

ORDINANCE NO. 20-20

**AN ORDINANCE DESIGNATING PROPERTY LOCATED AT
409 WEST SPORTSMAN DRIVE
AND KNOWN AS DUCEY COTTAGE
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, pre-requisites to the adoption of this ordinance as prescribed in Part 3C, Chapter 160D-945 & 946 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 a public hearing on December 8, 2025 and considered the recommendations of the North Carolina Department of Cultural Resources on the question of designating the property located at 409 West Sportsman Drive, Kill Devil Hills, known as Ducey Cottage (“Ducey Cottage”) as a local historic landmark; and

WHEREAS, Ducey Cottage is located in the Avalon Beach Subdivision, which was the first development marketed and priced for the middle class that offered financing; and

WHEREAS, Ducey Cottage is of historic, architectural, and cultural significance in that it embodies the distinctive architectural characteristics of an Outer Banks flat top; and

WHEREAS, Ducey Cottage was originally constructed in 1960 for Mrs. Doris H. Ducey, of Princess Anne County, Virginia, and a previous structure existed on the property that was demolished by Hurricane Hazel in 1954; and

WHEREAS, in the 1950’s and 1960’s, Avalon Beach Subdivision was the largest residential development in Kill Devil Hills, with over a hundred flat top structures being constructed and sold by Robert Young and Clarence A. “Sug” York; and

Adopted Ordinance designating property located at
409 West Sportsman Drive
and known as Ducey Cottage as a Local Historic Landmark
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WHEREAS, Ducey Cottage is one of Avalon Beach Subdivision’s original remaining flat tops from that era; and

WHEREAS, Ducey Cottage was built as a family summer home and is still used as such; and

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

WHEREAS, Ducey Cottage maintains its original architectural appearance with concrete block exterior, a covered screened porch, and flat top roof; and

WHEREAS, Ducey Cottage survived numerous major hurricanes and nor’easters that caused major damage to surrounding structures, and a major tornado that destroyed property within the area; and

WHEREAS, Ducey Cottage was built in the first era in Kill Devil Hills that attracted working class to the Outer Banks; and

WHEREAS, although Ducey Cottage has undergone no additions since its construction, there have been upgrades; however, the house maintains the original floor plan layout; and

WHEREAS, Ducey Cottage is one of the best examples of this type of architecture built in the time period, as well as the enclosed screened porch and flat roof synonymous with Outer Banks flat tops; now therefore be it

ORDAINED BY THE KILL DEVIL HILLS BOARD OF COMMISSIONERS:

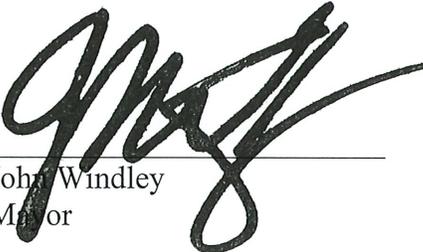
1. All of the property located at 409 West Sportsman Drive in the Town of Kill Devil Hills is hereby designated as a local historic landmark pursuant to N.C.G.S. Chapter 160D-945 & 946. The property is presently owned by Charles J. Owens, Denise Owens, Elijah Owens, Joseph Owens, Oscar Elias Jr Owens, Jeanne Owens, Thomas Owens, Victoria Owens, and Margaret Smith and is identified on Dare County Tax Maps as Pin No. 988517009265 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 160D-946 & 946 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 Town-approved 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 “Ducey 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.

Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 8th day of December, 2025, by a vote of 4 in favor and 0 opposed.

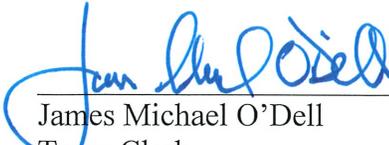
SEAL





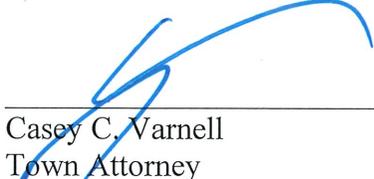
John Windley
Mayor

ATTEST:



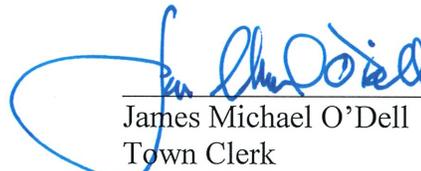
James Michael O'Dell
Town Clerk

APPROVED AS TO FORM:



Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE, CHAPTER 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the 9th day of December, 2025, at 9:00 a.m.



James Michael O'Dell
Town Clerk