several decades and there is no phone there today. The house had no heating or air conditioning and still relies on window units for air conditioning. The house has never been rented just the family and friend of the family used the cottage.

The Ash Wednesday Storm of 1962 did no damage by there was a little bit of water inside. That and one other storm are the only time water has come in the structure according to Andy Smith because it sits on a small dune on the west side of the beach road. The Smiths' have never lifted the house because the small dune the house was constructed on has protected it over the years. Additionally the vegetation that has grown up around the house including sea oaks have offered a superior level of protection for the cottage. A few other significant storms that caused major property loss that this home has withstood include The Halloween Storm of 1991, also known as the "Perfect Storm" and Hurricane Isabel in 2003, a Category 2 (a Category 5 just four days prior to landfall) that made landfall 90 miles south of Kill Devil Hills. The fact that this house survived these major storm events makes it even more remarkable. There have been no physical changes to the property. The house is in good condition and preserves the historic character.

13. Documentation of Architectural Significance to the Town of Kill Devil Hills

The house is an original concrete block structure with a stucco siding. The Avalon flattop style was copied from the flat tops designed and built by Frank Stick in Southern Shores. It is similar to a number of houses built in Kill Devil Hills in the 1950's whose design is unique to that period for its architectural significance. The design was created for affordability and function. These structures introduced an era in Town that attracted the working class to the Outer Banks making it no longer just for the wealth elites. The structure does have an outside shower that only has cold water. This structure is in excellent condition and remains unchanged since its construction sixty-two years ago.

14. National Register Criteria met by Property

Non-Applicable

15. Documentation for Inclusion of Accompanying Land

The lots on which the structure is located provide an appropriate setting for the building and are integral to the significance of the structure. Its location in Virginia Dare Shores Subdivision is connected to the history of the structure.

CHAIN OF TITLE

2306 North Virginia Dare Trail

1. 28th day of July 1953. Robert A. Young and Wife, Mary Young, as parties of the first part; to L.A. Smith and wife, Geneva Jackson Smith, of Hertford, North Carolina, as parties of the second part. Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the Virginia Dare Trail, which said beginning point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning. Being the Northerly 46 ¼ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina. The same being a portion of the land conveyed to Robert A. Young, et al, by deed of M.G. Brown Co., Inc. dated July 20, 1953 and filed for record on July 27, 1953 in the Public Registry of Dare County, North Carolina.

2. 25th day of June, 1991, by Lewis Winfred Smith and wife, Teressa W. Smith of Route 2, Box 148, Hertford, NC 27944, Grantors to Eula S. Smith of Route 2, Box 141, Hertford, NC 27944 and Ruby S. Winslow of Route 10, Box 410, Asheboro, NC 27203, Grantees; Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the Virginia Dare Trail, which said beginning point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning. Being the Northerly 46 ¼ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina. For further description and chain of title, see the deed recorded in Book 49, page 146 in the Office of the Register of Deeds of Dare County, North Carolina. Also see the Will of Lewis A. Smith. By accepting this deed, the Grantees assume and agree to pay all 1991 Dare County ad valorem taxes on said property.

3. 1st day of October, 2001, Grantor Ruby S. Winslow and husband, Leslie N. Winslow, Grantee Caleb Worth Winslow, PO Box 1933, Asheboro, NC, 27203. Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the

Virginia Dare Trail, which said beg. Point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning.

Being the Northerly 46 ¼ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina.

For further description and chain of title, see the deeds recorded in Book 49, Page 146 and Book 758, Page 114 in the Office of the Register of Deeds of Dare County, North Carolina. Also see the Will of Lewis A . Smith.

4. 28th day of November, 2007, Grantor Caleb Worth Winslow and wife, Nada C. Winslow, Grantee Eula S. Smith, for and during the term of her natural life, as life tenant; with remainder interest to Haywood Anderson Smith, as remainderman. Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the Virginia Dare Trail, which said beg. Point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning. Being the Northerly 46 ¼ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina. All of the right, title and interest of Caleb Worth Winslow, the same being a one-half undivided interest, in and to the following described property:
5. Beginning at a stake or other marker situated in and on the Western margin of U.S. Highway No. 158, sometimes known as the Virginia Dare Trail, which said beg. Point is located in and on the Southwest corner of the aforesaid highway intersecting Eden Street as shown on map of Virginia Dare Shores Subdivision, recorded in Map Book 1 at page 188, Office of the Register of Deeds, Dare County, North Carolina, and running thence from said beginning point in a Southerly direction along the Western margin of the aforesaid highway a distance of 46 ¼ feet to a stake or other marker; thence running in a westerly direction and parallel with Eden Street a distance of 150 feet to a stake or other marker; thence running in a Northerly direction and parallel with the aforesaid highway a distance of 46 ¼ feet to a stake or other marker located in the Southern

margin of said Eden Street; thence running along the Southern margin of said Eden Street in an Easterly direction a distance of 150 feet to the point or place of beginning.

Being the Northerly 46 $\frac{1}{4}$ feet of Lot No. 1, Block 2 of that Subdivision known as Virginia Dare Shores, map or plat of which is duly of record in Map Book 1, page 188, Office of the Register of Deeds, Dare County, North Carolina.

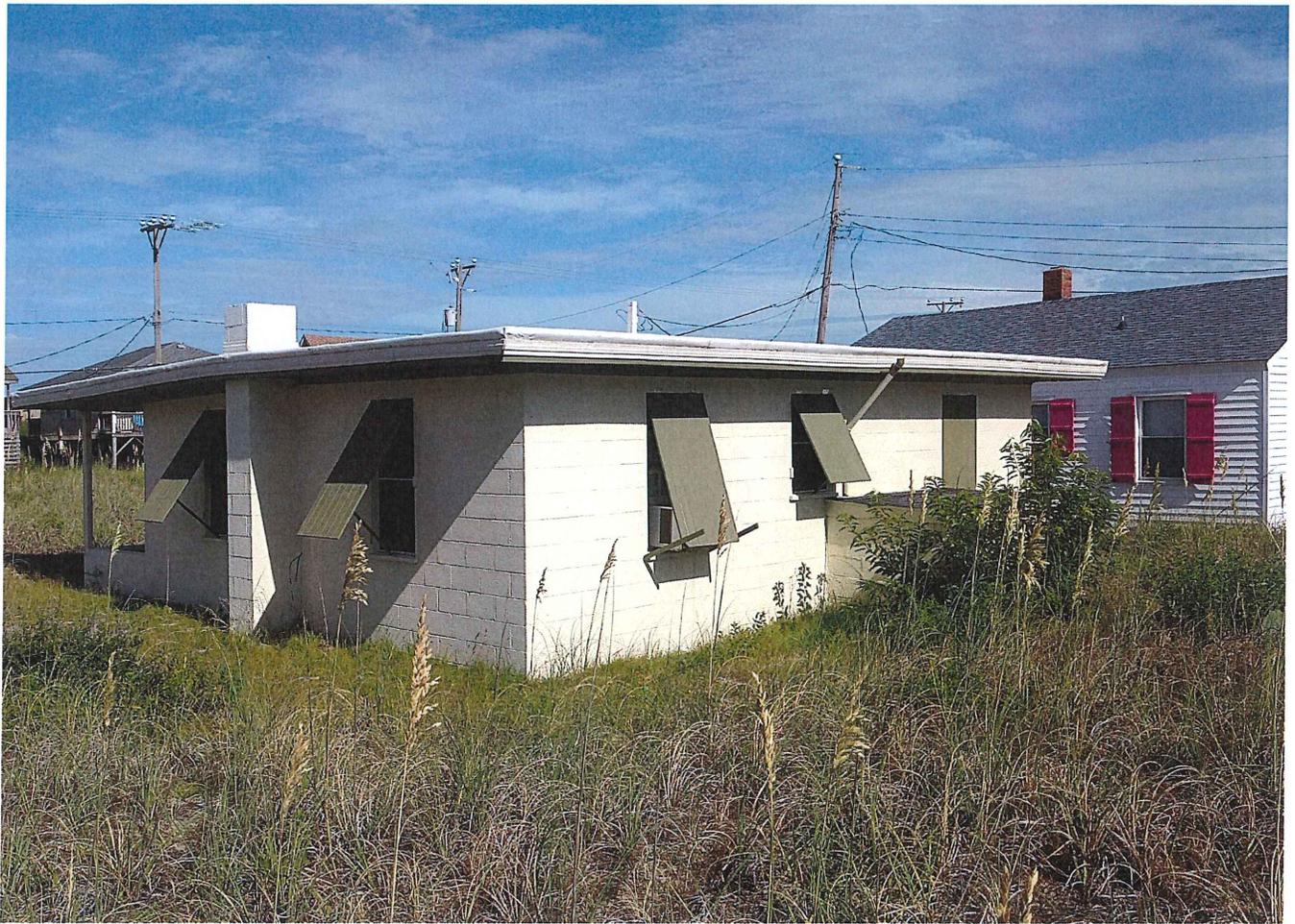
For further description and chain of title, see the deeds recorded in Book 49, Page 146 and Book 758, Page 114 in the Office of the Register of Deeds of Dare County, North Carolina. Also see the Will of Lewis A. Smith, of record in Estate File No.: 07-E-335 in the Office of the Clerk of Superior Court of Dare County.

The on-half undivided interest a A. Josiah Smith in and to said property was devised under his Last Will and Testament to Eula S. Smith, for a during the term of her natural life, with remainder interest therein to Haywood Anderson Smith. See Estate File No.: 07-E-336 in the office of the Clerk of Superior Court of Dare County.

The property being conveyed under this instrument is the one-half undivided interest in and to said property which was conveyed to Caleb Worth Winslow under deed recorded in Deed Book 1394, at Page 459, Dare County Public Registry.

With this conveyance, Eula S. Smith is the owner of a life estate in a one hundred percent (100%) in and to the above-described property, and Haywood Anderson Smith is the owner of a life estate in one hundred percent (100%) interest in and to said property.





Director of
Planning and Inspections
MEREDITH GUNS

Chief Building Inspector
MATT LOWCHER

Code Enforcement Officer
MARTY SHAW



Assistant Director of
Planning and Inspections
BRYAN BRIGHTBILL

Senior Planner
CAMERON RAY

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

November 14, 2016

Memorandum

To: Debora P. Diaz, Town Manager

From: Meredith Guns, Planning Director *MHG*

Subject: Schedule Public Hearing - Local Historic Designation – 418 West Hayman Boulevard, Hayman House

Attached with this memorandum you will find an ordinance for designation of the Hayman House, 418/ West Hayman Blvd, as a Local Historic Landmark. You will also find the designation report and State comments.

The attached designation report for 418 West Hayman Blvd. was reviewed by the NC Department of Cultural Resources, Division of Archives and History and has obtained non-binding State comments regarding the designation. On October 18, 2016, the Landmarks Commission held a public hearing for designation of 418 West Hayman with all comments positive for its designation.

The Commission is forwarding the ordinance designating the Haymanas a Local Historic Landmark to the Board of Commissioners recommending adoption after the required public hearing. Once adopted the ordinance will be filed with the register of deeds and the structure will be subject to the regulations outlined in Chapter 31 of the Town Code.

Staff recommends setting the public hearing for this designation for December 12, 2016.

ATTACHMENT CA-2B

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING PROPERTY KNOWN AS HAYMAN HOUSE LOCATED AT 418
WEST HAYMAN BOULEVARD 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 all statements and information presented at the public hearing on _____, and considered the recommendations of the North Carolina Department of Cultural Resources on the question of designating the property known as Hayman House and located at 418 West Hayman Boulevard as a local historic landmark; and

WHEREAS, Hayman House was constructed for RB Rowland of Norfolk, Virginia on the oceanfront in Kill Devil Hills in 1945; and,

WHEREAS, the Hayman House was under three different ownership while located on the oceanfront; the longest owners being Irvin and Luis Blanchard of Pasquotank, NC for 17 years; and

WHEREAS, the Hayman House was used as a summer home when located on the oceanfront; and,

WHEREAS, the structure known as Hayman House is of historic, architectural, and cultural significance in it was part of "Millionaire Row" a early development of Frank Stick ; and,

WHEREAS, the Hayman House was located on the oceanfront for thirty-nine years (1945-1984) and;
and

WHEREAS, Hayman House was moved to its current location on West Hayman Boulevard in 1984 by a construction company to build condominiums on the oceanfront location; and,

WHEREAS, the Hayman House in its current location still maintains its original integrity of design, workmanship, feeling, and association for the exterior and interior of the structure; and

WHEREAS, Hayman House remains largely unchanged in it footprint since construction in 1945, interior modification creating a triplex in the early 1980's the bedroom count remains unchanged; and

WHEREAS, the Hayman House was used as a year round occupancy after it was moved to the west side in 1984; and

WHEREAS, the Hayman House has had three owners since it was moved, the longest ownership by Mrs. Virginia Whichard, a yearlong residents of the house for twenty five years (1998-2014).

WHEREAS, since the Hayman House was moved, renovations have been limited primarily to the interior, however the original hardwood floors and pine wood paneling remain intact, as well as original baseboard and crown molding; and

WHEREAS, the current owners of Hayman House use the structure as a year round rental house;

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

1. All of the property located at 418 West Hayman Boulevard in the Town of Kill Devil Hills is hereby designated as a local historic landmark pursuant to Part 3C, Article 19, and Chapter 160A of the North Carolina General Statutes. The property is presently owned by Hayman House, LLC and is identified on Dare County Tax Maps as Pin No.987520915653 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 on nearby public right-of-way.

5. The owner and occupants of the building known as “Hayman House” 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 ____ day of _____, 2016

Mary E. Quidley, Town Clerk

Sheila Davies, PHD, Mayor

Approved as to form:

Town Attorney

NORTH CAROLINA
DARE COUNTY

I, the undersigned Notary Public do hereby certify that Mary E. Quidley personally appeared before me and acknowledged that she is the 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 Town Clerk. Witness my hand and official stamp or seal, this ____ day of _____ .

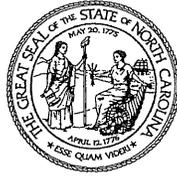
My commission expires _____

Notary Public

SEAL

Exhibit "A"

All those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, , and designated and being all Lots 30, 31, 32 & 33, and Block 56, Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare County Registry, reference to which is hereby made for a particular description of the land herein conveyed. Being the same property conveyed to Leon R. Whichard, Jr., and Grantee by Deed dated March 31, 1989 and filed in Book 620, Page 212, Dare County Registry. Diane H. Whichard joins in this conveyance to release her statutory inchoate marital interest in the remainder interest in the above described property.



North Carolina Department of Cultural Resources
State Historic Preservation Office

Ramona M. Bartos, Administrator

Pat McCrory, Governor
Susan Kluttz, Secretary
Kevin Cherry, Deputy Secretary

Division of Historical Resources
Office of Archives and History
State Historic Preservation Office

October 21, 2016

Meredith B. Guns
Assistant Planning Director
Town of Kill Devil Hills
102 Town Hall Drive PO Box 1719
Kill Devil Hills, NC 27948

RE: Landmark Designation Report
R.B. Rowland, Jr. House, 418 West Hayman Boulevard

Dear Meredith:

Thank you for your submittal of the Survey and Research Report for the R.B. Rowland, Jr. House in Kill Devil Hills. We reviewed the information in the report and offer the following comments in accordance with North Carolina General Statutes 160A-400.6.

The R.B. Rowland House, located at 418 West Hayman Boulevard presents several areas of concern in moving forward with a local designation. Due to the loss of feeling, association, setting and location with the 1984 move and the loss of physical integrity with later alterations, the Rowland House does not appear to be a good candidate for local historic landmark designation. Given its lack of antiquity, there is a low probability for intact, significant archaeological resources to be associated with this property.

We do feel the designation report conveys the historical and architectural character of the site. The designation report should provide the Kill Devil Hills Historic Preservation Commission and the Town Council adequate information to determine the house does not have the requisite special significance and integrity for landmark designation.

A landmark designation means that the community recognizes the building is an important historic resource worthy of preservation. Any substantial exterior design changes will be subject to the design review procedures of the Commission. Owners of designated landmarks that are subject to property tax may apply for annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.

Please note that if the Council wishes to extend the Commission's design review authority to significant features of the interior, the designation ordinance must specify the significant features and describe the nature of the Commission's design review authority over them. Consent of the owner is required for interior design review when the landmark is privately owned, but not when the landmark is publicly owned.

Eastern Office

117 W. 5th Street • Greenville, North Carolina 27858 • (252) 830-6580 ext. 226 • Fax: (252) 830-6583

Page 2

Thank you for giving us the opportunity to comment on the report. Our comments are advisory only. Once the governing board has received a recommendation from the Kill Devil Hills Landmarks Commission and has proceeded in the same manner as would otherwise be required for an amendment to the zoning ordinance, the governing board may proceed with the designation decision. Once the designation decision has been made, please return the completed designation confirmation form, enclosed.

This letter serves as our comments on the proposed landmark designation of the R.B. Rowland House. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Scott Power

Scott Power
Regional Supervisor
Eastern Office
State Historic Preservation Office

Attachment

cc: Chairperson, Kill Devil Hills Historic Preservation Commission
Amber E. Kidd, Certified Local Government Coordinator

Survey and Research Report

1. Historical Name and Location of Property
418 West Hayman Blvd.
Kill Devil Hills, NC 27948
2. Name, Address and Telephone Number of Present Owner/Occupant
Hayman House, LLC
207 E Driftwood Street
Nags Head, NC 27959
3. Representative Photographs of the Property
Photos are attached.
4. Map Depicting the Location of the Property
Attached is a copy of a Dare County Tax Map depicting the property.
5. Current Deed Book Reference for the Property
Attached is a complete chain of title for the property. The most current deed reference is in Dare County Deed Book 1960, page 290. The property is shown on Dare County Tax Map 9875(20). The Tax Parcel number is 028403000.
6. Legal Description
7. The property is located in Virginia Dare Shores. It is on lot 30-33. The plat and slide location is 1 and 188 respectively.
8. Architectural Description of the Property
The house located at 418 West Hayman Boulevard a two story single family structure located on a cross street to the main highway in the Outer Banks (NC-158). The form of the house is comprised of two side facing gables butting into one another. The left volume is proportionally smaller than the right and steps back a few feet to further diminish the scale. Additionally, the left volume is only 1 ½ stories with a centered gable form. One side of the house has a large deck/carport area. In terms of materials, the house is sheathed in several materials from large format wavy shake siding to a more standard exposure horizontal siding to vertical board and batten and finally T-111 siding at the back shed addition. The roof is clad in grey asphalt shingles with a dark brown eave fascia board. The eaves have exposed rafter tails painted white. The house itself is painted green and has white trim.

The East side of the house has board and batten siding in the gable end with a thick trim band board dividing it from horizontal siding. The overall look is spare with only three asymmetrical double hung windows.

The North side of the is a mashup of various building elements from side facing gables to shed roofs to gable dormers and decks. The sheathing treatments also vary as do the window treatments and styles. This elevation tells the likely history of aggregation of additions that have occurred over the years for this structure.

The West side of the house is dominated by a large deck over a carport. Pressure treated wood stairs cascade down to grade and the gable end of the small house volume can be seen beyond. As an interesting feature, the door out to the deck has a cantilevered shed roof over it the deck to protect the door from water infiltration. This element is not readily visible from the front (South side).

The South side of the house is the front and is composed of two side facing gables. Each has its own entrance with pressure treated wood stairs. The windows are simple double hung units with a single octagonal window above the door of the larger volume. Most are singular but the windows in the front facing gable are paired and smaller than the rest. The overall appearance is relatively coherent with idiosyncratic details that provide visual interest.

9. Historical Discussion of the Property

The oceanfront house was built in 1945 by RB Rowland, Jr. of Norfolk, Virginia. The house was located in Croatan Shores subdivision at the northern end of Millionaire Row houses constructed by Frank Stick. The house was a 5 bedroom house, 2 ½ bath house. One bedroom and the half bath was the maid quarters located above the garage on the north East side of the house. In 1955, the Rowland's sold the house to Andrew and Nora Watkins and Frank and Marie Legg. There is not a lot of history with these owners. The Watkins and Leggs sold the house to Irvin and Lois Blanchard from Elizabeth City, NC in 1967. Mr. Blanchard was a doctor in Elizabeth City. The Blanchard used it as a summer home and stayed most of the summer months. The Blanchard's made several improvements to the cottage including incorporating the maid's quarters into the primary structure for the kids. Their son Tom Blanchard was the first to live in the house year round in 1975-1976, when he began working for Kellogg Supply Company. However, after a particularly big nor'easter in the March of 1976 that blew the bed across the room due to lack of insulation and old windows Mr. Blanchard decided to move into a year round house in Manteo. The house remained in the Blanchard family used as a summer home until it was sold to Resort Condominiums in 1984. The new owners moved the house to its current location at 418 West Hayman Street and built the Golden Stand Condominiums on the oceanfront lots.

The house was moved and sold to E.R. Evans and Sons, a lumber company from Ahoskie NC, also believed to be part the building team for the Golden Stand. It is believed that many of the construction workers for the condominium lived in the house during construction. It is also believed through oral history that Mr. Evans was responsible for making the structure into three separate units: the garage

area, the maid quarters and the main house. Mr. Evans added 2 bathrooms to accommodate the three units. The house remained 5 bedrooms. E.R. Evans and sons sold the property to Virginia and Leon Whichard in 1989. The Whichard's were the first year round occupancies of the house. The Whichard's made very few changes to the house. Mrs. Whichard worked as a real estate agent on the Outer banks. Upon Mrs. Whichard's death the family sold the house to the current owner, Hayman House LLC, who proprietor is Gail Kowalski (a local jeweler) in 2014. The house is still used as a triplex dwelling. .

10. Assessment of the Significance of the Site

a. *Special significance in terms of its history, architecture, and/or cultural importance:*

The property is well preserved and maintains its original historic character. The house was built on the ocean front in 1945 and moved to its current location on the west side of the island in 1984. At which time it was converted from a summer cottage to a year round home. The house was part of the original Millionaire Row houses. The house was used as a summer home by the Blanchard Family. Tom Blanchard, Dr. Blanchard's son, remembers watching the Man on the Moon in 1969 in the cottage. The cottage was moved but the integrity and history remain intact. The Whichard's preserved the cottage architecture and made very few changes to the structure as have the current owners.

b. *Integrity of the property's design, setting, workmanship, materials, feeling and/or association:*

The architecture is typical Outer Banks style house of the era similar to those built on Millionaire Row designed and constructed by Frank Stick. The exterior is covered with hardy board and asbestos shingles. When the house was located on the oceanfront it had a large wrap around deck on the east and south side of the house. The decks were removed when the house was moved in 1984. The Blanchard's modified the interior configuration of the house creating interior access to the maid quarters from one of the upstairs bedrooms. In 1975, the Blanchard put insulation in the house and added electric heat to be able to enjoy the cottage longer ion the fall. Additionally, the Blanchard closed off one the two ground level garages and made it a storage/play area. Once moved to the westside the Whichards replaced the windows with wooden windows. The current interior configuration includes two apartments (former maid quarter and two car garage) and the main house with 4 bedrooms and 2.5 baths. The current owners made several improvements to the house in 2015 including repairs some exterior shingles and siding interior remodeling. They also repainted the structure. The interior remains largely unchanged with the original wood floors and tongue and grove wood on the walls and ceilings. The original baseboard and crown molding are also intact. The property maintains its original integrity of design, setting, workmanship, feeling and association.

10. Assessment of the Property's Suitability for Preservation or Restoration, Educational Value and Possibilities for Adaptive or Alternative Use

This structure is in very good condition. It is an excellent example of examples of Outer Banks style of architecture built in the time period. Additionally the cottage is well preserved after being moved from the original location.

11. Total Tax Value of the Property

Total Value of the property is \$167,900 according to the Dare County Tax Office.

12. Documentation of Historical Significance to the Town of Kill Devil Hills.

The structure was built in 1945 on the oceanfront in Croatan Shore Subdivision. The structure to the south was part of Millionaire Row developed by Frank Stick. It was built as a summer home and used as a summer home until it was moved to the West Hayman in 1984. There have been not significant exterior additions to the house. One significant interior modification was to the maid quarters which were located over the garage on the second floor with a separate entrance. In 1975 the Blanchard's added an interior door to connect the maid's quarters with the main house to accommodate the kids in the family. The house remains a 5 bedroom house with the addition of one full bath after it was moved. The house was moved off the oceanfront in 1984 to allow for a condominium to be constructed. The current owners bought the property in 2014 and have done repairs and interior renovations. The current owners rent the house as a triplex utilizing the old maid quarters as one unit, the two car garage as one unit and the main house as one unit. The house is in excellent condition and preserves the historic character.

13. Documentation of Architectural Significance to the Town of Kill Devil Hills.

The house was built by R. B. Rowland in 1945. The structure is a typical Outer Banks style architecture with hardy plank siding. Screened porches covered two sides of the building when it was located on the oceanfront however the porches were removed in order to move the structure. The original hardwood floors remain intact as well as the wood paneling on the walls and ceiling. The architecture is significant to the Outer Banks and this house is a good example of Outer Banks style architecture built in the time period.

14. National Register Criteria met by Property

Non-Applicable

15. Documentation for Inclusion of Accompanying Land

The lots on which the structure is located provide an appropriate setting for the building.

CHAIN OF TITLE
418 West Hayman Blvd.
Oceanfront

1. Deed of Bargain and Sale – J.B. McMullan et al. –TO – R.B. Rowland, Jr. 23rd day of August 1939, by J.B. McMullan and wife, Charlotte S. McMullan, and W.C. Dawson and wife, Eloise C. Dawson, of Pasquotank County, State of North Carolina, parties of the first part, to R.B. Rowland, Jr. of Norfolk County, State of Virginia, party of the second part; Beginning at a point on the East side of N.C. Highway No. 34 at a point where the northwest corner of property this day conveyed to Dr. E. Ray Altizer contacts said highway; thence northerly along the east side of said highway a distance of 100 feet; thence easterly paralleling the northern boundary of the Altizer property to the Atlantic Ocean; thence southerly along the Atlantic Ocean a distance of 100 feet to the northeast corner of the Altizer property; thence westerly along the north boundary of the Altizer property to the point of beginning, being lot #7, the northerly half of lot #8 and the southerly half of lot #6 in Block A, Section 1 of map of “Croatan Shores”, as surveyed and drawn by J.L. Murphy, County Surveyor of Dare County, and to be duly recorded in the Public Registry of Dare County.

2. Deed – J.B. McMullan and other to R.B. Rowland, Jr. 14th day of August, 1940, by J.B. McMullan and wife Charlotte S. McMullan, and W.C. Dawson and wife, Eloise C. Dawson, of Pasquotank County, State of North Carolina, parties of the first part, to R.B. Rowland, Jr., of Norfolk County, State of Virginia, party of the second part; Beginning at a point on the East side of N.C. Highway No. 34 at a point where the northwest corner of property heretofore conveyed the grantee contacts said Highway; thence northerly along the east side of said highway a distance of 25 feet; thence easterly paralleling the northern boundary of property heretofore conveyed to grantee, R.B. Rowland, Jr., to the Atlantic Ocean; thence southerly along the Atlantic Ocean a distance of 25 feet to the northeast corner of the said property pf R.B. Rowland, Jr.; thence westerly along the northern boundary of the said Rowland property to the point of beginning, being northerly half of lot #6 in Block A of map of “Croatan Shores” as surveyed and drawn by J.L. Murphy, Dare County Surveyor.

3. 22nd day of October 1955 by R.B. Rowland, Jr. and wife, Ella C. Rowland, parties of the first party, to Andrew J. Watkins and wife, Nora B. Watkins, an undivided one-half interest by the entirety and M. Frank Legg and wife Maria W. Legg, an undivided one half interest by the entirety, parties of the second part: All those certain lots of land, together with the houses and improvements thereon, lying and being in the Town of Kill Devil Hills in Atlantic Township, Dare County, North Carolina, adjoining the lands of W.R. Deaton et als and bounded as follows: Beginning at a post or other marker situated in and on the East margin or right of way of U.S. Highway No. 158, heretofore known as North Carolina State Highway 34, and also sometimes known as Virginia Dare Trail leading along the Dare Beaches, said beginning point being in and marking the Southwest corner of the W.R. Deaton property on the East side of said highway, said beginning point being also 254 feet in a Southeasterly direction along the East margin or ight of way of said highway from the Southeast margin of the intersection of said highway with First Street in the subdivision known as Croatan Shores, referred to

hereinafter, thence in a Northeasterly direction along the Deaton South line and parallel with First Street to the Atlantic Ocean; thence along the Atlantic Ocean in a Southeasterly direction 125 feet to a stake or other marker; thence in a Southwesterly direction and parallel with the first call above to the East margin or right of way of said highway; thence along the East margin or right of said highway in a Northwesterly direction 125 feet to the point of beginning. Same being Lots Nos. 6, 7 and the North one-half of Lot No. 8 in Block A, Section 1 of the subdivision known as Croatan Shores. Map or plat of said subdivision made by David Cox, Jr., Surveyor, September 1945 and duly recorded in Map Book 1, page 161, office of the Register of Deeds of Dare County, North Carolina, reference to which is hereby made for a more particular description thereof. Same being the lands conveyed to R.B. Rowland, Jr. by the following conveyances: (a) Deed from J.B. McMullan et als dated August 23, 1949 and duly recorded in Book 21, page 554, Dare County Registry; (b) Deed from J.B. McMullan et als dated August 14, 1940 and duly recorded in Book 23, page 279, Dare County Registry.

4. 1st day of September, 1967, by and between Andrew J. Watkins and wife, Nora B. Watkins, and M. Frank Legg and wife, Maria W. Legg of Vance County, North Carolina, parties of the first part, to Irvin T. Blanchard and wife, Lois B. Blanchard, of Pasquotank County, North Carolina, parties of the second part. Beginning at a post or other marker situated in and on the East margin or right of way of U.S. Highway No. 158, heretofore known as North Carolina State Highway 34, and also sometimes known as Virginia Dare Trail leading along the Dare Beaches, said beginning point being in and marking the Southwest corner of the W.R. Deaton property on the East side of said highway, said beginning point being also 254 feet in a Southeasterly direction along the East margin or right of way of said highway from the Southeast margin of the intersection of said highway with First Street in the subdivision known as Croatan Shores, referred to hereinafter, thence in a Northeasterly direction along the Deaton South line and parallel with First Street to the Atlantic Ocean; thence along the Atlantic Ocean in a Southeasterly direction 125 feet to a stake or other marker; thence in a Southwesterly direction and parallel with the first call above to the East margin or right of way of said highway; thence along the East margin or right of said highway in a Northwesterly direction 125 feet to the point of beginning. Same being Lots Nos. 6, 7 and the North one-half of Lot No. 8 in Block A, Section 1 of the subdivision known as Croatan Shores. Map or plat of said subdivision made by David Cox, Jr., Surveyor, September 1945 and duly recorded in Map Book 1, page 161, office of the Register of Deeds of Dare County, North Carolina, reference to which is hereby made for a more particular description thereof. Same being the lands conveyed to R.B. Rowland, Jr. by the following conveyances: (a) Deed from J.B. McMullan et als dated August 23, 1949 and duly recorded in Book 21, page 554, Dare County Registry; (b) Deed from J.B. McMullan et als dated August 14, 1940 and duly recorded in Book 23, page 279, Dare County Registry, and being the identical property conveyed to the parties of the first part by deed recorded in Book 65, page 145, Dare County Registry, to which reference is hereby made for further description and chain of title.
5. Grantor, Irvin T. Blanchard and wife, Lois B. Blanchard, Grantee Resort Condominium Management, Inc. T/A Resort and Condominium Properties, PO Box 1917, Kill Devil Hills, NC 27948. All those certain lots of land, together with the houses and improvements thereon, lying and being in the Town of Kill Devil Hills in Atlantic Township, Dare County,

North Carolina, adjoining the lands of W.R. Deaton et als and bounded as follows: Beginning at a post or other marker situated in and on the East margin or right of way of U.S. Highway No. 158, heretofore known as North Carolina State Highway 34, and also sometimes known as Virginia Dare Trail leading along the Dare Beaches, said beginning point being in and marking the Southwest corner of the W.R. Deaton property on the East side of said highway, said beginning point being also 254 feet in a Southeasterly direction along the East margin or right of way of said highway from the Southeast margin of the intersection of said highway with First Street in the subdivision known as Croatan Shores, referred to hereinafter, thence in a Northeasterly direction along the Deaton South line and parallel with First Street to the Atlantic Ocean; thence along the Atlantic Ocean in a Southeasterly direction 125 feet to a stake or other marker; thence in a Southwesterly direction and parallel with the first call above to the East margin or right of way of said highway; thence along the East margin or right of said highway in a Northwesterly direction 125 feet to the point of beginning. Same being Lots Nos. 6, 7 and the North one-half of Lot No. 8 in Block A, Section 1 of the subdivision known as Croatan Shores. Map or plat of said subdivision made by David Cox, Jr., Surveyor, September 1945 and duly recorded in Map Book 1, page 161, office of the Register of Deeds of Dare County, North Carolina, reference to which is hereby made for a more particular description thereof. Same being the lands conveyed to R.B. Rowland, Jr. by the following conveyances: (a) Deed from J.B. McMullan et als dated August 23, 1949 and duly recorded in Book 21, page 554, Dare County Registry; (b) Deed from J.B. McMullan et als dated August 14, 1940 and duly recorded in Book 23, page 279, Dare County Registry, and being the identical property conveyed to the parties of the first part by deed recorded in Book 65, page 145, Dare County Registry, to which reference is hereby made for further description and chain of title.

418 Hayman – Westside

1. 1st day of July 1976, by and between Platon A. Brown, Nicholas Tsamouras, and Bernard Hurowitz, being partners and doing business as 8th Associates, parties of the first part, to W.C. Foreman of Kill Devil Hills, North Carolina (27948), party of the second part. All those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and designated and being all of Block 43, 51, 52, 57, and Lots 1 through 20, inclusive, and Lots 23 through 40, inclusive in Block 56 of the subdivision known as Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare County Registry, reference to which is hereby made for a particular description of the lands herein conveyed. The same being a portion of those lands conveyed to Platon Alexander Brown et al by Hunter Sharp, Jr., Executor of the Estate of Martin B. Simpson, Jr. by deed dated April 25, 1975, and recorded in Book 223, Page 754, Dare County Registry.
2. 8th day of April, 1982, Grantor, W.C. Foreman, and wife Mildred; Grantee, Harry w. Whitley, Sr., of 507 Lakeview Drive, Murfreesboro, NC 27855. All those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and designated and being all Lots 30, 31, 32 & 33, and Block 56, Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare

County Registry, reference to which is hereby made for a particular description of the land herein conveyed.

3. 14th day of May, 1987, Grantor, Harry W. Whitley, Sr. and wife Lucille W. Whitley, Grantee, E.R. Evans and Sons, Inc., PO Box 397, Ahoskie, NC 27910. All those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and designated and being all Lots 30, 31, 32 & 33, and Block 56, Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare County Registry, reference to which is hereby made for a particular description of the land herein conveyed.

4. 31st day of March, 1989, E.R. Evans and Sons, Inc., a corporation organized by law with one of its offices at Ahoskie, North Carolina, party of the first part, and Virginia B. Whichard for her natural life with all remainder interest to Leon R. Whichard, Jr., parties of the second part.
All those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, and designated and being all Lots 30, 31, 32 & 33, and Block 56, Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare County Registry, reference to which is hereby made for a particular description of the land herein conveyed.

5. General Warranty Deed of Gift made this 11 day of September, 2003 by and between Leon R. Whichard, Jr. and wife, Diane H. Whichard (hereinafter referred to as "Grantor"), and Virginia B. Whichard, whose mailing address is 418 Hayman Blvd., Kill Devil Hills, NC 27948 (herein referred to as "Grantee"). All of the interest of Leon R. Whichard, Jr. (the same being a remainder interest in fee simple) in all those certain lots or parcels of land located and being in Kill Devil Hills, Atlantic Township, Dare County, North Carolina, , and designated and being all Lots 30, 31, 32 & 33, and Block 56, Virginia Dare Shores, as shown on a map or plat thereof recorded in Map Book 1, Page 188, Dare County Registry, reference to which is hereby made for a particular description of the land herein conveyed. Being the same property conveyed to Leon R. Whichard, Jr., and Grantee by Deed dated March 31, 1989 and filed in Book 620, Page 212, Dare County Registry. Diane H. Whichard joins in this conveyance to release her statutory inchoate marital interest in the remainder interest in the above described property.

6. 2nd day of June, 2014, by and between, Grantor; Leon R. Whichard, Jr., Executor of the Estate of Virginia B. Whichard and Leon R. Whichard, Jr., Individually, and wife, Diane H. Whichard, Grantee; Hayman House, LLC, 207 e. Driftwood Street, Nags hEad, NC 27959.



