



AGENDA

TOWN OF NAGS HEAD BOARD OF ADJUSTMENT
NAGS HEAD MUNICIPAL COMPLEX – BOARD ROOM

THURSDAY, AUGUST 13, 2026; 9:00 AM

REGULAR SESSION

A. CALL TO ORDER

1. Roll Call (Use of Alternates if Needed)
2. Verification of Quorum

B. APPROVAL OF MINUTES

1. July 9, 2026 (Ojanguren Appeal)

C. SWEARING IN OF WITNESSES

D. CASES

1. Consideration of an Appeal of an Administrative Decision submitted by Loretta E. Patrick regarding the Planning Director's June 1, 2026 denial of Development Permit Application No. 202600632. The application requested authorization to remove and dispose of the existing beach access walkway located at 10023C East Pelican Street within the Pelican Park subdivision.

E. ADJOURNMENT

**Town of Nags Head
Board of Adjustment**

July 9, 2026 (DRAFT)

The Board of Adjustment of the Town of Nags Head met in regular session Thursday, July 9, 2026 in the Board Room, Nags Head Municipal Complex, Nags Head, North Carolina.

Members Present Margaret Suppler, Bobby Gentry, Alice Coffey, Tina Adderholdt, Judy Burnette

Others Present Kelly Wyatt, Chris Trembly, Jay Wheless, John Leidy, Lily Nieberding, Joe Costello, Mary K. Gay, Robert Snyder

Call to Order Chair Margaret Suppler called the meeting to order at 9:00 a.m. as a quorum was present.

Chair Suppler stated that there was one item being brought before the Board this morning:

Consideration of an Appeal of an Administrative Decision submitted by Sebastian Ojanguren regarding the Planning Director's interpretation and application of Section 8.6.3.7.1 of the Unified Development Ordinance, which governs front yard setback reductions. The appeal pertains to property located at 10023 E. Pelican Street, Nags Head, North Carolina.

Board Attorney Jay Wheless reviewed the Appeal Process, noting that while variance hearings are common for this board, appeals are comparatively rare and procedurally distinct. Mr. Wheless also requested, and received unanimous consent from the board, that the Chair be permitted to rule on evidentiary objections without requiring a full board vote on each one, with the assistance of counsel.

Chair Suppler then swore in all witnesses.

Evidence Presented by the Town Planning Director Kelly Wyatt presented the town's case, walking the board through a series of exhibits including aerial photography from Dare County GIS, a survey of the subject property, photographs taken from Pelican Street, the Pelican Park subdivision plat, and prior staff correspondence with the appellants.

Ms. Wyatt confirmed for Mr. Wheless that the appellants were wanting to increase the size of the front deck and that Ms. Wyatt had determined that an increase would encroach on the front yard. As the property currently sits precisely at that setback, no formal permit application had yet been filed or denied; the appellants had first sought a preliminary determination from staff regarding the availability of a front yard setback reduction through the averaging provision. That determination, issued by Ms. Wyatt on May 26, 2026, was the

subject of this appeal.

Ms. Wyatt explained that the UDO definition of "yard" states that for lots which front on access easements, yard and lot depth measurements shall be made from the edge of the easement rather than from the lot line. She then presented the key provision: Section 8.6.3.7.0.1 of the UDO, which permits a reduced front yard setback where the average setback distance for existing buildings on all lots located wholly or partly within 200 feet of the subject lot, within the same zoning district, and fronting on the same side of the same street, is less than the minimum required setback. The reduced setback may be no less than the average of the qualifying properties and in no case less than 15 feet. Ms. Wyatt identified the phrase "fronting on the same side of the same street" as the language in dispute.

Ms. Wyatt described the property at 10023 East Pelican Street, located in the Pelican Park subdivision in South Nags Head, as a somewhat unusual parcel bounded by private access easements on both its eastern and southern boundaries; a 20-foot wide Pelican Street access easement running along each side. She explained that before any setback averaging analysis could be undertaken, staff first had to determine which of the two easements constituted the property's front yard.

Staff determined that the front yard lies along the eastern property boundary, adjacent to the north-south leg of the Pelican Street access easement. Ms. Wyatt used several indicators to support this conclusion: the location and orientation of the driveway, the principal structure's entrance, the established relationship of the dwelling to the easement, the location and heights of existing fencing on the property, and the historic development pattern. She displayed a photograph taken from Pelican Street looking toward the applicant's home, noting that the fence transitions from four feet in height at the midpoint of the lot to six feet toward the rear, a configuration consistent with fence regulations governing front versus rear yards. Ms. Wyatt also noted that this fencing arrangement was established some years prior by Mr. Ojanguren himself, and that at that time, the property was treated as having its front along the eastern boundary.

KW confirmed for Chair Suppler that Pelican Street is an access easement, not a Town or State maintained road. It is a private road maintained by the property owners.

Chair Suppler asked how frontage is typically determined? Whether it is fixed when a lot is platted or established when a structure is placed on the lot? Ms. Wyatt acknowledged some subjectivity, particularly on access easement-served lots, but noted that in general, access orientation determines frontage. She confirmed that in the case of the Applicants' home (built in 1991), the driveway and primary entrance face the north-south leg of the easement, establishing the east as the front. She acknowledged that if the home had been oriented toward

the east-west leg of Pelican Street, the analysis would have been different, and staff would have agreed that the comparison properties fronted the same side of the same street.

Town Attorney John Leidy asked Ms. Wyatt to confirm for the board that the orientation of a structure does indeed affect which setbacks apply and where they are measured from. Ms. Wyatt confirmed that it does.

With the front yard established as the eastern boundary adjacent to the north-south leg of Pelican Street, Ms. Wyatt then evaluated whether the properties proposed by the Applicants, 10023A and 10023B East Pelican Street, identified as lots 17 and 18 in the Pelican Park subdivision, could qualify as comparison properties under the averaging ordinance.

Ms. Wyatt did not dispute that those properties are within 200 feet of the subject lot, nor that they are in the same R-2 zoning district. She also acknowledged that all three properties share a "10023" mailing address. However, she maintained that sharing a street name or address group is not what the UDO asks. The ordinance requires that the comparison properties front on the same side of the same street as the subject property. Staff researched and found that the driveways of 10023A and 10023B clearly oriented toward the east-west leg of Pelican Street, not the north-south leg that serves the Applicants' property, therefore Ms. Wyatt determined that the two sets of homes have fundamentally different frontage relationships and are not fronting the same side of the same street.

Ms. Wyatt then addressed a prior thread of communication in which Mr. Ojanguren had originally asked whether 10021 East Pelican Street might qualify as a comparison property. She showed a survey of that lot on the screen, noting that it is accessed by a 15-foot access easement, separate from and not an extension of the 20-foot Pelican Street easement. Ms. Wyatt noted that this determination had not been formally concluded since it was ultimately not the subject of the appeal, but observed that even if included, the setback measurement for that property from the edge of its access easement would not produce a result that benefits the appellants.

Ms. Wyatt confirmed for Ms. Burnette that as per the ordinance, the setback is determined from edge of the access easement. Ms. Wyatt also noted that most access easements are 20 feet, but she could not confirm if all of them are.

Ms. Wyatt then addressed the Applicants' argument that staff had improperly created new ordinance criteria through the use of phrases such as "similar alignment" and "common frontage," She stated that she had not intended to establish any new regulatory criteria. She explained that those terms were descriptive observations used to explain her reasoning and illustrate why the comparison properties did not satisfy the ordinance's existing requirement, not independent

criteria added to the ordinance itself.

Ms. Wyatt confirmed for Mr. Wheless that her methodology for determining front, side, and rear yard designations from surveys and physical site conditions... driveway location, entrance orientation, fence heights, and so forth, was consistent with how she had handled similar situations over her 20+ year tenure. Ms. Wyatt stated that this was her standard approach, that she had used it approximately 30 times over her career, and that the analytical tools she applied were consistent each time.

Finally, Ms. Wyatt concluded by asking the board to affirm her administrative decision dated May 26, 2026. She stated that the applicable front yard setback remains 30 feet measured from the edge of the north-south Pelican Street access easement, and that the front yard setback averaging provision of Section 8.6.3.7.1 does not apply to the subject property under the circumstances presented.

Applicant Ida Ojanguren conducted a cross-examination of Ms. Wyatt.

Mrs. Ojanguren asked what the purpose is for the setback averaging language in the UDO. Ms. Wyatt explained that when you have existing homes that are forward of currently allowed setback, the provision allows for visual alignment.

Ms. Ojanguren then asked Ms. Wyatt to confirm the definition of "lot line front" from the UDO. Ms. Wyatt read the definition for the Board, which states that the lot line front is the line separating a lot from the right-of-way of the street designated by the owner as the front street, except that where there is an access easement, the easement line shall be the front lot line rather than the street itself.

Ms. Ojanguren asked Ms. Wyatt how many times she had applied the front yard determination analysis to a situation involving a private access easement with multiple directional segments, like Pelican Park's configuration. Ms. Wyatt could not specifically recall stating such situations are rare but noted that South Nags Head has several older private streets with unusual access configurations, some resulting from oceanfront erosion over the years. She agreed that the Pelican Park configuration is unique but not entirely without parallel.

Ms. Ojanguren also asked about the 10021 East Pelican Street property and whether its setback would be measured from the edge of its 15-foot access easement. Ms. Wyatt acknowledged that the UDO definition of yard would require measurement from the edge of an access easement but said she had not fully researched that property's situation, as it was not the subject of the formal appeal before the board.

The Chair noted for the record that Pelican Street is a private street, neither state nor town-maintained, and is maintained by the residents

of the Pelican Park subdivision per their declaration and covenants.

Evidence Presented by
the Appellant

Ms. Ida Ojanguren reviewed the basis for her appeal, they are not asking the board to make a determination about the front of their property, but rather to reverse the Planning Director's determination that the homes at 10023A and 10023B East Pelican Street do not qualify as comparison properties for the setback averaging calculation under Section 8.6.3.7.1. The specific language in dispute, she said, was the five words "fronting on the same side of the same street."

Ms. Ojanguren summarized the ordinance as containing five and only five requirements:

(1) the subject lot must be in a residential district; (2) the comparison buildings must be existing buildings; (3) those buildings must be on lots within 200 feet; (4) those lots must be in the same zoning district; and (5) those lots must front on the same side of the same street. She stated that they meet all five: the property is in the R-2 residential district; Lots 17 and 18 (10023A and 10023B) contain existing homes within 200 feet; they are in the same zoning district; and, they front on the same side of the same street because Pelican Street is one street: it has one name, appears as one continuous platted access easement on the 1975 subdivision plat, and is designated as one street in the GIS system.

Ms. Ojanguren cited the UDO definition of "street" from Appendix A, which she read for the Board: "Street includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the town and shall mean the entire width of the right of way between abutting property lines." She argued that this definition encompasses the full system of Pelican Street, its entire width and all its approaches, and that nothing in the ordinance splits a single named street into "legs" or "segments." Every home in Pelican Park, she noted, fronts Pelican Street because it is the only street in the subdivision.

Ms. Ojanguren then discussed Ms. Wyatt's May 26, 2026 determination letter which relied upon language and criteria not found anywhere in Section 8.6.3.7.1 or in any other applicable UDO definition. Ms. Ojanguren identified the phrases and acknowledged that staff had stated these were descriptive observations, not formal criteria. However, she argued that the effect was the same: the denial was supported not by the ordinance's actual words but by terms invented outside of it.

Ms. Ojanguren quoted the North Carolina Supreme Court's holding that zoning regulations cannot be construed to include by implication what is not in their expressed terms. She argued that because the town's interpretation relies on criteria not in the ordinance, the denial cannot stand on the ordinance's actual words alone, and even if the board finds the town's interpretation reasonable, they had presented an equally reasonable alternative interpretation, which under North

Carolina law means the ambiguity must find in favor of the property owner.

Mr. Ojanguren addressed the Board and explained that the family lives in the home year-round; the house was built in 1991 as a rental and has very limited interior space. They purchased the home fully aware of the easements but believed the averaging provision would allow them to expand the decking modestly, from its current width of approximately 8.5 feet, to create more usable outdoor space. He emphasized that they were not seeking anything egregious, only a reasonable application of the ordinance.

Ms. Ojanguren confirmed for Chair Suppler that they believe that all the houses north of Pelican Street front on Pelican Street, while those to the south are on the opposite side.

Mr. Wheless questioned whether the 10023 row of homes truly fronts Pelican Street in the same sense as the appellants' home, noting that the word used in the ordinance is "fronting," not "located on."

Mr. Ojanguren offered the analogy of a curved or horseshoe-shaped road: if a street bends, one would not say properties on that street are on different streets. The Chair found the analogy thoughtful but noted that the key question remained whether being on the North-South leg of the road constitutes the same side for purposes of the ordinance.

Mr. Wheless recalled Planning Director Wyatt to the stand to ask whether the UDO provides any definitional guidance on the word "fronting." Ms. Wyatt confirmed the definition of "lot line front," which provides that the front lot line is designated by the owner, except where there is an access easement, in which case the easement line controls. Mr. Wheless observed that this definition, and the totality of the physical evidence on the ground, driveway location, entrance orientation, fence heights, survey setbacks, all consistently indicate that the Ojangurens' home fronts the north-south spur of Pelican Street, not the east-west leg. Ms. Wyatt agreed.

Mr. Leidy delivered the town's closing argument. He argued that Ms. Wyatt had applied the literal terms of the ordinance in a common-sense way. The main question is whether lots 17 and 18 front the same side of the same street as the Applicants' property. He stated that the evidence in the record shows those two lots front the north side of the east-west leg of Pelican Street, while the Applicants' property fronts the west side of a North-South branch of Pelican Street, a different side. He argued that this is not a product of extra-textual criteria but simply a straightforward reading of the language.

Mr. Leidy observed that the Applicants had explicitly chosen their comparison properties based on what they described as a "logical grouping", the shared 10023 address, but that the ordinance does not contemplate address groupings; it requires frontage on the same side of the same street. He noted that even accepting the Applicants' broad reading of Pelican Street as one continuous system, the question

remains whether all parts of that system constitute the "same side."

Mr. Leidy closed by noting that if the Board votes to affirm Ms. Wyatt's decision, it will not leave the Applicants without options. They could seek a text amendment to the UDO to modify the "fronting" criteria; they could physically reconfigure their structure so that it genuinely fronts the east-west leg of Pelican Street; or they could seek a variance from the applicable setback requirement. He emphasized that upholding the Planning Director's decision today does not permanently bar the Applicants from the relief they ultimately seek.

Mr. Ojanguren briefly reiterated that the UDO does not define "fronting," does not define "branch," and does not define "side of a street" in a way that supports the town's position. He maintained that both interpretations, the town's as well as theirs, are reasonable, and that under North Carolina law, reasonable ambiguity in a zoning ordinance must be resolved in favor of the property owner.

Ms. Ojanguren agreed, stating "the language in the UDO is ambiguous enough that we have come up with multiple interpretations of how to apply that language, and under state law that means that the decision needs to be made for the free use of land, in this case, for the homeowner." She closed by requesting that the board vote to reverse the May 26th determination.

Mr. Wheless reviewed all the exhibits (Both Staff's and the Applicants') and Chair Suppler admitted them into evidence.

Chair Suppler then closed the public hearing and the Board began their deliberation.

Mr. Gentry stated that based on the facts presented, he believed the board must uphold Ms. Wyatt's decision, though he acknowledged that the Applicants had done thorough homework and acknowledged the lot's unusual configuration.

Chair Suppler also acknowledged the strength of the arguments on both sides, reflecting on the ambiguity of Pelican Street's non-traditional layout, the meaning of "fronting" versus "facing," and the question of what constitutes a single side of a street that bends and turns. She nonetheless concluded that insufficient evidence had been presented to compel the board to overturn the town's determination, and that the board's hands were effectively tied.

Mr. Wheless offered guidance to assist the Board in framing its decision: the ultimate question was whether the Applicants' proposed comparison properties, lots 17 and 18, can reasonably be said to front on the same side of the same street as the subject property. He noted that accepting the Applicants' interpretation would require the board to conclude that the north-south spurs of Pelican Street are part of the same "side" as the east-west segment. He acknowledged the Applicants had made a compelling argument but said if the board found it unreasonable or that it produced an absurd result, affirmance

was appropriate; if the board found genuine and equal ambiguity, reversal would be appropriate under North Carolina law.

After some further discussion, the Board appeared to agree with Ms. Wyatt's determination, with Chair Suppler expressing the view that the Applicants' case, while thoughtfully argued, had not reached the threshold required to overturn the administrative determination.

Mr. Wheless then reviewed and summarized the findings of fact for the Board:

- The town's Planning Director has historically applied the same consistent analytical methodology: drawing on surveys, driveway location, entrance orientation, fence height and placement, and existing setback configurations, to determine front, side, and rear yard designations on access-easement-served lots, having done so approximately 30 times over her 20-year tenure.
- While Ms. Wyatt acknowledged that the Pelican Park configuration, with a private access easement that changes direction, is unusual, the town presented evidence of similar private street situations in South Nags Head and elsewhere in the town.
- The physical evidence in the record including the driveway, the principal entrance, the orientation of the structure, the fence heights on the existing four- and six-foot fence, and the setback dimensions shown on past surveys, all consistently indicate that the subject property fronts on the north-south spur of the Pelican Street access easement, not the east-west leg.
- Pelican Street is a private access easement, not a publicly maintained town or state right of way.
- The town's interpretation that "fronting on the same side of the same street" does not extend to the spur roads is the basis of the affirmance. Had the spur roads been included, the result would have been different, and the board found the town's interpretation to be a reasonable and rational reading of the ordinance consistent with the intent of the Board of Commissioners.

Motion

Based on their findings, Alice Coffey moved to affirm Staff's decision. Tina Adderholdt seconded the motion and the motion carried by unanimous vote.

Order

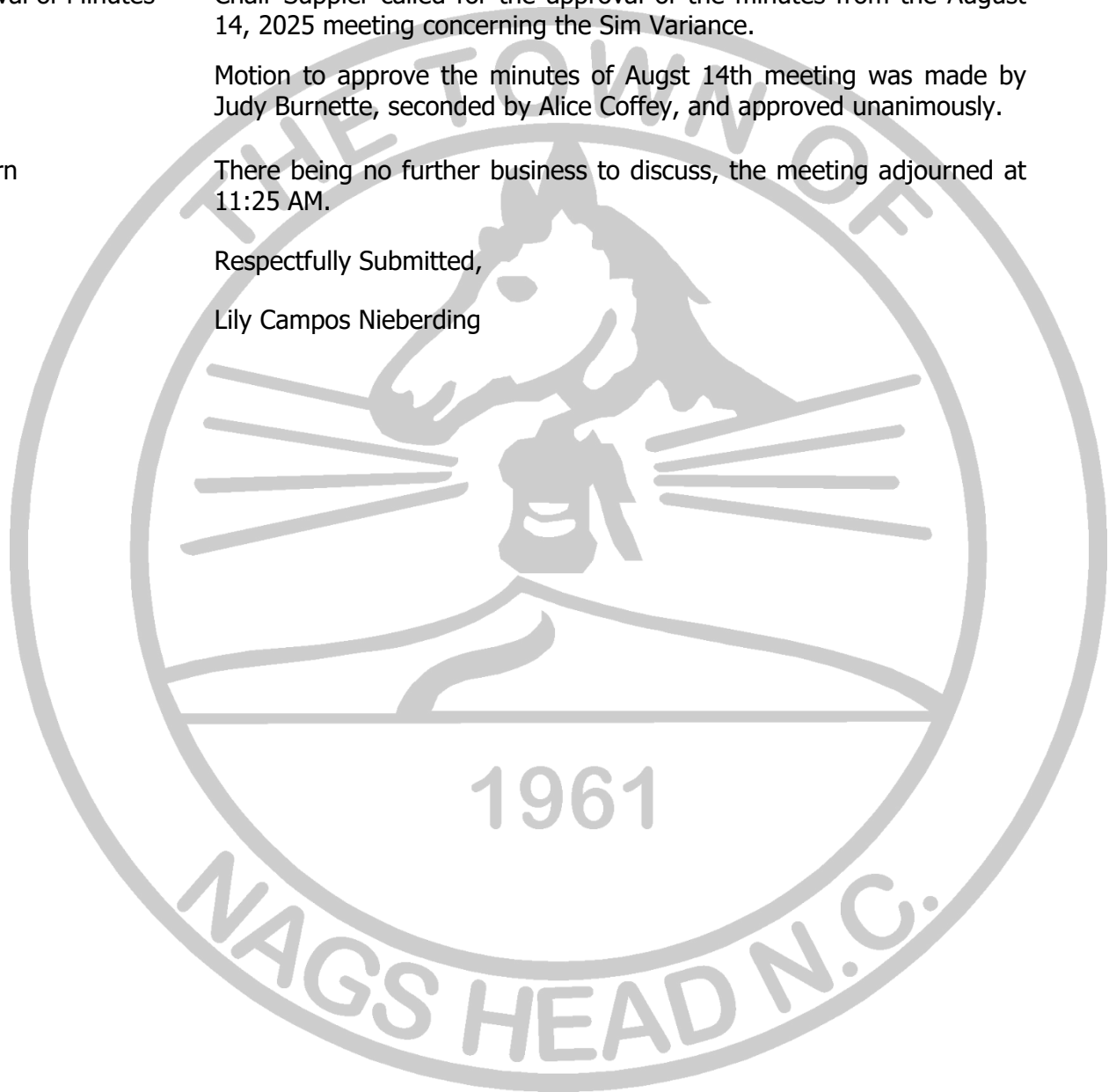
Approval of Minutes Chair Suppler called for the approval of the minutes from the August 14, 2025 meeting concerning the Sim Variance.

Motion to approve the minutes of Augst 14th meeting was made by Judy Burnette, seconded by Alice Coffey, and approved unanimously.

Adjourn There being no further business to discuss, the meeting adjourned at 11:25 AM.

Respectfully Submitted,

Lily Campos Nieberding



Nags Head Board of Adjustment



**August 13, 2026, Meeting
Patrick Appeal**

Staff Record

Staff Report....pages S1-S5

Staff Attachments

- Attachment A – Residential Project Denial...S6
- Attachment B – Development Permit Application...S7 - S9
- Attachment C – 2011 Permit History...S10 - S24
- Attachment D – 2014 Permit History...S25 – S38
- Attachment E – Email re: Likely Permit Denial...S39 – S43
- Attachment F – Email of Permit...S44
- Attachment G – Patrick Email Acknowledge Receipt...S45
- Attachment H – Pelican St. Aerial Mark Up...S46
- Attachment I – Pelican Park Plat...S47
- Attachment J – Pelican Park Subd Covenants...S48 – S62



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Board of Adjustment

From: Kelly Wyatt, Planning Director

Date: August 7, 2026

Subject: Appeal of an Administrative Decision submitted by Loretta Patrick regarding the Planning Director's June 1, 2026, denial of Development Permit Application No. 202600632, requesting authorization to demolish the existing beach access walkway located at 10023C East Pelican Street, Nags Head, North Carolina.

REQUEST

Loretta E. Patrick ("Appellant") has filed an Appeal of an Administrative Decision regarding the Planning Director's June 1, 2026, denial of Development Permit Application No. 202600632. The application requested authorization to remove and dispose of the existing beach access walkway located at 10023C East Pelican Street within the Pelican Park subdivision (Attachments A and B).

The Planning Director denied the application based upon the location of the walkway within a shared access easement and the Town's permitting history associated with the structure. Town records document that the walkway was constructed and subsequently repaired/replaced through permits identifying the improvement as a shared Pelican Park beach access and reflecting authorization from the Pelican Park Homeowners Association (HOA).

Staff determined that the application did not demonstrate that the Appellant, acting individually, had authority to obtain Town authorization to completely remove an improvement serving a shared access interest without authorization from the HOA or documentation demonstrating consent or authority from all of the parties whose interests would be affected.

BACKGROUND

Pelican Park was established with recorded easements providing access through the subdivision and to the oceanfront. The property at 10023C East Pelican Street, identified as Lot 19, is currently owned by the Appellant and is subject to easement rights benefiting other property owners within Pelican Park.

An existing wooden pedestrian walkway is located within the shared access area and provides access across the dune to the ocean beach. Town records document permitting activity associated with this walkway in both 2011 and 2014.

2011 PERMIT HISTORY

In 2011, the Town issued Zoning Permit ZON2011-303 and Building Permit BP2011-207 for construction of the beach access walkway (Attachment C). Relevant permit materials include:

- A development permit application dated July 18, 2011, for construction of a "dune walk over," submitted by Roberto Velazquez of Berto's Construction on behalf of the Pelican Park HOA. The application referred to an attached property owner authorization.
- Written authorization from then-property owner Eleanor Hauschild granting the Pelican Park HOA permission to construct a walkway on her portion of the access area at 10023C East Pelican Street.
- Written communication from Janet Foote, then President of the Pelican Park HOA, dated July 18, 2011, authorizing Berto's Construction to apply for permits and construct the walkway on behalf of the HOA.
- Zoning Permit ZON2011-303, which states, "Permit approved to construct a 4x60 shared HOA beach access walkway" and describes the project as a "HOA shared beach access walkway."
- Building Permit BP2011-207 and CAMA Exemption #11-61 authorizing construction of the walkway.
- Email communication dated July 28, 2011, from then Zoning Administrator Dabni Shelton documenting that the final zoning inspection was complete and final zoning was approved.
- Certificate of Compliance dated August 3, 2011, and signed by then Building Inspector David Morton for the completed beach access walkway.

2014 PERMIT HISTORY

In 2014, additional permits were issued for work on the existing walkway (Attachment D). Relevant permit materials include:

- A development permit application dated April 7, 2014, for construction of a beach walkway and stairs over the existing walkway, which had been buried by sand, submitted by Humberto Gonzalez Alvarez of Berto's Construction on behalf of the Pelican Park HOA.
- Written communication from Jason Mudryk, then President of the Pelican Park HOA, dated April 2, 2014, authorizing Berto's Construction to apply for permits and construct the walkway on behalf of the HOA.
- Zoning Permit ZN2014-0220 and Building Permit RE2014-0665 authorizing replacement of the beach access walkway/stairs over the existing walkway, together with CAMA Exemption #14-65.
- Field Correction Notice dated May 21, 2014, identifying corrections associated with the framing inspection.
- Field Correction Notice dated May 28, 2014, identifying the inspection type as "Final" and marked "Approved" by the inspector. Although the permit file does not

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contain a separate Certificate of Compliance, the May 28, 2014, inspection record documents that a final inspection was performed and approved.

2026 DEVELOPMENT PERMIT APPLICATION AND DENIAL

The Appellant submitted a Development Permit Application dated April 17, 2026, requesting authorization to remove and dispose of the existing wooden walkway located at 10023C East Pelican Street.

On April 21, 2026, staff advised the Appellant that the application had been received and would proceed through formal review, but that staff expected the request would be denied based upon the location of the walkway within a shared access easement and the Town's 2011 and 2014 permitting history. Copies of those permit records were provided with that communication (Attachment E).

The Planning Director formally denied Development Permit Application No. 202600632 on June 1, 2026. The denial was transmitted to the Appellant on June 2, 2026, and receipt was acknowledged on June 5, 2026 (Attachments F and G).

The denial was based upon two related considerations:

1. Whether the Appellant, acting individually, had demonstrated sufficient authority to apply for and obtain a permit to completely remove an improvement serving a shared access interest.
2. The understanding that, given the Town's established permitting history, substantial work affecting the shared walkway should continue to be authorized through the Pelican Park HOA acting in a representative capacity, or through documented consent from the parties whose interests would be affected.

STAFF ANALYSIS

Staff does not dispute that the Appellant owns Lot 19, upon which the walkway and associated easement are located. Likewise, staff are not asking the Board of Adjustment to determine ownership of the walkway or resolve questions regarding the private easement rights of the various Pelican Park property owners. Those are private property matters that may ultimately require judicial determination.

The permitting question before staff was narrower: whether one property owner, among multiple parties possessing rights or interests in a shared access area, could independently obtain a Town permit authorizing complete demolition of an existing improvement that has historically served that shared access. Staff determined that the Appellant had not demonstrated unilateral authority to do so.

The Appellant's ownership of the underlying parcel does not, in staff's view, require the Town to disregard the documented shared nature of the access or the Town's permitting history associated with the beach access walkway. Demolition would authorize the

complete removal of an improvement that the Town's records have consistently characterized as a shared HOA beach access walkway. Under these circumstances, staff determined that additional authorization was necessary.

The Town's own permitting records demonstrate a consistent administrative history. In 2011, the property owner expressly authorized the HOA to construct the walkway, the HOA authorized its contractor to obtain the permits, and the resulting zoning permit expressly characterized the improvement as a "shared HOA beach access walkway." The project proceeded through final zoning approval and issuance of a Certificate of Compliance. When additional work was proposed in 2014, the HOA again authorized the contractor to obtain the applicable permits and perform work on the walkway. The 2014 records further document a final inspection marked "Approved."

The significance of the 2011 and 2014 permits is not that the Town's issuance of permits created private ownership rights in the HOA. Rather, those records document the shared nature of the improvement, the parties historically represented as having authority to undertake work upon it, and the manner in which the Town has administered development permits associated with the walkway.

More generally, staff's historic administrative practice has been to accept and expect applications from homeowners associations for improvements involving HOA common areas or other shared areas serving the association and its members. This approach recognizes the HOA as acting in a representative capacity for improvements intended to serve the subdivision or association as a whole.

Staff are not aware of any objections or concerns having been raised regarding the HOA's authority to undertake the permitted walkway work in either 2011 or 2014. It is only more recently that competing interests concerning the walkway have become apparent, with the Appellant seeking its removal while other property owners have expressed an interest in maintaining and improving the beach access walkway.

Staff are aware that questions concerning the legal authority of the HOA and the respective private property rights within Pelican Park are presently the subject of litigation. Throughout this dispute, staff has attempted to remain neutral and objective and to administer the Town's development regulations without favoring the position of any individual property owner or the HOA. The Town does not seek through this appeal process to resolve those private legal issues, nor does staff believe the Board of Adjustment is being asked or is required to do so. Unless and until the Town is provided with a court order or other binding legal determination establishing otherwise, staff sees no basis to depart from the manner in which the Town has historically recognized and administered permitting for this shared improvement.

Accordingly, for purposes of administering the Town's development regulations, and until staff are advised of a judicial determination of the controversy, staff would continue to recognize an application submitted or authorized by the Pelican Park HOA for demolition, maintenance, reconstruction, or substantial modification of the shared

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walkway, consistent with the Town's prior practice. Alternatively, documentation demonstrating consent or authority from all parties whose rights or interests would be affected by the proposed work would address staff's concern regarding authority.

Unlike the previous permits associated with the walkway, the 2026 application was submitted by one property owner without authorization from the HOA or other documentation demonstrating authority to remove the shared improvement. Based on the Town's permitting history, staff determined that the demolition permit could not be approved as submitted.

For additional background and reference, staff has included an aerial photograph of the subject property, the recorded Pelican Park subdivision plat, and the original and amended restrictive covenants as attachments (Attachments H, I and J).

STAFF CONCLUSION AND RECOMMENDATION

Staff recommends that the Board of Adjustment affirm the Planning Director's June 1, 2026, denial of Development Permit Application No. 202600632.

The administrative decision does not determine ownership of the walkway or resolve the private property rights of the Appellant, the Pelican Park HOA, or other Pelican Park property owners. Rather, the decision reflects staff's determination that:

1. The existing walkway serves a shared access interest within the Pelican Park subdivision and has historically been permitted by the Town as a shared HOA beach access.
2. The Town's 2011 and 2014 permit records establish a consistent history of the Pelican Park HOA acting in a representative capacity with respect to construction and subsequent maintenance of the shared walkway, and of the Town accepting the HOA as the authorizing party for permitting purposes.
3. The Appellant, acting individually, did not provide documentation establishing authority to unilaterally demolish the shared improvement.
4. Absent a court order or other binding legal determination establishing otherwise, staff find no administrative basis to depart from its established permitting practice. An application authorized by the Pelican Park HOA or supported by documentation demonstrating consent or authority from all parties whose rights or interests would be affected, would address staff's concern regarding authority.

For these reasons, staff respectfully recommend that the Board of Adjustment AFFIRM the Administrative Decision.

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TOWN OF NAGS HEAD
PO Box 99 Nags Head, NC 27959
Phone (252) 441-7016 Fax (252) 441-4290

Residential Project Denial
Application # 202600632

Property Address: 10023C EAST PELICAN ST **PIN #:** 071811653165 **Parcel:** 008955000

Lot/Block/Sec: LOT: 19 BLK: SEC: **Subdivision:** PELICAN PARK - DB 225 PG 273

Zoning: MEDIUM DENSITY RES DISTRICT **Land Use:** VACANT

Flood Zone: VE **Base Flood Elevation:** 11.0 **Regulatory Flood Elevation:** 12

Map Panel No: 0718 **Map Panel Date:** 06/19/2020 **Suffix:** K **Datum Used:** NAVD 1988

Owner Name: PATRICK, LORETTA E

Owner Address: 1106 DUCK RD DUCK, NC 27949

Contractor Name: PROPERTY OWNER **Contractor Phone:**

Contractor Address: See Above

Description: Remove & dispose of the beach walkover

Construction Value: \$2000 **Classification of Work:** RESIDENTIAL DEMO

ZONING INFORMATION

Permit #	Permit Description	Denied By:	Denial Date:
ZN202602236	ZONING PERMIT - RES DEMO	Kelly Wyatt	06/01/2026

Conditions of Approval:
- After review of the submitted application to demolish the existing walkway located within the Pelican Park subdivision, the request is hereby denied.

The Town’s records reflect that permits were issued in 2011 and 2014 for the construction of the walkway within an existing access easement. Those permits were authorized by the property owner at the time (2011) and subsequently by the Pelican Park Homeowner’s Association (2014), and were issued for the benefit of, and on behalf of, the Pelican Park Homeowner’s Association (HOA).

Based on this history and given the location of the walkway within a shared access easement, the structure is considered to serve a common interest. As such, the Town cannot authorize demolition of the walkway absent documentation demonstrating consent from the Pelican Park Homeowner’s Association or all parties holding an interest in the easement. Accordingly, the application does not meet the requirements necessary for approval and is denied.

If you wish to appeal this determination, you may do so in accordance with the procedures for Appeals of Administrative Decisions as set forth in Section 3.9 of the Town of Nags Head Unified Development Ordinance.

(ZONING) RIGHT OF APPEAL
Pursuant to Section 3.9 of the Unified Development Ordinance, Appeals of Administrative Decisions, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice. This decision shall become final and unappealable if not appealed during this thirty (30) day period.

DECISION: DENIED



Town of Nags Head
Development Permit Application

Submittal Date: 041726

Planning and Development Department
5401 S. Croatan Highway
PO Box 99
Nags Head, NC 27959
252-441-7016 : www.nagsheadnc.gov

Project Site Information	
Street Address: 10023C E Pelican St Nags Head NC 27959-	Subdivision: Pelican Park
PIN #: 071811653165	☒ Rental Property ☐ Primary Residence
Parcel #: 008955000	☐ Second Home ☒ Other

Property Owner Information	Applicant Information
Name: Lory Patrick	Name: Lory Patrick
Mailing Address: 1106 Duck Rd Duck NC 27949	Mailing Address: 1106 DUCK RD Duck NC 27949
Phone: 330-718-0046	Phone: 330-718-0046
Email: loryobx@aol.com	Email: loryobx@aol.com

Type of Development (Check All That Apply)	
Classification of Work:	☐ New Construction ☐ Addition ☐ Remodel ☒ Demolition ☐ Repair ☐ Relocation ☐ Accessory Structure
	☐ Single-Family ☐ Shed/Garage ☐ Swimming Pool/Hot Tub ☐ Elevator ☐ Deck ☐ Pergola/Cabana ☐ Ground Level Enclosure ☒ Other: <u>wooden structure</u>
Commercial:	☐ Assembly ☐ Business ☐ Multi-Family ☐ Motel/Hotel ☐ Educational ☐ Factory/Industrial ☐ Institutional ☐ Hazardous ☐ Mercantile ☐ Storage ☐ Utility/Miscellaneous ☐ Other: _____
Other:	☐ Excavation ☐ Fill ☐ Grading ☐ Erosion Control Measures ☐ Driveway ☐ Septic ☐ Irrigation ☐ Pier/Bulkhead ☐ Dune Walk-Over ☐ Sign

Description of Work (Include # of Fixtures, Outlets, Units, Appliance, Etc. for Trade Work)	
Remove and dispose of the unauthorized, unlawful and unsafe wooden structure located on Lot 19, 10023C E Pelican St Nags Head NC 27959	
	Total Project Cost: \$2000.00

Contractor Information	
General Contractor: Lory Patrick-Owner	License #/Class:
License Expiration Date:	License Limitation:
Electrical Contractor:	License #:
Plumbing Contractor:	License #:
Mechanical Contractor:	License #:
Gas Contractor:	License #:
Non-licensed Contractor:	

Building Areas (sq. ft. / #)							
	Existing	Proposed	Total		Existing	Proposed	Total
Primary Structure Heated				Accessory Structure Heated			
Primary Structure Unheated				Accessory Structure Unheated			
# Bedrooms				# Bathrooms			

Floodplain Development Information (If Applicable)					
Flood Zone: ☐ VE ☐ AE ☐ AO ☐ X		BFE:		RFE:	
Vertical Datum:		Horizontal Datum:		Enclosed Area Below BFE? ☐ Yes ☐ No If Yes, sq. ft.	
Proposed # Flood Vents:		Net Free Area Per Flood Vent:	sq. in.	Value of Structure:	\$

Zoning Information (If Applicable)							
				Permeable (sq. ft. x 0.67)	Non-Permeable		Total
Lot Area:		Existing Lot Coverage:					
Allowable Lot Coverage*:		Proposed Lot Coverage:					
Existing Parking Spaces:		Proposed Parking Spaces:		Driveway Width at Property Line:		Shared Driveway? ☐ Yes ☐ No	
Setbacks	Front:		Side:		Corner:		Rear:
Height:		Roof Pitch:	:12	Fence Height:	Front:		Rear:

Completed Residential Design Guidelines Point Tabulation Form (If Applicable)			
Applicants for the construction of a Large Residential Dwelling (3,500 SF or > of enclosed habitable living area) should indicate whether they elect to follow the Town of Nags Head Residential Design Guidelines. This excludes properties located within The Village at Nags Head or in the SED-80 zoning district. I, _____, owner of the property at the address listed on this form, <u>elect / do not elect</u> (circle one) to follow the Town of Nags Head Residential Design Guidelines for the construction of a large residential dwelling per the Towns Unified Development Ordinance 7.4 Dwelling, Large Residential.			
☐ Architectural Point Tabulation	Total Points Required:		Total Points Calculated:
☐ Landscape Plan – to be turned in prior to framing inspection			

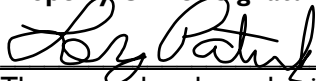
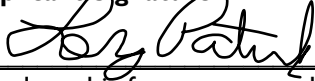
Erosion and Sedimentation Control (If Applicable)			
Area of Disturbance:		Sediment Control Plan ☐ Yes ☐ No	Financial Responsibility Form ☐ Yes ☒ No

Lot Fill (If Applicable)		
Surveys should include pre-disturbance elevation points at the corners of each proposed site element. Where fill is proposed, please complete the information below. See diagram for minimum required survey information for site development plans.		
Site Elements	Current Elevation (lowest corner)	Proposed Elevation
House:		
Pool:		
Driveway:		
Parking:		
Other:		

Stormwater Management (If Applicable)		
☐ Non-Engineered Plan Must retain 15 cu/f.t volume per 100 ft. BUA	☐ Engineered Plan 3% increase in lot coverage; Must retain 3.5” rainfall event	☐ N/A

CAMA Permit #:		DCHD Wastewater Permit #:	
----------------	--	---------------------------	--

See **Permit Submittal Checklist** for required attachments and application information.
Application will not be accepted until all required information is provided.
Please contact the Planning and Development Department to confirm requirements for your particular project.

Property Owner Signature 	Applicant Signature 
The owner hereby authorizes the applicant and/or contractor listed on this form to act on his/her behalf to obtain a permit and complete project activities as described herein.	
Staff Use:	

Review Fees Paid \$	Acceptance: Y N By:
---------------------	---------------------

Development Permit Application Form		Town of Nags Head	
Submittal Date: <u>7-18-11</u>			
Application For: please check one			
Building Permit ☒ Zoning Permit ☐ Flood Permit ☐			
APPLICANT		PROPERTY OWNER	
Name <u>Roberto Velazquez</u>		Name <u>Pelican park Hoa</u>	
Address <u>154 CB Daniels</u> <u>Wanchese NC 27981</u>		Address <u>Pelican park</u> <u>S - Nags Hd</u>	
Phone _____		Phone _____	
Fax No. _____		Fax No. _____	
APPLICANT SIGNATURE <u>Roberto Velazquez</u>		PROPERTY OWNER SIGNATURE <u>See Attached</u>	
PROPERTY/ZONING INFORMATION			
Zoning Use Classification _____		Zoning District _____	
Dwelling Category (# bedrooms) – Category #1 (1-4) ☐ Category #2 (5 or > 3,500) ☐ * Category #3 (6-8) ☐ *			
Street Address (if known) <u>100232 pelican st</u>		Lot Area _____	
Subdivision <u>Pelican park</u>		PIN _____	
Lot No. _____ Block _____		Section _____	
CAMA Permit Required ☐ YES ☐ NO		Lot Elevation at Proposed Structure _____	
Flood Zone ☐ V ☐ AE ☐ X		Base Flood Elevation (BFE) _____	
SEWAGE INFORMATION			
Septic Permit No. _____		Date _____ Sewer ☐	
CONSTRUCTION INFORMATION			
New Construction ☒ Addition ☐		Rental ☐ Permanent Residence/2 nd Home ☐	
Remodel/Repair/Other ☒ Demo ☐		House Move ☐	
Square Footage: Heated Living Area _____ sq ft		Deck/Porch/Walkway _____ sq ft	
Garage _____ sq ft		Gazebo/Dune deck _____ sq ft	
No. Bedrooms _____		No. Baths: Full _____ Half _____	
Storage Enclosure Below Yes ☐ No ☐		Size _____ sq ft	
Foundation type _____		Roofing Material _____	
Outside Finish _____		Inside Finish _____	
A/C _____ Heat Type _____		Window Make/Type _____	
Insulation (R-Factor) Walls: R- _____		Floors: R- _____ Ceiling: R- _____	
Elevation of Lowest Floor (V or AE Zones) _____		Estimated Construction Cost <u>3400</u> ^{GO}	
CONTRACTOR INFORMATION			
Business Name <u>Berto S Construction</u>		Agent _____	
Address <u>154 CB Daniels wanchese NC</u> <u>27981 P.O Box 483</u>		Nags Head Privilege License # _____	
Phone No <u>(252) 305 42 35</u>		NC G.C. License # _____	
FAX No _____		E-Mail Address _____	
_____		Mobile No. _____	
PROJECT DESCRIPTION <u>DUNE WALK OVER</u>			

STAFF USE ONLY			
Fee _____		Date Received _____ Received By _____	
Comments _____			
SEE PERMIT SUBMITTAL CHECKLIST FOR REQUIRED ATTACHMENTS AND APPLICATION INFO. *Residential Point Tabulation Form Required PLEASE BE ADVISED THAT NEW FEMA FLOOD INSURANCE RATE MAPS (FIRMS) ARE IN EFFECT FOR THE TOWN OF NAGS HEAD. THEY ARE AVAILABLE FOR REVIEW AT THE TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT DEPARTMENT OFFICES. FOR MORE INFORMATION, PLEASE CONTACT TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT STAFF.			

Eleanor C. Hauschild
411 Kitty Hawk Bay Drive
Kill Devil Hills, North Carolina 27948

Dear Sir,

As per our 'phone conversation

I hereby give permission to the
Pelican Park Homeowners Association
to erect a walkway on my hlf of the
road at "10023 C Pelican Street."

Sincerely,

Ellie Hauschild
AKA Eleanor C. Hauschild

P.S. I will be selling my lot to Lori
Patrick in the fall of 2011.

**Construction and Permit Application Authorization
For Beach Access Walkway - Pelican Park HOA**

This statement is to affirm that the Pelican Park HOA has commissioned **Berto's Construction, P.O. Box 218, Manns Harbor, NC 27953** to construct a Beach Access Walkway in accordance with Town of Nags Head building codes and zoning covenants over the existing dune at the end of E. Pelican Street (a privately maintained entrance road to the Pelican Park subdivision) and to draw town permits accordingly.

This authorization is given in my capacity as President of the Pelican Park Homeowners Association on this date ~~7~~¹⁸ July 2011.

Janet R. Foote 7/18/11
Janet R. Foote
President Pelican Park HOA
Ph: 703-490-4429
Cell: 434-294-1878



TOWN OF NAGS HEAD

KIM J. ALLEN
Code Compliance Officer
Planning and Development Department

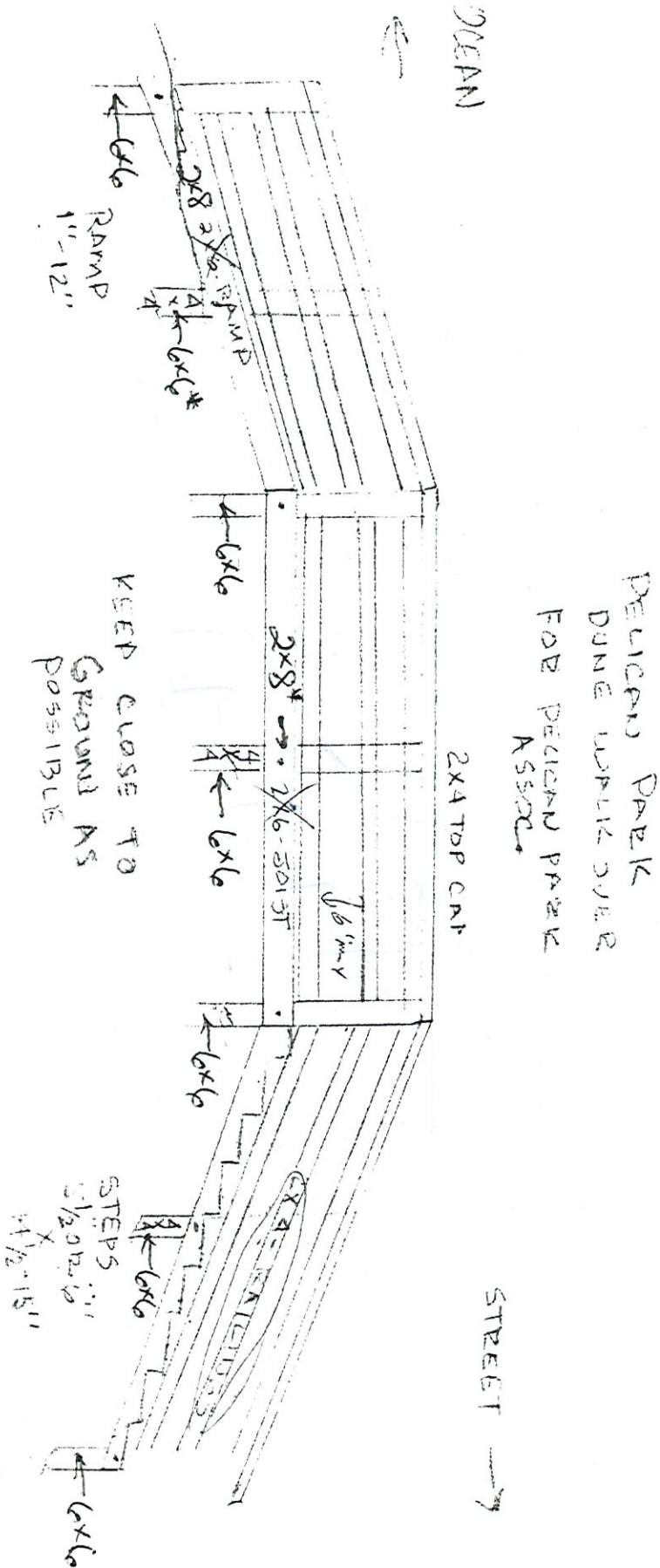
P O Box 99
Nags Head, NC 27959
email: allen@townofnagshead.net

Dept: 252-441-7016
Direct: 252-449-6046
→ Fax: 252-441-4290

S12

TIME IS OF THE ESSENCE!!

S13



4' x 600'

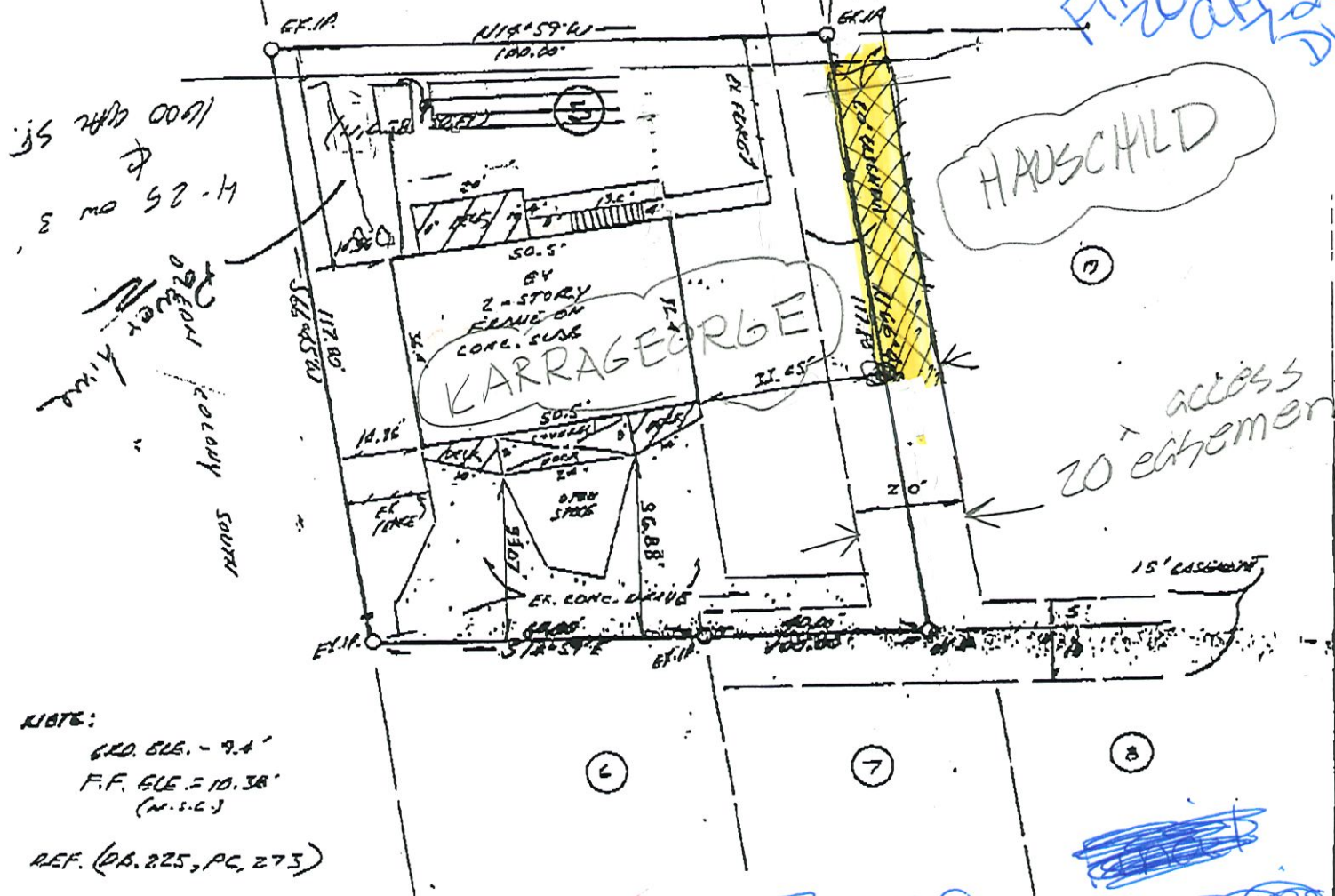
PRICE FOR 4' WIDE?
PRICE FOR 6' WIDE?

* 6x6 posts NOT 4x4
* 2x8 posts NOT 2x6
Can you give us different options
for railings + prices?

Septic Layout Approved
By Dare County

Final Zoning
Approved
7-28-11
DKS

1600' off SE
4-25 on 3
ocean
colony
south



NOTE:
G.D. ELEV. - 9.4'
F.F. ELEV. = 10.38'
(M.S.C.)
REF. (D.A. 225, P.C. 273)

Zoning
Approved
7-11-11
Daryl
Shelton

F. RICHARD QUILBE, R.L.S., certify that this plot was drawn from an actual field land survey;
the error of closure as calculated by latitudes and departures is 1:10,000; that it was prepared
in accordance with G.S. 47-30 as amended.

Witness my hand and seal this 3rd day of AUGUST, A.D. 1987.

R.L.S.



SURVEYED FOR
REMI H. AZOURI & WIFE PAULETTE H. AZOURI

LOT 5
NAGS HEAD TOWNSHIP
NAGS HEAD

PELICAN PARK
DARE COUNTY
NORTH CAROLINA

S14

DATE: 7-24-87
SCALE: 1"=30'
BOOK: DB-87-260

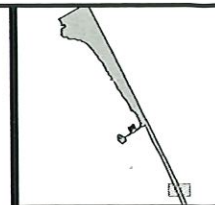
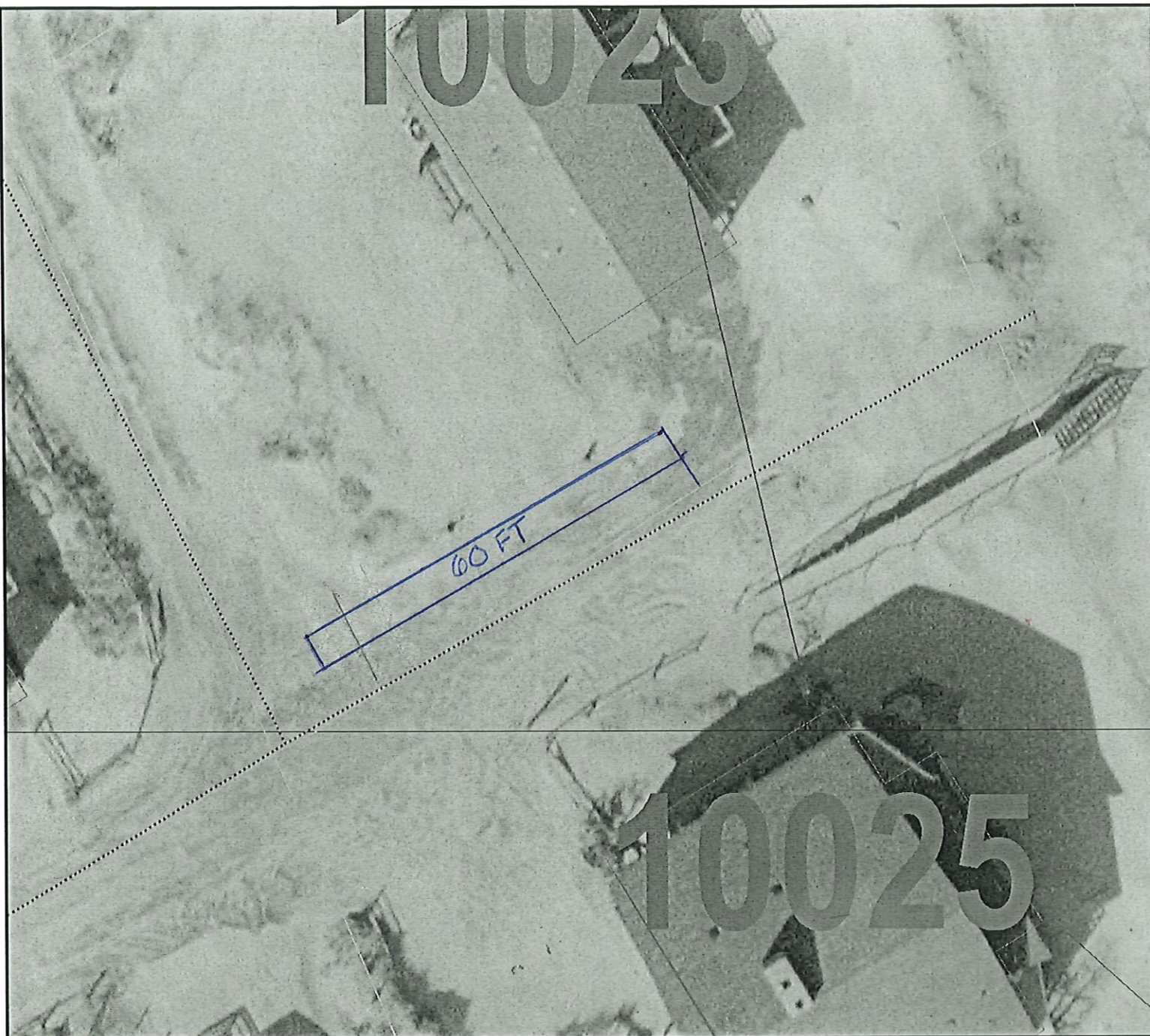
QUIBLE AND ASSOCIATES, P.C.

ENGINEERS • SURVEYORS • PLANNERS

P.O. BOX 887 NAGS HEAD NC 27959

Nags Head Bldg Ins: 2524416921

07-08-11:03:18PM



- ▮ parcels
- addresses
 - ADD_NUM Labels
- ^ Roads
- CAMA Erosion Rate
 - EROSION_RA Labels
- ▮ Fresh Water Ponds
- ▨ Public Access
- ▮ Structures
- ▮ Landuse
- ▮ Subdivisions
- ▮ Historic District
- ▮ FloodMaps2006
- ▮ Flood Maps 1998
 - Flood Zone Layers
- ▮ VillageZoning
- ▮ NHZoning

S16



Title Line 1

1 in. = 20.0 feet



New ☒ Renewal ☐ Other ☐
Account No. _____



Check one:
Individual ☒
Partnership ☐
Corporation ☐

Town of Nags Head
P O Box 99
Nags Head NC 27959
252-441-5508
townofnagshead.net

BUSINESS LICENSE APPLICATION

For year: 2011

IMPORTANT: Please complete this application, making any corrections necessary, then sign, and return with remittance on or before **June 30**. A \$5.00 or 5% penalty per month will be applied beginning **July 1**.

Business Name: Berto's Construction

Physical Street Address: 154 CB Daniels Rd Wanchese NC P.O. Box 483 27981

Mailing Address: P.O. Box 483

Owner Name and Address: _____

Daytime Phone: 252 305 4235 Cell/Pager: 252 305 4235 Fax #: _____

Local Contact Name and Address: _____

Daytime Phone: 252 305 - 42 - 35 Cell/Pager: _____ Fax #: _____

Nature of Business (Describe **IN DETAIL ALL** Sales and /or Services provided):

Carpentry

Under the Business License Ordinance of the Town of Nags Head the Following License Fees are Applicable for the Business Listed Above:

25.00

RECEIVED
JUL 18 2011
BY: 031428

I hereby certify that I have made inquiry concerning the regulations of the Town of Nags Head and that the business to be conducted will fully comply with the requirements thereof and with all other Town Ordinances and State laws. Note: This business is subject to periodic inspections in accordance with North Carolina General Statute 160A-424. Issuance of a License pursuant to this application does not excuse a licensee from compliance with any zoning or other applicable ordinance or statute.

Robert Velazquez
Signature of Applicant

15-07-11
Date:

(over)

S17

TOWN OF NAGS HEAD
P O Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Receipt Number: RCPT2011-615

Date: 7/19/2011

Received From: Berto's Construction

Permit #: BP2011-207

Amount: \$105.00

Received By: mortond

Comments: HAUSCHILD 10023C PELICAN ST CASH

Total Fees: \$105.00

Accounts:	Description:	Amount:
BP	BUILDING PERMITS	\$105.00
Total Paid:		\$105.00



CRB 111-3

TOWN OF NAGS HEAD
PO BOX 99
NAGS HEAD, NC 27959

CASH RECEIPT

Date 7-19-11 031434

Received From Berto's Construction

Address One hundred five Dollars \$ 105

For BP2011-207

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	<u>105</u>
AMT. PAID	<u>105</u>	CHECK	
BALANCE DUE		MONEY ORDER ☐	
		CREDIT CARD ☐	

By CRB

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TOWN OF NAGS HEAD

P O Box 99

Nags Head NC 27959

252-441-7016 Fax 252-441-4290

File Copy



Zoning Permit

Page 1 of 1

Permit Number: ZON2011-303

Owner Name: HAUSCHILD, ELEANOR CRYMBLE
Address: 411 KITTY HAWK BAY DR

KILL DEVIL HILLS, NC 27948
Phone: 252-202-8568

Parcel: PIN: 071811652087

Address: 10023C PELICAN ST E

Zoning: R-2

Subdivision: PELICAN PARK - DB 225 PG 273

Section: Block:

Lot(s): 19

Applicant Name: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Contractor: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Description: Beach access walkway

Land Use: Single-family Dwelling

Survey Attached: ☒

Septic Permit: n/a

Date:

Survey Date: 7/24/1987

Existing Lot Coverage:

CAMA Permit #: Exemption #11-61

Coverage to be Added: 100 sq ft

Front Yard Setback: 30'

Coverage Remaining:

Side Yard Setback: 10'/10'

Coverage to be Removed:

Rear Yard Setback: 30'

Conditions

Any change in approved construction or site plans requires prior ZA approval

Final zoning inspection required prior to issuance of C/O

Permit approved to construct a 4x60 shared HOA beach access walkway

must maintain a accessory structure minimum 5ft side yard setback

Must comply with CAMA Exemption #11-61

Total Fees: \$0.00

Total Receipts: \$0.00

APPROVED ☒

DENIED ☐

COMMENTS: Construct an HOA shared beach access walkway

Applicant (I hereby certify that I have read and understand the conditions contained on this permit.)

Date

Zoning Administrator

Date

18-Jul-11

RIGHT OF APPEAL

Pursuant to Section 48-594 (b) (1) of the Nags Head Zoning Ordinance, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice.

This decision shall become final and unappealable if not appealed from during this thirty (30) day period.

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TOWN OF NAGS HEAD

P O Box 99

Nags Head NC 27959

252-441-7016 Fax 252-441-4290



Building Permit

Page 1 of 1

Permit Number: BP2011-207

Owner Name: HAUSCHILD, ELEANOR CRYMBLE Address: 411 KITTY HAWK BAY DR
Phone: 252-202-8568 KILL DEVIL HILLS, NC 27948

Parcel: PIN: 071811652087 Zoning: R-2
Address: 10023C PELICAN ST E Section: Block:
Subdivision: PELICAN PARK - DB 225 PG 273 Lot(s): 19

Applicant Name: Berto's Construction Address: 154 CB Daniels Road
Phone: 252-305-4235 Wanchese, NC 27981

Contractor: Berto's Construction Address: 154 CB Daniels Road
Phone: 252-305-4235 Wanchese, NC 27981

Description: Install beach access
Land Use: Private Ocean Beach Access Construction Type: Accessory Structure
Construction Value: \$3,500.00 Heated Space: Unheated Space:
Foundation Type: # Bedrooms: # Baths:

Zoning Permit: Date: FEMA Flood Zone:
Septic Permit: Date: Lot Elevation:
CAMA Permit #: BFE: Lowest Floor:
Water Tap: WCUs:

Conditions

See CONDITIONS on Zoning Permit
Additional engineering may be required; see notes on plans.
CALL FOR ALL REQUIRED INSPECTIONS

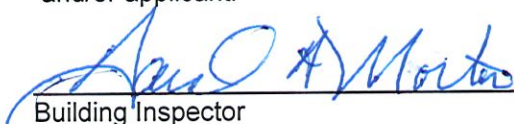
COMMENTS:

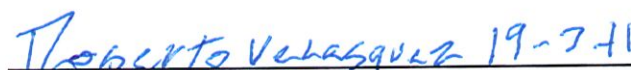
Total Fees: \$105.00 Total Receipts: \$105.00

All work shall conform to all applicable North Carolina State Building Codes and Ordinances of the Town of Nags Head and shall be the responsibility of the undersigned applicant.

This permit is valid for 180 days in which time construction must begin and proceed in a normal fashion.

Any damage to the multi-use path or adjoining right-of-way shall be immediately repaired by the owner and/or applicant.

 19-Jul-11
Building Inspector Date

 19-Jul-11
Applicant Date

THE ISSUANCE OF THIS PERMIT AUTHORIZES THE CONSTRUCTION OF ONLY THOSE STRUCTURES AS EXPRESSLY IDENTIFIED. THE APPROVAL AND ISSUANCE OF THIS PERMIT CONVEYS NO RIGHTS OR GUARANTEES FOR ANY FUTURE PROPOSED MODIFICATIONS OF THIS PERMIT, OR THE ISSURANCE OF NEW PERMITS FOR ANY FUTURE PROPOSED USE AND DEVELOPMENT OF THE PROPERTY.

LOWEST FLOOR OF ANY FULLY ENCLOSED AREA IN ANY A ZONE WITH MORE THAN 300 SQUARE FEET MUST BE AT OR ABOVE BASE FLOOD ELEVATION.

S20



Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.townofnagshead.net

Telephone 252-441-7016
FAX 252-441-4290

July 11, 2011

Exemption # 11-61

Eleanor Hauschild
411 Kitty Hawk Bay Dr.
Kill Devil Hills NC 27948

**RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY
(15A NCAC 7K .0207)**

**PROJECT ADDRESS – 10023C E. Pelican St
OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN**

Dear Mrs. Hauschild:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a determination on July 9, 2011, I have determined that the activity you propose is exempt from needing a minor development permit as long as it meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.
4. The accessway must be located within the northern 10 ft of the access easement.

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,


Kim Allen, LPO
Town of Nags Head

S21

For your assistance, the following permitting steps are outlined in order of importance and may be required to obtain all the permits necessary to complete repairs:

1. If the septic system has sustained any damage, obtain the necessary construction permits from Dare County Department of Environmental Health for any repairs to septic system.
2. Make application for septic repairs to CAMA for proper permitting of repairs to septic system. Obtain necessary CAMA approval prior to making repairs.
3. Make application on Town of Nags Head Development Permit Application Form for all other repairs.
4. The development permit application form would need to be filled out completely with all the pertinent information associated with the repair activity. The following information would also need to accompany the completed development permit application.

A SITE PLAN SHOWING ALL BOUNDARY AND SETBACK LINES, FLOOD ZONES, CAMA SETBACKS, TOTAL AREA OF ENVIRONMENTAL CONCERN (CAMA), THE FIRST LINE OF STABLE NATURAL VEGETATION, ALL DUNE TOPOGRAPHICAL INFORMATION, PUBLIC TRUST BEACH LOCATION WHICH IS DESCRIBED AS THE AREA BETWEEN MEAN LOW TIDE AND MEAN HIGH TIDES AND THE LOCATION OF ON-SITE PARKING AS REQUIRED BY THE TOWN OF NAGS HEAD CODE OF ORDINANCES. THESE ITEMS MUST BE REVIEWED AND APPROVED PRIOR TO THE ISSUANCE OF ANY ZONING OR BUILDING PERMITS.

CAMA permitting information and needed forms along with Development Permit application forms can be picked up at the Planning Department administrative desk located on the second floor in the Town Administrative Office complex, Address: 5401 South Croatan Highway or Planning Staff may be able to fax the requested information to a given location, or all of this information is available and printable on-line through the Town's web site: www.townofnagshead.net.

For Development permits: from Home page, click Town Departments; Planning & Development; Building Inspections; then at bottom of this page click development application.

For CAMA: from the Planning & Development page click on CAMA; all forms and general information are at the bottom of the page.

Before assuming all necessary permits have been issued or if you have any questions on CAMA, Zoning or Building permitting requirements call 252-441-7016 and ask to speak to a planning staff member.

Corrective action must be taken **upon receipt of this notice** to commence the permitting process in order to secure this property. The permitting process can be initiated either by you or by an authorized agent contacting this office on your behalf and permitting activity must start within a reasonable time. A Nags Head Zoning Administrator or Building Inspector can discuss with you all applicable permitting requirements. Based on your individual permitting requirements and the corrective actions necessary to repair the structure, the Building Inspector may establish a time frame to complete corrective action.

S22

Dabni Shelton

From: Dabni Shelton
Sent: Thursday, July 28, 2011 2:51 PM
To: All Inspection Requests
Subject: HAUSCHILD 10023C Pelican St - Final zoning inspection

D/S

The above site has been inspected and determined to be in compliance with the zoning permit.
Final zoning approved.

Dabni Shelton
Zoning Administrator
Town of Nags Head
PO Box 99
Nags Head, NC 27959
252-441-7016
252-441-4290 -fax
shelton@townofnagshead.net



S23

7/28/2011

TOWN OF NAGS HEAD
P O Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Certificate of Compliance

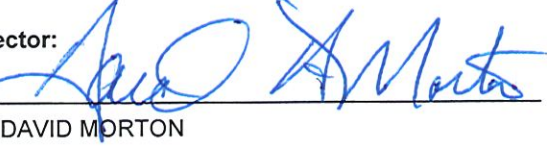
Owner: HAUSCHILD, ELEANOR CRYMBLE Permit #: BP2011-207
411 KITTY HAWK BAY DR KILL DEVIL HILLS, NC 27948
Street Address: 10023C PELICAN ST E
PIN: 071811652087
Contractor: Berto's Construction
154 CB Daniels Road Wanchese NC 27981

Subdivision: PELICAN PARK - DB 225 PG 273
Lot(s): 19 Block: Section:
Approved Land Use: Private Ocean Beach Access Occupancy Load: persons
Type of Structure: I ☐ II ☐ III ☐ IV ☐ V ☐ VI ☐ 1-HR ☐ Sprinklered ☐
Type of Occupancy: A ☐ B ☐ E ☐ F ☐ H ☐ I ☐ M ☐ R ☐ S ☐
Zoning: R-2 FEMA Flood Zone: BFE:
Description: Install beach access

Construction Type: Accessory Structure Residential Unit Type:
Heated Space: Unheated Space: No. Units:
of Bedrooms: # of Baths:

Additional Comments:

This is to certify that the work completed on the above referenced property complies with all applicable State and local laws and with the terms of the permit.

Issue Date: 8/3/2011
Building Inspector:  Fire Inspector:
Signature:  Signature: _____
DAVID MORTON

S24

Development Permit(s) Application Form**Town of Nags Head**Submittal Date: 4/7/14**Permit Application For** (Please check all that apply):
 Building ☒ Zoning ☒ Sign ☐
 Flood Hazard Zone ☒* Land Disturbance ☒ Storm Repair ☐

*Additional permit application form may be required per FEMA

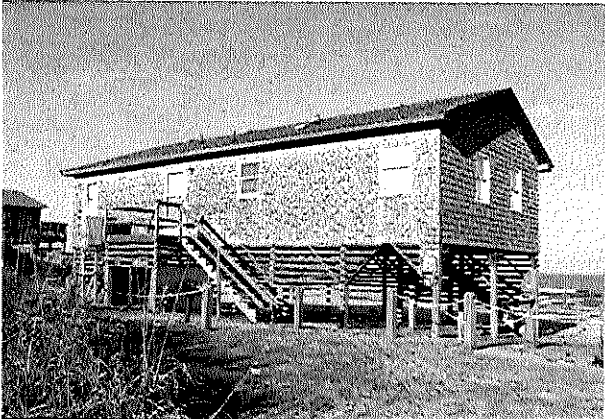
Please Note:*Building and/or Zoning Permits are required for most site improvements including but not limited to:*

- Single Family/Duplex Construction - Includes additions/expansions, enclosures, stairs, ramps
- Commercial Development - Includes additions/expansions, storage, renovations or changes of use
- Accessory Structures - Includes pool, storage buildings, gazebo, dune deck, tennis courts
- Driveways, parking and parking additions or reconfigurations
- Fences and pool barriers
- Signs
- Satellite Dishes/Minor Communication Towers
- Bulkheads, Retaining Walls, Fountains, Extensive Landscaping
- Outdoor Showers, HVAC & Pool Equipment Platforms
- Land Disturbing Activity

Property Owner:
 Name Hauschild Eleanor Crymble
 Mailing 411 Kitty Hawk Dr
 Address Kill Devil Hills
NC 27948
 Phone/Cell _____
 Fax No. _____
Applicant:
 Name Humberto Gonzalez Alvarez
 Mailing _____
 Address P.O. Box 218 Mann Harbor
 Phone/Cell 252 207 6542
 Fax No. _____
Development Permit Submittal Checklist:*For an Application to be accepted as complete, you will need to provide:*

- ☐ **1. Dare County Health Department (Septic) Improvement Permit for projects outside The Village at Nags Head, or letter of connection approval from Carolina Water Service Co. for projects within The Village (Also see survey requirements).**
- ☐ **2. Copy of CAMA Permit (if Applicable)**
- ☐ **3. NFIP – V-Zone Certification (if Applicable)**
- ☐ **4. Written Detailed Description of Project Scope and Use**
- ☐ **5. Completed Residential Design Point Tabulation Form (If Applicable)**
(5 bedrooms or greater and/or 3500 SF or > of enclosed habitable living area – excluding properties located within The Village at Nags Head)
- ☐ **6. Survey – Including Following Items:**
- A blue-line survey (to scale) of the subject property prepared by a registered North Carolina land surveyor
 - Location and Dimensions of existing and/or proposed dwelling
 - Location and Dimensions of all proposed or existing structures
 - Existing or proposed driveway with dimensions
 - Existing & proposed lot elevation at corners of proposed structure (where fill has not been proposed)
 - When proposing fill – average elevation of 4 corners of lot – see Fill Requirements below in #8
 - All building setbacks dimensioned
 - Flood Zone boundary lines shown (if applicable)
 - CAMA setbacks, dated first line of stable vegetation or static line, bulkheads, rip-rap, and total AEC area (if applicable)
 - Septic System location indicating tank, drain fields and repair areas
 - Dated Army Corp Wetland delineation (if applicable)
 - Health Dept. stamp on plans and survey for projects outside The Village at Nags Head
 - Fence or pool barrier location
 - HVAC and pool equipment platform location
- ☐ **7. Two sets of Building Plans with the following info:**
- Foundation Plan – to scale
 - Elevations Drawings: to scale and label front, rear and sides, proposed grade, BFE, elevation of lowest floor, overall height
 - Fence or Pool Barrier detail
 - Wall cross section – to scale
 - Floor Plan of all levels – to scale (stamped by Health Dept. for projects outside The Village)
 - Engineer/Architect Seal – must be original seal, signature and date
 - Appendix B for commercial projects
- ☐ **8. Sedimentation and Erosion Control for Disturbance >5000 SF**
- Location of silt fence and/or sand fence
 - Seeding schedule(s)
 - Financial Responsibility/Ownership Form
- ☐ **9. Engineered Stormwater Plans (If Applicable)**

- Stormwater calculations - Location and description of BMPs, plan and profile view - Maintenance Certification	
☐ 10. Signs – Include dimensioned renderings and foundation or attachment details	
☐ 11. Other Information as Required by Local Ordinance, CAMA or State Codes	
Property Information: Project Address: <u>10023 C e xelican St</u> Property ID No: _____ Subdivision: _____ Lot Area: _____ Lot No.: _____ Block: _____ Section: _____ Flood Zone: V AE X Base Flood Elevation: _____ Elevation of Natural Grade _____	
CAMA Permit Required: Yes _____ No _____ CAMA Permit # _____	
Sewage Information (Attach Approvals) Septic Permit No. _____ Dated: _____ Fill Use: Y N Village Sewer ☐ CWS Approval: Y N	
Project Description: (Attach sheets, drawings and other associated permits as needed) <u>Build beach walkway + stairs over existing burial by sand</u>	
Proposed Construction Information: Commercial ☐ Residential ☐ Rental? Yes No New Construction ☐ Addition ☐ Remodel/Repair/Other ☐ Demo ☐ House Move ☐ Square Footage: Heated Living Area _____ Deck/Porch/Walkway _____ Storage _____ Garage _____ Gazebo/Dune Deck _____ Other _____ No. Bedrooms _____ No. Baths : Full _____ Half _____ Storage Enclosure Below Yes ☐ No ☐ Size _____ Foundation Type _____ Roofing Material _____ Outside Finish _____ Inside Finish _____ A/C _____ Heat Type _____ Window Make/Type _____ Insulation (R-Factor) Walls: R- _____ Floors: R- _____ Ceiling: R- _____ Elev. of Lowest Floor (V or AE Zones): _____ Proposed Elev. at grade: _____ Fill to be brought in? Yes ☐ No ☐ Amount: _____ Area (in sq. feet) of land to be disturbed: _____ Lot Coverage(in sq. feet): _____ Includes (Circle): Sed. Control Plan Stormwater Plan Estimated Construction Cost: \$ <u>2800⁰⁰</u>	
Contractor Information: Business Name: <u>Humberto Gonzalez Alvarez</u> Address: <u>P.O. Box 218 Manns harbor</u> <u>NC 27953</u> Office No. <u>252-207-6542</u> Fax No. _____	Nags Head Privilege License No. _____ NC G. C. License No. _____ License Classification _____ E-Mail Address: _____ Agent: _____ Mobile No. _____
See Permit Submittal Checklist (on reverse) for required attachments and application information. Application <u>will not</u> be accepted until all required information is provided. Please contact the Planning and Development Department to confirm requirements for your particular project: 5401 S. Croatan Highway, Nags Head, NC 27954, 252-441-7016 www.nagsheadnc.gov	
Property Owner Signature <u>See Attached</u>	Applicant Signature <u>Humberto Gonzalez A.</u>
Staff Use: Review Fees Paid _____ Acceptance: Y N By: _____	

Parcel Number: 008955000		Print Date: 4/7/2014	
County of Dare, North Carolina			
*Owner and Parcel information is based on current data on file and was last updated on 4/4/2014			
Owner Information: HAUSCHILD, ELEANOR CRYMBLE 411 KITTY HAWK BAY DR KILL DEVIL HILLS NC 27948			
Parcel Information: Parcel: 008955000 PIN: 071811653165 District: 14 - NAGS HEAD Subdivision: PELICAN PARK - DB 225 PG 273 LotBlkSect: LOT: 19 BLK: SEC: Multiple Lots: - PlatCabSlide: PL: SL: Units: 0 Deed Date: 04/18/2011 BkPg: 1864/0155			
Property Use: SECONDARY IMPROVEMENT			10023 C E PELICAN ST
BUILDING USE and FEATURES			<u>Current Building Value: \$0</u>
Building Use: Exterior Walls: Full Baths: Half Baths: Bedrooms: Heat-Fuel: Heat-Type: Air Conditioning:		Actual Year Built: Finished sqft for building 1: Total Finished SqFt for all bldgs: 0	
MISCELLANEOUS USE		<u>Current Misc Value: \$3,500</u>	
Misc Bldg a: (WD1) WOOD DECK OR RAMP Year Built: 2011 sqft: 248			
LAND USE		<u>Current Land Value: \$4,100</u>	
Land Description : 14-Ocean front			
TOTAL LAND AREA: 8500 square feet			
		Current Total Value: \$7,600	

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**Construction and Permit Application Authorization
For Beach Access Walkway - Pelican Park HOA**

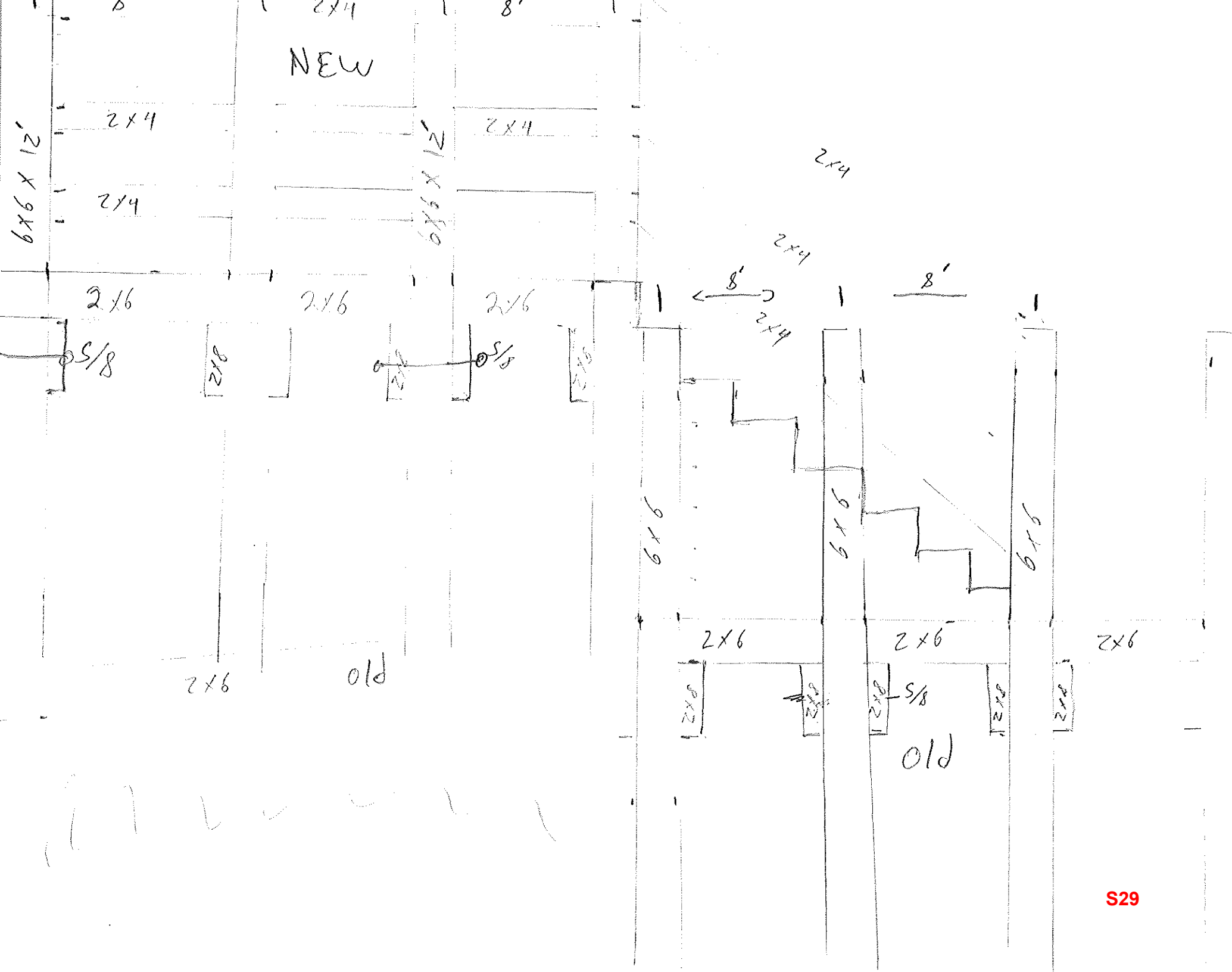
This statement is to affirm that the Pelican Park HOA has commissioned **Berto's Construction, P.O. Box 218, Manns Harbor, NC 27953** to construct a Beach Access Walkway in accordance with Town of Nags Head building codes and zoning covenants over the existing dune at the end of E. Pelican Street (a privately maintained entrance road to the Pelican Park subdivision) and to draw town permits accordingly.

This authorization is given in my capacity as President of the Pelican Park Homeowners Association on this date 2 April, 2014.



Jason C Mudryk
President Pelican Park HOA
Ph: 919-239-4418
Cell: 703-431-3353

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S29

 Details |  Basemap |

 Share  Print |  Measure

E Pelican St, Nags Head, North Carolina, USA  

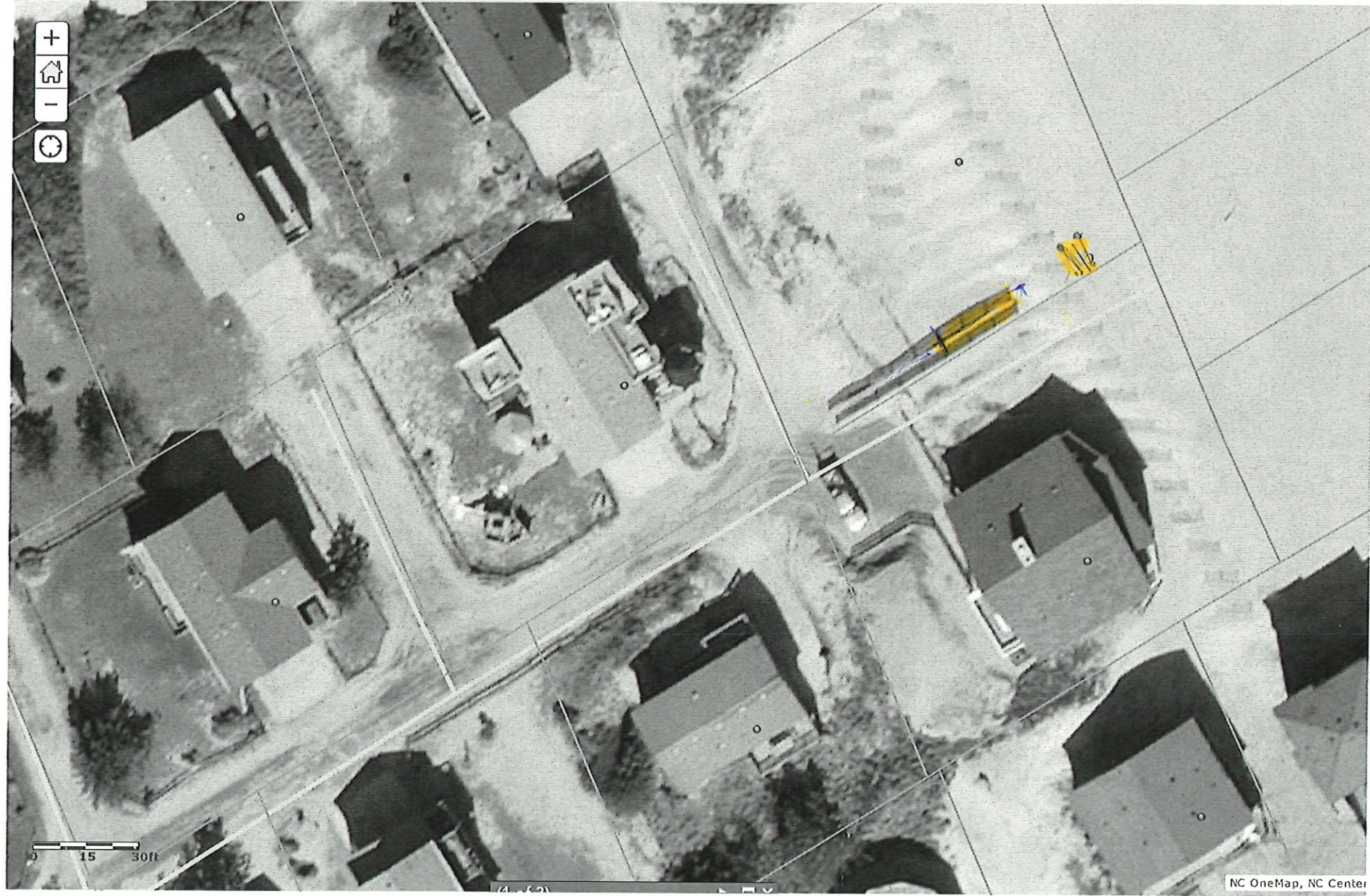


S30

ArcGIS ▾ Town of Nags Head Public GIS

Details | Basemap |

Share | Print | Measure | E



Type of Application:
New ☒ Renewal ☐ Other ☐
Account No. _____



Check one:
Individual ☐
Partnership ☐
Corporation ☐

Town of Nags Head
P O Box 99
Nags Head NC 27959
252-441-5508
townofnagshead.net

BUSINESS LICENSE APPLICATION

For year: _____

IMPORTANT: Please complete this application, making any corrections necessary, then sign, and return with remittance on or before **June 30**. A \$5.00 or 5% penalty per month will be applied beginning **July 1**.

Business Name: Humberto Gonzalez A

Email Address: _____

Physical Street Address: 311 Bideford St

Mailing Address: P.O. Box 218 Manns harbor nc 27953

Owner Name and Address: Humberto Gonzalez Alvarez

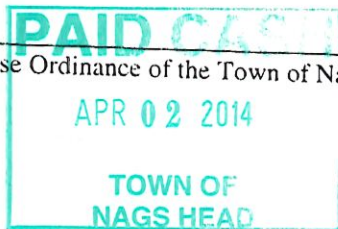
Daytime Phone: 252 207 6542 Cell/Pager: _____ Fax #: _____

Local Contact Name and Address: _____

Daytime Phone: 252 207 6542 Cell/Pager: _____ Fax #: _____

Nature of Business (Describe **IN DETAIL ALL** Sales and /or Services provided):

Under the Business License Ordinance of the Town of Nags Head the Following License Fees are Applicable for the Business Listed Above:



12.50

I hereby certify that I have made inquiry concerning the regulations of the Town of Nags Head and that the business to be conducted will fully comply with the requirements thereof and with all other Town Ordinances and State laws. Note: This business is subject to periodic inspections in accordance with North Carolina General Statute 160A-424. Issuance of a License pursuant to this application does not excuse a licensee from compliance with any zoning or other applicable ordinance or statute.

Humberto Gonzalez A
Signature of Applicant

4-03-14
Date:

(over)

Note - If you are no longer performing/soliciting business in the Town of Nags Head, you must contact the office to have your account status changed to inactive and an adjustment made to the billing. Otherwise, you will be billed annually and will accrue any applicable late penalties.

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Town of Nags Head
5401 S. Croatan Hwy
Nags Head, NC 27959

Phone: 252 441 7016
Fax: 252 441 4290

Paid Invoice Summary

Page 1 of 1

DATE	4/22/2014
------	-----------

PERMIT NUMBER	RE2014-0665
10023C E Pelican St Nags Head, NC	

ACCOUNT:
Humberto Gonzalez Alvarez PO Box 218 Manns Harbor NC 27953 Phone: 252 207 6542

Date	Reference Number	Invoice Number	FeeCat	Description	Status	Amount
4/22/2014	RE2014-0665	2014-00368	BP	Building Permit Valuation Table Fee	Paid	(-) 105.00

Date	InvoiceNum	Status	Payment	Amount
4/14/2014	2014-00368	Original Due		105.00
4/22/2014	2014-00368	Paid	Cash	(-) 105.00



Total Paid	105.00
------------	--------

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TOWN OF NAGS HEAD

PO Box 99
Nags Head, NC 27959
Phone (252) 441-7016 Fax (252) 4414290

File Copy



Zoning Permit

ZN2014-0220

Owner Name: HAUSCHILD, ELEANOR CRYMBLE
Owner Phone: 252-202-8568 Office

Owner Address: 411 Kitty Hawk Bay Dr
KILL DEVIL HILLS, NC 27948

PIN: 071811653165
Address: 10023C E Pelican St
Subdivision: PELICAN PARK - DB 225 PG 273

Zoning: R2 (Medium Density Residential District)
Section: **Block:**
Lot(s): LOT: 19 BLK: SEC:

Contractor Name: Humberto Gonzalez Alvarez
Contractor Phone: 252 207 6542 Office

Contractor Address: PO Box 218
Manns Harbor, NC 27953

Permit Type: Building Zoning Review;
Land Use: Vacant

Description: Replace beach access walkway/stairs

Survey (Yes/No): No
CAMA Permit # Exemption #14-65
Septic Permit # n/a
Survey Date: 4/16/2014
Date:

Lot Area: n/a
Existing Lot Coverage: n/a
Coverage to be Added: 0
Coverage Remaining: n/a
Coverage to be removed: n/a

Conditions:

Any change in approved construction or site plans requires prior ZA approval; CALL FOR ALL REQUIRED INSPECTIONS; Zoning determination compliant with Town Code Section 48-87 Public Trust Beach Area;

- Permit approved to replace beach access walkway/stairs over existing.
- Final zoning approval required prior to issuance of Certificate of Compliance.
- Must comply with provisions of CAMA Exemption #14-65

Total Fees Paid:

Invoice #:

DECISION: Approved with Conditions

COMMENTS: Replace beach access walkway/stairs over existing

X Humberto Gonzalez A 22-04
Responsible Party Date

Dawn Shalton
Zoning Administrator Apr 16 2014

RIGHT OF APPEAL

Pursuant to Section 48-594(b)(1) of the Nags Head Zoning Ordinance, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice.

This decision shall become final and unappealable if not appealed during this thirty (30) day period.

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TOWN OF NAGS HEAD

PO Box 99
Nags Head, NC 27959
Phone (252) 441-7016 Fax (252) 4414290



Building Permit

RE2014-0665

Owner Name:	HAUSCHILD, ELEANOR CRYMBLE	Owner	411 Kitty Hawk Bay Dr
Owner Phone:	252-202-8568	Address:	KILL DEVIL HILLS NC 27948
Parcel PIN:	071811653165	Zoning:	R2 (Medium Density Residential District)
Address:	10023C E Pelican St	Lot/Block/Sec:	LOT: 19 BLK: SEC:
Subdivision:	PELICAN PARK - DB 225 PG 273		
Contractor Name:	Humberto Gonzalez Alvarez	Contractor PO	Box 218
Contractor Phone:	252 207 6542	Address:	Manns Harbor NC 27953

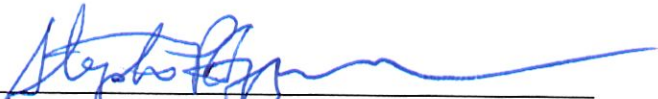
Description: Build beach acessway and stairs over existing which is buried by sand

Construction Value:	2800.00	Construction Type:	Repair
Foundation Type:		Heated Space:	0
		Unheated Space:	0
		# of Bedrooms:	0
		# of Baths:	0
Zoning Permit:	2014	FEMA Flood Zone:	ve
Septic Permit:	n/a	BFE:	
CAMA Permit:		Flood Permit:	n/a
PW Permit#	n/a		

Conditions:
CALL FOR ALL REQUIRED INSPECTIONS; All new work to meet current code; See CONDITIONS on Zoning Permit; Additional engineering may be required; Piling inspection required; FINAL INSPECTION REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE;

see handout for beach walkways
new work to meet current codes

Total Fees Paid/Due:	105.00	Invoice #:	2014-00368
- All work shall conform to all applicable North Carolina State Building codes and Ordinances of the Town of Nags Head and shall be the responsibility of the undersigned applicant. - This permit is valid for 180 days in which time construction must begin and proceed in a normal fashion. - Work must be completed within 18 months. - All work shall conform to the plans and specifications provided with the application. - Any damage to the multi-use path or adjoining right-of-way shall be immediately repaired by the owner and/or applicant.			


Building Inspector 04/22/2014

 22-04
Responsible Party Date

This permit only authorizes work expressly identified in the building permit application, unless otherwise specified herein. The work done shall comply with the State Building Code and all other applicable Federal, State and local laws. The approval and issuance of this permit conveys no rights or guarantees for any future proposed modifications of this permit or the issuance of new permits for any future proposed use and development of the property.

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Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.nagsheadnc.gov

Telephone 252-441-7016
FAX 252-441-4290

April 16, 2014

Exemption # 14-65

Eleanor Hauschild
411 Kitty Hawk Bay Drive
Kill Devil Hills, NC 27948

**RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY
(15A NCAC 7K .0207)
PROJECT ADDRESS – 10023 C E. Pelican St
AREA OF ENVIRONMENTAL CONCERN - OCEAN HAZARD**

Dear Ms. Hauschild:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a determination on April 16, 2014, I have determined that the activity you propose is exempt from needing a minor development permit as long as it meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The accessway **must not exceed six feet** in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,

Dabri Shelton, LPO
Town of Nags Head

Cc: DCM -Elizabeth City

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TOWN OF NAGS HEAD

P.O. BOX 99

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (919) 441-5508

FIELD CORRECTION NOTICE

LOCATION 10023 C E Pelham PERMIT # _____

ISSUED TO: OWNER Household

BUILDER Walhway ~~1990~~ framing

THE FOLLOWING CORRECTION(S) ARE TO BE MADE:

2- bolts per girder
- handrail height = 34" to 38"
- address #'s on end of ~~per~~
walkway

Approved w/ noted corrections

PLEASE CALL FOR INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED. CORRECTIONS MUST BE MADE BEFORE PROCEEDING WITH ANY FURTHER CONSTRUCTION.

DATE 5/21/14 BY AAA
INSPECTOR

WHITE - SITE COPY
YELLOW - FILE COPY

S37

Attachment E

From: [Kelly Wyatt](#)
To: [Crystal Miscio](#); [lory patrick](#)
Cc: [Conner Twiddy](#); [Andy Garman](#)
Subject: RE: Dune management cost share
Date: Tuesday, April 21, 2026 3:29:00 PM
Attachments: [Hauschild RE2014-0665.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Hauschild 2011 walkway permit \(1\).pdf](#)

Good Afternoon Ms. Patrick and Ms. Miscio –

Your development permit application for demolition of the wooden beach walkover has been received, is being entered into the Town's permitting system for formal review, and will be reviewed under the procedures we follow for such applications.

As to your question regarding timing, I want to let you know that I expect this request will be denied. This email does not constitute a formal determination or formal decision on the pending application but does give you a description of some of the considerations that I believe makes it unlikely that your demolition permit request would be approved.

For your reference, and consistent with your recent Public Records request, I have attached copies of the Town's records related to the existing wooden walkway from 2011 and 2014.

While I understand this matter involves broader considerations among property owners and their respective legal counsel, the Town's records reflect that permits were issued in 2011 and 2014 for construction of the walkway within an existing access easement, with authorization provided by the property owner at that time (2011) and subsequently by the Pelican Park Homeowners Association (2014). These permits were issued for the benefit of, and on behalf of, the HOA.

Based on this history and the location of the structure within a shared access easement, the Town would not ordinarily authorize demolition of the walkway without consent from the Pelican Park Homeowners Association or all parties with an ownership interest in the easement.

We will complete the formal review process and provide you with a written denial within the next couple of days, which will include information on your appeal rights and the applicable process.

Please reach out if you have any questions in the meantime.

Thank you,
Kelly

Kelly Wyatt
Director of Planning & Development
Office: 252-449-6042
Email: Kelly.wyatt@nagsheadnc.gov



From: Crystal Miscio <crystal@legacyparktitle.com>
Sent: Monday, April 20, 2026 2:39 PM
To: Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>; lory patrick <loryobx@aol.com>
Cc: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>
Subject: Fw: Dune management cost share

Good afternoon, Kelly

Connor informed me he has passed along the attached demo permit application for your review. Please let us know the process and timeframe involved in approving or denying this application.

Crystal Miscio

Get [Outlook for Android](#)

From: Crystal Miscio <crystal@legacyparktitle.com>
Sent: Monday, April 20, 2026 7:10:00 AM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>; loryobx@aol.com <loryobx@aol.com>
Subject: Re: Dune management cost share

Connor,

I notice the PIN and Parcel# were missing. Here are the corrected application and the survey with highlighted demo section.

Do you have a projected timeline for approval or denial? We are planning to push the sand Friday, 4/24/26. We would like to tackle the demo, if approved at the same time.

Thanks again for your time.

S40

Crystal Miscio

From: Crystal Miscio <crystal@legacyparktitle.com>

Sent: Friday, April 17, 2026 3:22 PM

To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>; loryobx@aol.com
<loryobx@aol.com>

Subject: Re: Dune management cost share

Here you go

If you have any questions, please do not hesitate to call me.

**ALL OVERNIGHT PACKAGES and USPS Mail TO BE SENT TO: 7879 UNBRIDLED
CT MANASSAS VA 20112**

Thank you,

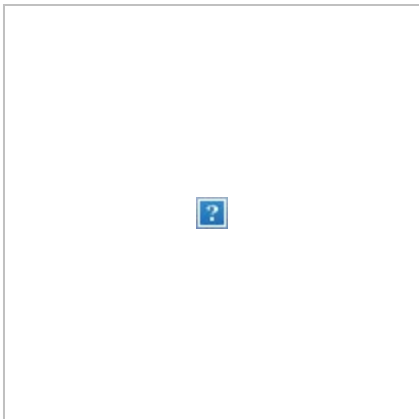
Crystal Miscio, VA Title Agent

LEGACY PARK TITLE, LLC

703-772-4968 (cell)

866-361-8766 (fax)

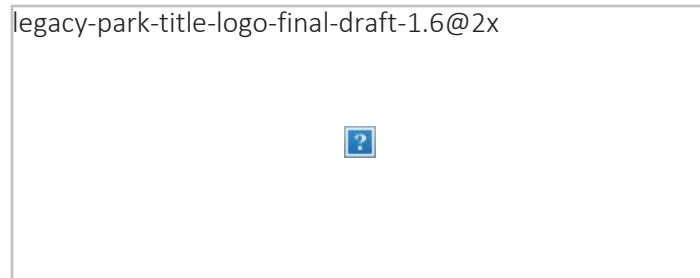
www.legacyparktitle.com



S41

For all emails with Citrix SECURE attachments, click on the BLUE “Download Attachment” button, follow recipient verification instructions, once the attachment opens click “Download”, the attached document will open for you to review and print.

“Helping agents and lenders navigate the settlement process!”



BEWARE! WIRE FRAUD ADVISORY!

WIRE FRAUD AND EMAIL HACKING ATTACKS ARE ON THE RISE!

****If you received an email corresponding our wire transfer instructions, please verify by calling your settlement agent immediately using previously known contact information prior to sending funds. We are not responsible for any wires sent by you or your financial institution due to incorrect bank account information****

From: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>

Sent: Friday, April 17, 2026 1:18 PM

To: loryobx@aol.com <loryobx@aol.com>; Crystal Miscio <crystal@legacyparktitle.com>

Subject: RE: Dune management cost share

Mrs. Lory,

Sorry again for the delay as I said I was still sick yesterday and so behind today. Here is that

S42

development permit I was talking about on the phone that you would just have to check the demolition box on the application
<https://www.nagsheadnc.gov/DocumentCenter/View/2111/Development-Permit-Application-PDF>.
And I will see you at 2:00pm for the walkthrough for the sand work for me to grab my pre project pictures and then I will email you the authorization letter as soon as I get back to the office.

Thanks,

Conner

From: loryobx@aol.com <loryobx@aol.com>
Sent: Tuesday, April 14, 2026 5:50 PM
To: Crystal Miscio <crystal@legacyparktitle.com>; Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>
Subject: Re: Dune management cost share

Thank you, Connor.

I have submitted the online application for the sand fencing, vegetation and sand relocation.

On another note, are you able to send me a demolition permit application?

Lory

On Wednesday, April 1, 2026 at 12:04:39 PM EDT, Conner Twiddy <conner.twiddy@nagsheadnc.gov> wrote:

<https://www.nagsheadnc.gov/1041/Dune-Management-Cost-Share>

Get [Outlook for iOS](#)

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From: [Lily Nieberding](#)
To: loryobx@aol.com
Cc: [Kelly Wyatt](#)
Subject: Emailing: Patrick Denial
Date: Tuesday, June 2, 2026 9:54:19 AM
Attachments: [Patrick Denial.pdf](#)

Attachment F

Hello,

Please acknowledge receipt.

Thanks,

Lily Campos Nieberding
Permitting Coordinator
Town of Nags Head
Lily.nieberding@nagsheadnc.gov
252-449-6048
www.nagsheadnc.gov

S44

Attachment G

From: [Lily Nieberding](#)
To: [Kelly Wyatt](#)
Subject: FW: Emailing: Patrick Denial
Date: Friday, June 5, 2026 11:53:38 AM
Attachments: [Patrick Denial.pdf](#)

FYI..

Lily Campos Nieberding
Permitting Coordinator
Town of Nags Head
Lily.nieberding@nagsheadnc.gov
252-449-6048

From: loryobx@aol.com <loryobx@aol.com>
Sent: Friday, June 5, 2026 11:49 AM
To: Lily Nieberding <Lily.Nieberding@nagsheadnc.gov>; crystal@legacyparktitle.com
Subject: Re: Emailing: Patrick Denial

Dear Lily:

Can you please put a notation on file that any correspondence sent to me also needs to be "cc'd", and sent to Mrs. Crystal Miscio? You may want to add to this notation that Mrs. Miscio has my power of attorney and as such, she has my knowledge, permission and full authority to discuss all matters, and make any necessary decisions, concerning my Pelican Park, Nags Head properties.

Thank you,

Lory Patrick

On Tuesday, June 2, 2026 at 09:54:20 AM EDT, Lily Nieberding <lily.nieberding@nagsheadnc.gov> wrote:

Hello,

Please acknowledge receipt.

Thanks,

Lily Campos Nieberding
Permitting Coordinator
Town of Nags Head
Lily.nieberding@nagsheadnc.gov
252-449-6048
www.nagsheadnc.gov

S45



Attachment H

Lot 19; 10023-C E.
Pelican, Subject Lot &
Walkway for which appeal
has been filed.

S46



This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

10023 C E Pelican ST
Nags Head NC, 27959
Parcel: 008955000
Pin: 071811653165

Owners: Patrick, Loretta E -Primary
Owner

Building Value: \$0
Land Value: \$10,100
Misc Value: \$6,200
Total Value: \$16,300

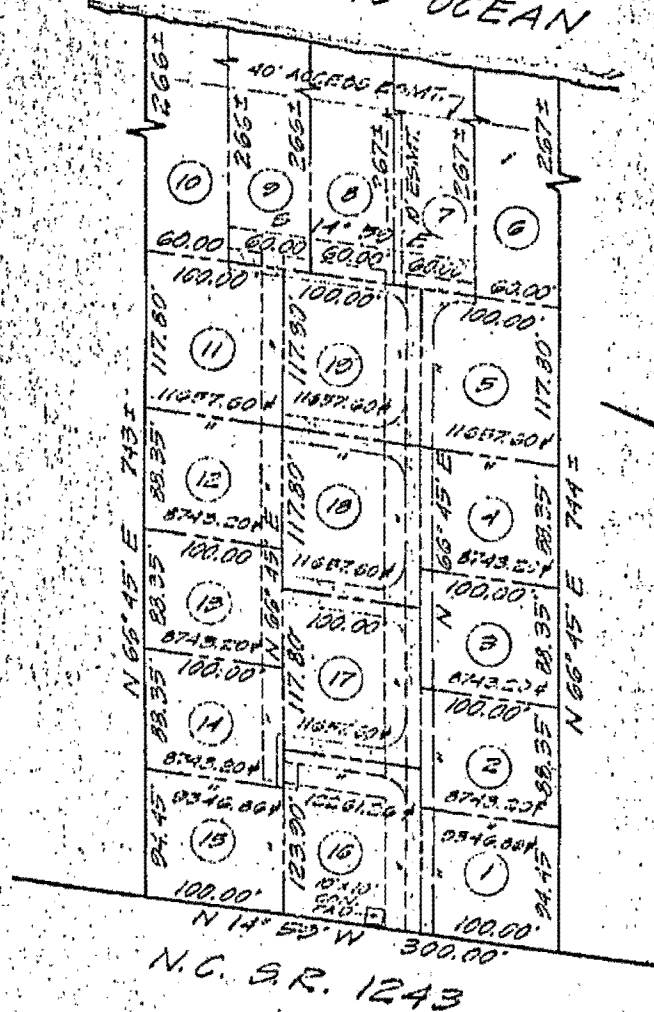
Tax District: Nags Head
Subdivision: Pelican Park - Db 225 Pg
273

Lot BLK-Sec: Lot: 19 Blk: Sec:
Property Use: Secondary Improvement
Building Type:
Year Built:



BOOK 225 PAGE 273

ATLANTIC OCEAN



NOTE: SURVEY DATA FROM MAP BY WILLIAM F. CLARK R.L.S.
DATED OCT. 23, 1970, ENTITLED PELICAN PARK.

STATE OF NORTH CAROLINA, COUNTY OF DARE

I, D.J. NEAL CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME (DEED DESCRIPTION RECORDED IN
BOOK 225, PAGE 273, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS
1. 0.000 THAT THE BOUNDARIES NOT SURVEYED AS SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK
PAGE 273, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47, ART. 2A, AS AMENDED, WITH MY HAND (AND SEAL) THIS
DAY OF AUGUST, A.D., 19 75 [Signature] (REGISTERED SURVEYOR)
SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF AUGUST, 19 75, [Signature] (NOTARY PUBLIC)
MY COMMISSION EXPIRES July 14, 1980

LAND SUBDIVISION MODIFICATIONS FOR PELICAN PARK

TOWN: <u>NAGS HEAD</u>	TOWNSHIP: <u>NAGS HEAD</u>
COUNTY: <u>DARE</u>	NORTH CAROLINA
SCALE: <u>1" = 100'</u> DATE: <u>AUGUST</u>	ROSE AND PURCELL INC. SURVEYORS ENGINEERS PLANNERS
SUBDIVISION: <u>PELICAN PARK</u> MAP <u>4</u> BOOK <u>225</u> PAGE <u>273</u>	

NORTH CAROLINA

DARE COUNTY

THIS DECLARATION OF PROTECTIVE COVENANTS, made this 22nd day of August, 1975, by CHARLES F. BAILEY and wife, LYNN O. BAILEY, hereinafter referred to as "OWNERS";

W I T N E S S E T H :

THAT WHEREAS, Charles F. Bailey and wife, Lynn O. Bailey, are the owners of certain lands generally within the perimeter of the plat entitled "Pelican Park" prepared by William F. Clark, Land Surveyor, dated October 23, 1970, and duly recorded in Map Book 4, page 39, Public Registry of Dare County, North Carolina;

AND WHEREAS, the Owners have withdrawn the easements shown on the aforesaid plat and do now specifically declare that the owners of parcels of land situated within the perimeter of said subdivision shall have the easements of rights of way for access and ingress to and from the parcels of land situated within said subdivision, which said easements are specifically shown and delineated upon a plat entitled "Land Subdivision Modifications for Pelican Park" dated August 21, 1975, prepared by Rose and Purcell, Inc., Engineers and Surveyors, copy of which said plat showing the easements herein declared is attached hereto and made a part of this declaration, subject to the provisions as set forth in Item 1 hereinafter;

AND WHEREAS, the Owners do now by this instrument desire to declare and make known the following covenants and restrictions and provisions which are to run with the land and shall be binding upon all parties and persons claiming under them as owners of the property within the subdivision known as "Pelican Park", the covenants and restrictions being set forth as follows:

1. The Owners reserve the right to grant easements over and across the lands shown within the perimeter of Pelican Park for the purpose of permitting public water supply by the Town of Nags Head and the maintenance of necessary water lines; for the purpose of providing electric service by Virginia Electric and Power Company; for the purpose of providing cable television service by Outer Banks Video, Inc.; to Norfolk and Carolina Telephone and Telegraph Company for providing telephone service; and such other utilities as may be necessary and beneficial for the residential homesites contained within said subdivision.

2. None of the lots numbered and shown on the aforesaid plat shall be used for manufacturing or any commercial purposes of any kind or character whatsoever, nor shall any advertising signs, other than a sign advertising the property for sale or rent, be erected upon said lots; and no animals, livestock or poultry of any kind shall be raised, bred or kept for any commercial purpose on any of the lots shown on the aforesaid plat. Any household pets maintained on said premises shall be kept on a leash or under other restraint so they are not permitted to run loose upon the premises.

3. All of the residential building sites, which may include a combination of one or more portions of the lots shown on the said plat and which building sites shall be designated at the time of conveyance, shall be used exclusively

for residential purposes, and a one-family residence only shall be erected on the building site referred to in the conveyance by reference to the aforesaid plat, together with an appurtenant garage, if desired. No lot or portion of lot may be resubdivided without the written consent of the Owners.

4. In order to preserve a desirable beauty and to protect purchasers of this property from having undesirable types of architecture placed on abutting properties with the consequent depreciation of the whole, all elevation and site plans for buildings to be erected shall be approved by the Owners in writing and evidenced by the approved copy of the elevation plans left in the permanent possession of the Owners. Any addition to such premises, including fencing, will require like additional approval. In addition, at the time of presenting building plans for approval, a list of materials shall be presented so as to illustrate the appearance, outside covering, etc. of the dwelling proposed to be constructed upon said premises. Under no circumstances shall any building or portion of building be removed from a site outside of this subdivision and placed in this subdivision as a proposed dwelling house without the specific written permission of the Owners.

5. No building or structure including porches, garages, and outbuildings shall be constructed, except in accord with the setback lines provided by the Town of Nags Head. Whenever one lot or a portion of another lot may be shown on the map prepared by William F. Clark and are conveyed as one building site the setback restriction shall apply to the outside perimeter of the entire building site conveyed, rather than to any interior lot division line.

6. All service utilities, fuel tanks, woodpiles and trash and garbage accumulation are to be enclosed within a fence or wall of a type and size approved by the Owners so as to preclude the same from causing any unsightly view from any highway, street or way within the subdivision.

7. All toilet and sewage units installed upon said property shall be in accord with the rules and regulations of the North Carolina Department of Health, and shall be located upon said lands in positions approved by the Owners and said Health Department, and no outside toilets permitted.

8. No trailer, tent, shack or other temporary building shall be erected or placed on the lands within the subdivision, except such temporary buildings as may be necessary for the storage of materials for the convenience of workmen during the erection of residences upon said lands.

9. All buildings, structures and their appurtenances shall be maintained in a suitable state of repair; and in the event of destruction by fire or other casualty, premises are to be cleared and debris removed within 90 days from the date of such casualty.

10. The Owners Declarant specifically declares that there shall be no parking upon the easements hereinabove referred to, but that each building site shall provide prior to occupancy its own driveway and off-easement parking, which said driveway or parking space shall enable the owner to maintain free and open use of the hard-surfaced easement providing access to such property.

11. It is understood by and between the Owners Declarant and each property owner who acquires title to property within the perimeter of the subdivision known as "Pelican Park", their successors and assigns, that the easements shown on the aforesaid plat entitled "Land Subdivision Modifications for Pelican Park" are private easements and that the hard-surfaced roadway constructed therein by Owners in conformity with the requirements of the Town of Nags Head will not be maintained by any public body. From and after the 1st day of January, 1979, each of the 19 owners of parcels of land within the perimeter of the subdivision known as "Pelican Park" shall be equally liable for maintenance costs of the hard-surfaced easements providing access to the parcels of land contained within said subdivision. Upon determination by ten of the owners of the 19 parcels of land within the perimeter of Pelican Park that a sum of money is due for the maintenance of said easements then a pro-rata part of such sum shall be assessable against each of the 19 owners of lands within the perimeter of Pelican Park.

12. It is understood and agreed by and between the Owners Declarant and each property owner acquiring title within the perimeter of the subdivision known as "Pelican Park" that the approval of building plans required under Section 4 of these covenants shall be complied with on and after the first day of January, 1979, by mailing to the Owners Declarant at Dogwood Trail, Southern Shores, Kitty Hawk, North Carolina 27949, the plans and specifications for such proposed structure. In the event that the Owners Declarant have not

rejected said plans within 30 days from the date of such mailing, then and in that event the plans shall be deemed to have been approved.

13. These conditions and restrictions shall be binding upon all parties, or those claiming under them until January 1, 1995, at which time said conditions and restrictions shall automatically be extended for two successive periods of ten years each, unless by vote of the then owners of record of a majority of the lots shown on said plat herein referred to, it is agreed, on or before such expiration date, to change the conditions and restrictions in whole or in part; PROVIDED, HOWEVER, the provisions of Section 11 of these covenants with respect to maintenance by Owners of the paved surface of the access easement shall in no case expire or terminate, but the same shall survive any change, modification or abandonment of these covenants.

IN WITNESS WHEREOF, Charles F. Bailey and wife, Lynn O. Bailey, Owners Declarant, have hereunto set their hands and seals this day and year first above written.

Charles F. Bailey (SEAL)
Charles F. Bailey
Lynn O. Bailey (SEAL)
Lynn O. Bailey

NORTH CAROLINA
DARE COUNTY

I, The Undersigned, a Notary Public of the aforesaid county and state, do hereby certify that Charles F. Bailey and wife, Lynn O. Bailey, personally appeared before me this day and acknowledged the due execution of the foregoing instruments. Witness my hand and notarial seal this 28th day of August, 1975.

NOTARIAL SEAL

Patricia Meekins Sanderlin
Notary Public

My commission expires:

7-8-75

NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Patricia Meekins (ne: Sanderlin), a Notary Public of Dare County, North Carolina, is certified to be correct. Presented for registration this 4 day of September, 1975, at 1:46 o'clock P. M., and recorded in this office in Book 225, page 270.

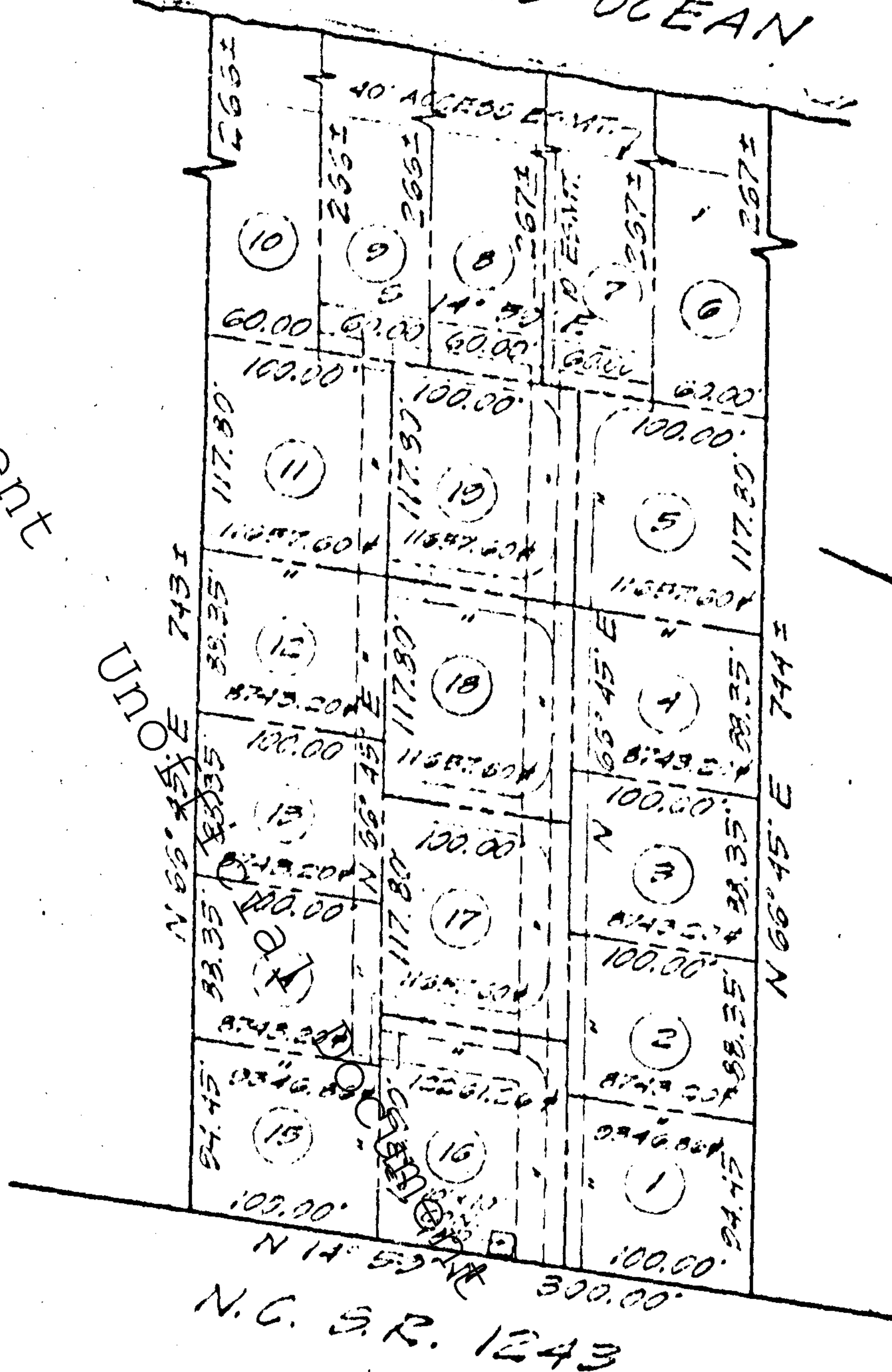
Estelle B. Ziehl
Register of Deeds

By _____
Assistant Register of Deeds

UNOFFICIAL Document

BOOK 225 PAGE 273

ATLANTIC OCEAN



NOTE: SURVEY DATA FROM MAP BY WILLIAM F. CLARK R.L.S. DATED OCT. 23, 1970, ENTITLED PELICAN PARK.

STATE OF NORTH CAROLINA, COUNTY OF DAKE

I, D.J. NEAL CERTIFY THAT THIS MAP WAS DRAWN FROM (AN ACTUAL SURVEY MADE BY ME) (DEED DESCRIPTION RECORDED IN BOOK , PAGE , BOOK , PAGE , THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 0.000 THAT THE BOUNDARIES NOT SURVEYED AS SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK PAGE , THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47, ART. 2A, AS AMENDED. WITNESS MY HAND (AND SEAL) THIS AUGUST DAY OF AUGUST, A.D., 19 75 (REGISTERED SURVEYOR)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 31 DAY OF AUGUST, 19 75 (NOTARY PUBLIC)

MY COMMISSION EXPIRES July 14, 1980

LAND SUBDIVISION MODIFICATIONS FOR PELICAN PARK

TOWN: NAGS HEAD

TOWNSHIP: NAGS HEAD

COUNTY: DAKE

NORTH CAROLINA

SCALE: 1" = 100' DATE: AUGUST

ROSE AND PURCELL INC.
SURVEYORS ENGINEERS PLANNERS

SUBDIVISION: PELICAN PARK MAP 4 BOOK 225 PAGE 39

Recorded: 12/31/2014 01:23:26 PM
BY: Claudia Harrington
Vanzolla McMurrin-Smith, Register of Deeds
Dare County, NC

Fee Amt: \$26.00

NC Excise Tax: \$0.00

BOOK 1995 PAGE 853 (11)

700006688



Prepared by and return to:
Linda H. McCown
P. O. Box 729
Manteo, North Carolina 2954

STATE OF NORTH CAROLINA
COUNTY OF DARE

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS
of
PELICAN PARK**

THIS AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, made this the 30th day of December, 2014, by PELICAN PARK HOMEOWNERS an unincorporated Association, (the "Declarant"), pursuant to the provisions of the North Carolina Planned Community Act, in the General Statutes of North Carolina and pursuant to the terms and provisions of the Declaration of Protective Covenants for Pelican Park, recorded in Book 225, at Page 270, Dare County Public Registry.

WITNESSETH:

WHEREAS, on Saturday, December 27, 2014, a meeting was held by the Pelican Park Homeowners, and a majority of the eligible Homeowners met and voted on certain items of business; and

WHEREAS, the original Declaration of Protective Covenants defined the subdivision as nineteen (19) lots, however, the passage of time and the ravages of the Atlantic Ocean resulting in the loss of land, has resulted in the loss of eligible lots for voting and reduced the number of lots of eligible voters to thirteen (13); and

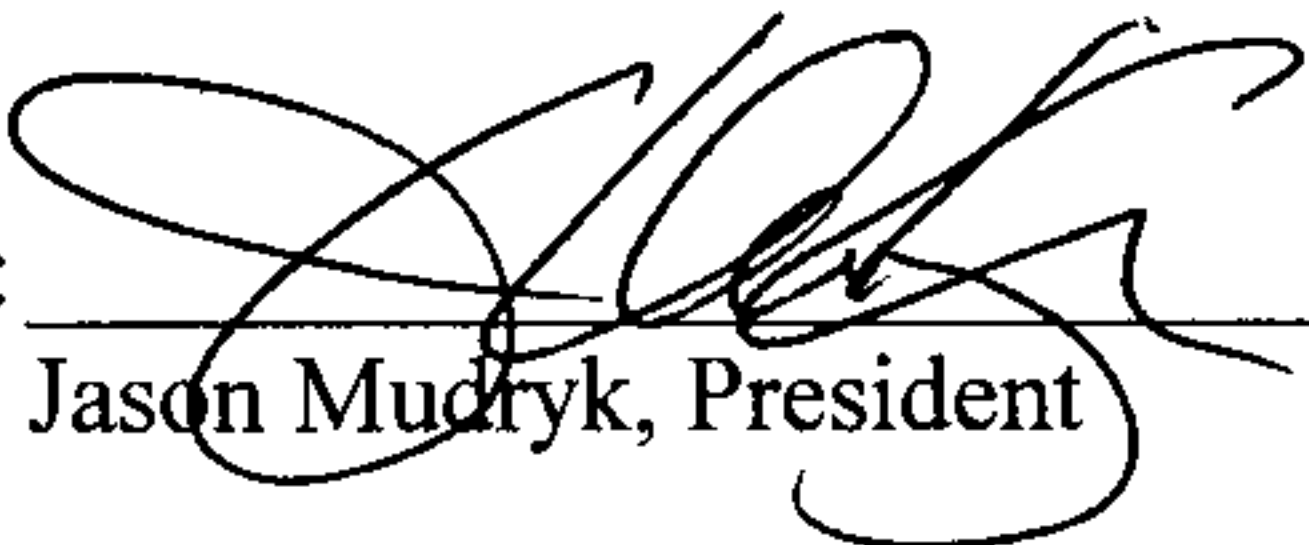
WHEREAS, that under item number 3, "Other New Business", (iv.) of the minutes of the Annual Meeting, at the top of Page 5 of the Annual Meeting minutes attached hereto as Exhibit A, the majority of the homeowners voted to extend the original covenants expiration date of January 1, 2015; for two additional ten (10) years, to January 1, 2035.

Unofficial Document

NOW, THEREFORE, Declarant does hereby, restate and Amend the Declaration of Protective Covenants filed in Book 225 at Page 270, Dare County Public Registry for two additional ten (10) year terms as provided for in Paragraph 13 of the Covenants.

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the day and year first written above.

PELICAN PARK HOMEOWNERS, an
unincorporated Association

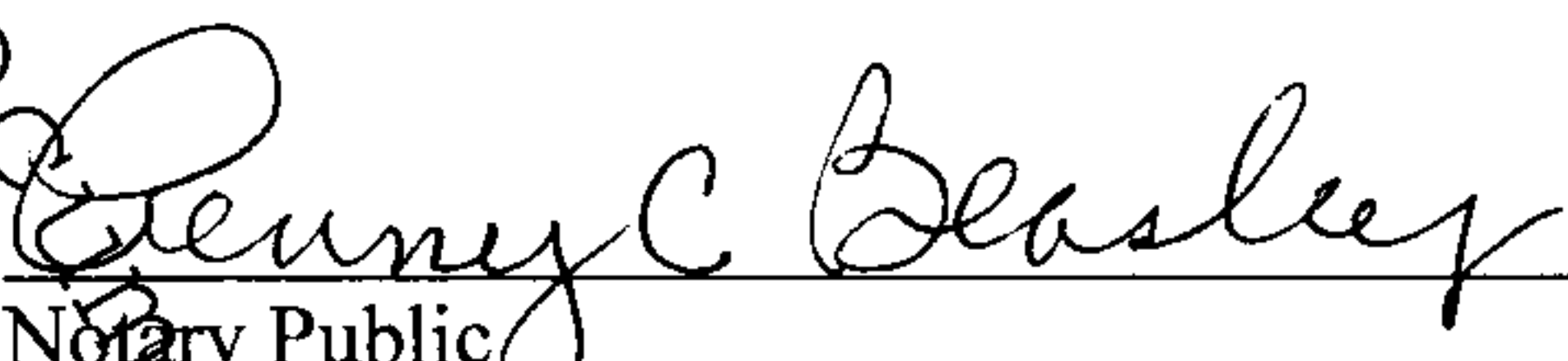
By:  (SEAL)
Jason Mudryk, President

STATE OF NORTH CAROLINA
COUNTY OF TYRRELL

I, a Notary Public for the aforementioned state and county do hereby certify that Jason Mudryk, President of the Pelican Park Homeowners, an unincorporated Association, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of Pelican Park Homeowners.

Witness my hand and seal this the 30th day of December, 2014.

(SEAL/STAMP)


Notary Public
My commission expires: 12-10-19

PENNY C. BEASLEY
NOTARY PUBLIC
Tyrrell County
North Carolina

Unofficial Document

Unofficial Document

EXHIBIT A
Pelican Park Homeowners' Association
Annual Meeting – Saturday, December 27, 2014

Minutes – Prepared by Julie Stein Brockway

In attendance: Mary & Jason Mudryk (hosts), Janet Foote & Silas Beck; Silvy Karageorge (and her granddaughter), Sebastian & Ida Ojanguren; Lori Patrick; Julie & Barry Brockway; Jeanne Dobson (briefly, following family funeral) [7 of the 13 homeowners were represented]

Meeting called to order at 7:15 pm.

A. Welcome & (re) introductions.

B. Old Business

1. Review and unanimous acceptance of the Minutes from last year's Pelican Park Homeowner's Association Annual Meeting
2. **President's Report** – Jason Mudryk and others provided updates on last year's sand clean up, walkway extension, road patching. This led to New Business related to these items, as noted below.
3. **Treasurer's Report (Prepared by Jeanne Dobson, presented by Julie Brockway)**
Reserve fund increased to \$5185.53 (Up from \$3644.03 in 2013)

Opening Balance =	\$4552.16
Deposits: 13 dues @ \$500 =	<u>\$6500</u>
	\$11052.16

Disbursements:

Carolina Tractor: Rebuild/grade dune	\$1300
Lory Patrick – Reimburse Deposit to Gonzalez	
To build steps & walkway to beach	\$2500
Balance to Gonzalez to build steps & walkway	\$1900
Reimburse materials to repair potholes	
B. Brockway	\$79.23
J. Mudryk	\$53.17
New Checks	\$34.23
(\$5.00 monthly fee – Jeanne called to reverse)	<u>\$5.00</u>
Total Disbursements	\$5871.63

Balance 11/30/14	\$5180.53
Plus reversal of \$5.00 fee SC	\$5185.53

Treasurer's Highlights for 2014

- All 13 homeowners paid dues! THANK YOU! Thank you to Jeanne for continuing the formalized invoice process we started in 2013 and to Janet & Jason for follow up on delinquencies. (Attorney letter was helpful where necessary)
- Reserve funds are building slowly (though we did not complete all projects – e.g., sign replacement and full pothole repair -- as planned.)

C. New Business

1. 2014 Dues/Delinquencies & 2015 Dues/Contingency Reserves

In Jeanne's absence this item was discussed along the following points:

- **\$5.00 monthly fee.** When Wachovia was taken over by Wells Fargo and account signers changed, we were assured there would be no monthly fee. Jeanne has gotten all monthly fees reversed. Point of clarification: They are charging \$5.00 for monthly statement on hard copy, not based on low balance in account.

Action: Jason will speak with Wells Fargo and review our agreement to see if we can have the \$5 monthly fee permanently waived.

- **Monthly dues and goal for reserves in the account.** After discussion, Barry revised a motion to have homeowners' dues remain at \$500/year until we have \$10,000 in the account as contingency reserves. Ida seconded the motion. Motion passed by majority.

Action: Invoices will go out on January 15, 2015. Annual dues in the amount of \$500 per homeowner will be due on or before March 1, 2015.

Based on the impressive success of this approach for past two years, Jeanne will again send January notification with an Invoice – mailed and emailed – and the minutes of this Annual Meeting to provide a more formal assessment notice.

WE THANK EVERYONE IN ADVANCE FOR PROMPT PAYMENT OF THIS YEAR'S DUES!

- **Delinquencies** – Discussion/decision from last year was reviewed.
Action: Group reached consensus to continue last year's plan of "no delinquency fees" with good faith that we will have same result as we did last year, with 100% dues payment by all 13 homeowners.

2. Budgeted Items for 2015

i. **Sand Clean Up** – Last year's process and issues were reviewed.

Determination is that we will need to do another clean up this year but will wait until as late as possible, following Nor'easter season.

Actions: Jason will contact Kim Allen of CAMA to determine what we are allowed to do with regard to sand removal from walkover and dune migration into the easement.

- On or about March 15th we will solicit bids through March 31st.
- We will ask for two parts to each bid, separating the walkover from the road clear to understand the cost of each component of the work.
- We will expect to get a minimum of 2 bids.
- Janet will reach out to Wade Tillet.
- Others are free to reach out for additional bids that follow the timeline and 2-part plan noted above.

- ii. **Entrance Sign** – We had planned at last year's HOA meeting to replace the Pelican Park sign according to the specifications we learned we must follow. Any sign must conform to the town standard of not exceeding 32 square feet of area. There was consensus that any new sign should be constructed to withstand the elements and be readable from both the north and south approach to PP.

Actions:

- *Barry will go to a sign place in Manteo.*
- *Sebastian will research getting a new sign through Sign-A-Rama*
- *Both will provide the PP HOA with information and quotes.*

- iii. **Continuous Road maintenance – patching.** Everyone appreciated the pothole patching efforts of Barry, Jason and Aaron last year after we learned that the cost of asphalt paving near the dumpster would be prohibitive. Patching was inexpensive and held up reasonably well for the season. Consensus was to do this type of patching again this year, late in April. We will look for crusher run patching with hope that we can add more crusher than last year. Barry and Jason estimated that we would probably need about 1500 to 2000 lbs. We agreed that we do not want to raise the overall height of the access roads as this will cause water to run back down the driveways. Patching would maintain the current overall height of the roads.

Actions:

- *Sebastian offered to use his truck to carry in the crusher as the weight of bags from Home Depot exceeded capacity of Barry's Subaru (could not handle more than 6 bags at a time).*
- *Jeanne's son has a friend, Larry, who does this type of driveway repair work. Julie will follow up with Jeanne to determine if we should reach out to Larry for a quote.*
- *We will also consider bids from others who may be able to transport the crusher via truck and do a better job of tamping down. HOA will look to cover the cost of filling potholes on main road and also on roads with shared easements.*

- iv. **Other priorities** – Noted below in Other New Business

- v. **Contingency Reserves** – As noted above, we voted to keep annual dues at \$500/homeowner with the hope that we will gradually build our reserves up to \$10,000 so that we are well covered in the event of emergency needs/storm aftermath, etc. without needing to implement and collect special assessments.

3. **Other New Business**

- i. **All Hands Spring Clean Up day proposed.** We discussed needing to do this before May 1 but a specific date was not selected and commitments were not secured with regard to which homeowners would participate.

Action: *If anyone would like to propose a date, please do so via email and we can then respond and determine who is available to participate.*

Homeowners were appreciated for taking care of the upkeep of their own properties. Special appreciation for those who removed dead trees as this has improved the overall appearance of our community.

Action:

- *Homeowners are expected to assess their properties to determine work that may need to be done after the winter storm season – fence repair, dead branch or tree removal, removal of overgrowth, etc.*
- *Jason and Janet will follow up with written communication to PP homeowners who may not be aware that their rental agencies are not be taking care of their properties. Without vigilant property maintenance and upkeep, there are health and safety issues that pose a threat to renters/owners.*

Keep off the Dune signs – This item relates to concerns raised regarding people walking over the dune, children playing on the dune, etc. Signs alone do not seem to be working and get covered/buried in the sand. Jason contacted town and learned that free “Keep off the Dunes” signs are no longer being distributed. It was suggested that we pick up inexpensive signs that could be affixed to sand fencing or posted in front of sand fencing across the dune (see next item)

- iii. **Sand fence/plant grass/oats** – Group discussed the need for additional sand fencing on Hauschild’s property* and suggestion was made to put a fence across the dune preventing people from walking over the dune to the beach. Concern was raised that this fencing needs to be done closer to beachside vs. road so as not to block ocean view or cause dune closest to road to get even higher. Additional angled fencing is needed to collect sand closer to the oceanside.

*** We neglected to mention the annual process of sand fencing:** Last year, Barry reminded homeowners that each year we need to register online for free sand fencing that is provided by the town. Oceanfront properties (Brockway; Karageorge; Hauschild) need to sign up and we should also reach out to Gaspar (property north of them, not in PP HOA) to be sure they sign up for sand fencing as their lack of fencing has contributed to the sand build up in Pelican Park.

If the town is not planning to do sand fencing, we need to consider doing this ourselves with another row of fencing to the east of existing fencing and to fill in the gap in the existing fencing that is causing more sand to build up on the walkover.

We also discussed planting vegetation to try and hold the sand. (Our previous spriggings/plantings mostly died with ocean overwash.) We could try and get advice about plantings.

iv. **Pelican Park HOA covenants to expire -- extension vote required!**

As of January 1, 2015, the current Pelican Park covenants will expire. The previous covenants were signed in 1975 for 20 years, with an extension for two consecutive periods of 10 years each. Those assembled reviewed the existing covenants and noted that the original document identified 19 Pelican Park homeowner properties. The extension would need to reflect the 13 current homeowner properties since 6 of the original homeowner lots are no longer in existence.

Jeanne made a motion, seconded by Janet, to extend the original covenant for another two consecutive 10 year terms with the modification of the 19 homeowner properties to 13 properties. The motion passed unanimously by the 7 homeowners present, which represents the majority of the current 13 homeowners.

The group authorized Jason to have this extension legally codified with an attorney. Janet offered to go with Jason to discuss this with Linda McCown, Manteo attorney. They will also ask the attorney how we would proceed in handling any reserve funds in the event that the HOA dissolves.

4. Officer Nominations for 2015

Appreciations were expressed to current officers for their service, especially to Jason for stepping in as President and to Jeanne for her continued service as treasurer for 10+ years.

Jason Mudryk was nominated for re-election as President and unanimously re-elected.

Sebastian Ojanguren was nominated for Treasurer but declined in light of being brand new to this PP HOA. Jeanne Dobson was nominated and re-elected for Treasurer with understanding that she will mentor Sebastian into this role so that he can possibly take this on next year.

Julie Brockway declined nomination for another term as Secretary after the completion of these minutes for 2014. Silvy Karageorge also declined nomination. Janet Foote was nominated and unanimously elected Secretary.

5. Open Forum

- **Hauschild** - PP HOA just learned today that Ms. Ellie Hauschild passed away in July 2014. Our sympathy and condolences are with the family which includes her 6 daughters. One of the daughters visited Pelican Park earlier in the day on the date of the HOA meeting and informed several homeowners that the Hauschild property was now for sale.

-continued

Background: Since the Hauschild house was destroyed by fire, the purchase of the Hauschild property had been a subject for discussion at our 2012 and 2013 PP HOA annual meetings. In 2012, Lory Patrick and Barry Brockway reported that they had discussed trying to buy this property to prevent it from being owned/controlled by town of Nags Head. Lory had spoken to the family about purchasing for \$5000, and Lory stated that she was okay with Barry making this purchase, since her funds are tied up at present. Lory offered to help make the introduction of Barry to Ms. Hauschild, who she explained was confused/ concerned about who he was and had some sentiment about not wanting her property to be owned collectively by Pelican Park.

At the 2013 HOA meeting, it was reported that there had been no further update on this plan so Barry agreed to reach back out to Lory and directly to Ellie Hauschild to see if he could make progress with regard to purchasing.

Early in 2014, Barry spoke directly with Ellie who noted that she needed to discuss the property purchase with her accountant and lawyer and would get back to him.

At this year's HOA meeting, those assembled reaffirmed commitment to ensuring that the Hauschild property not pass into the hands of the town of Nags Head.

Lory proposed that the Pelican Park HOA consider purchasing the property. This suggestion raised a number of questions regarding shared legal and financial responsibility, legal structure needed to make this type of purchase (LLC, other?) insurance issues, costs, etc. After some discussion, any decision regarding PP homeowners' interest in this purchase was tabled with a suggestion that Jason explore how an HOA would go about considering a shared property purchase – what would this entail, cost, liability, etc. (Perhaps this is something he and Janet could explore with the attorney?) Exact asking price for the property needs to be further explored.

Barry Brockway also expressed interest and willingness to purchase the property.

- Prior to the meeting's adjournment, Lori raised some individual property owner concerns and it was suggested that Janet work with her to address these issues directly.

At 10:00 Janet motioned to close the meeting, which was seconded and unanimously approved.

Although this was not discussed, it is expected that next year's annual meeting will take place this same week.

Respectfully submitted,
Julie Stein Brockway

Unofficial Document

Reminders to Pelican Park Homeowners:

1. Storm debris needs to go on side of road and not in dumpster.
 2. Contractors should and homeowners can also take items to the dump behind Harris Teeter.
 3. The town of Nags Head usually has a schedule for bulk pick up.
 4. There is a Nags Head town recycle location at MP 17.5 which has recently been upgraded.
 5. Recyclable items:
 - ❖ Aluminum Cans (please flatten)
 - ❖ Glass: Clear, Brown and Green (remove caps)
 - ❖ Paper: White and Colored Clean, Dry Paper
 - ❖ Newspaper
 - ❖ Cardboard, Food Boxes and Paper Bags (clean and dry)
 - ❖ Plastic, PETE Clear Marked No. 1 and HDPE Colored Marked No. 2 (remove lids and flatten) Please Rinse all Containers
- Document
- Unofficial Document

**Pelican Park Homeowners' Association
Treasurer's Report 2014**

Opening Balance 1/1/2014 **\$4552.16**

Deposits
Dues 13 households @ \$500 **\$6500.00**

\$11052.16

Disbursements

Carolina Tractor: Rebuild/grade Dune **\$1300**

**Lory Patrick: Reimburse Deposit to Gonzalez
to build steps & walkway to beach** **\$2500**

Balance to Gonzalez to build steps & walkway **\$1900**

Reimburse materials to repair potholes

B, Brockway **\$79.23**

J. Mudryk **\$53.17**

New Checks **\$34.23**

Note: Wells Fargo required us to switch account to a "Business" account when the names of officers was updated. They agreed to waive the \$5.00 service fee normally charged to send a paper monthly statement. However, the fees were debited 7/30, 8/30, 9/30, & 10/30. Those fees were reversed on the 11/30 statement. However additional \$5.00 charged for 11/30 (which I called to have reversed)
\$ 5.00

Total Disbursements **\$5871.63**

Balance 11/30/2014 **\$5180.53**

Plus reversal of \$5.00 SC **\$5185.53**

**Jeanne Dobson
Treasurer
12/15/2014**

2015 Pelican Park Homeowners Association Directory

E Pelican Street, Nags Head, 27959

- 10021 – Sidney Costner
- 10021A – Terry & Rosemary Morris
- 10021B – Janet Foote & Silas Beck
- 10021C - Jeanne Dobson
- 10021D – Barry & Julie Brockway
- 10023 – Sebastian & Ida Ojanguren
- 10023A – Grayling Riddick
- 10023B – Lory Patrick

- 10025 – Marie Hopkins
- 10025A – Robert & Joanne Shnayer
- 10025B – Jason & Mary, Aaron & Brenda Mudryk
- 10025C – David & Kristin Cushen
- 10025D – Paul & Silvy Karageorge

Appellant Record

Appellant Application
Appellant Attachements

Pages A1 – A97



**ZONING APPEAL APPLICATION
BOARD OF ADJUSTMENT
TOWN OF NAGS HEAD, NORTH CAROLINA**

Application No. 202600632 Date _____
Application Fee \$300.00 Receipt No. _____

THE BOARD OF ADJUSTMENT MAY HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY AN ADMINISTRATIVE OFFICIAL IN THE ENFORCEMENT OF THE UNIFIED DEVELOPMENT ORDINANCE. THE BOARD ALSO HAS THE AUTHORITY TO INTERPRET THE ZONING MAP AND DECIDE QUESTIONS ON LOT LINES AND DISTRICT BOUNDARY LINES. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THE APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

Application Request: Appeal of Administrative Decision X

Interpretation of Zoning Map _____

1. Applicant Name Loretta E. Patrick
Mailing Address 1106 Duck Rd
City Duck State NC Zip Code 27949
Telephone 330-718-0046
2. Property Owner Name (If different from Applicant) _____
Mailing Address _____
City _____ State _____ Zip Code _____
Telephone _____
3. Property (If decision being appealed is specific to a particular property):
Street Address 10023C E Pelican Street Nags Head NC 27959
Tax Parcel Identification Number 071811653165
Subdivision Name Pelican Park Section# _____ Lot# 19
Zoning District Classification MEDIUM DENSITY RES DISTRICT
Current Use of Property Vacant-private seating and private beach access for Lot 19

4. Date of decision being appealed 06/01/2026
5. Attach a copy of the administrative order, requirement, decision or determination being appealed.
6. Describe the specific provisions or portions of the decision being appealed.

See attached

7. Specify the grounds for your appeal. Fully explain how the administrative official inaccurately interpreted and/or applied the terms of the zoning ordinance. What do you believe to be the correct answer, and why?

See attached

8. If you are not the property owner, or if the decision was not issued to you, explain how you are a person aggrieved by the decision.

See attached

9. If appeal is property specific list the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor.

see attached

10. Are any attachments being submitted with this application? Yes X No ____

If yes, please identify attachments and number of pages.

See attached

FILING OF APPLICATION

Variance and appeal applications are filed with the Nags Head Department of Planning & Development located at the Town of Nags Municipal Complex, 5401 South Croatan Highway, Nags Head, NC. Applications may be filed in person at the Department Monday through Friday during normal office hours or may be mailed to the Department at PO Box 99, Nags Head, NC 27959. Appeal applications must be filed with both the Board **and** the administrative officer from whom the appeal is taken within **30 days** of the date of the decision being appealed. Appeal applications not in the physical possession of the Board and the administrative officer at their offices at the Department of Planning & Development within the prescribed 30 day deadline, for any reason, will be deemed late. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

SCHEDULING OF APPLICATION

Applications submitted by the monthly filing deadline will be placed on the following month's Board agenda. The monthly filing deadline and Board meeting dates for the year are listed in the "Planning and Development Submittal Dates" published annually. You may view these dates on-line at www.nagsheadnc.gov or receive a copy by contacting the Department at (252) 441-7016.

HEARING OF APPLICATION

The Board of Adjustment is a quasi-judicial body consisting of five members. The Board's regular meeting date is the second Thursday of each month at 9:00 a.m. Their meeting is held in the Board Room located at the Town of Nags Head Municipal Complex. At the meeting the Board will hear testimony and receive evidence from the applicant, town staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

An affirmative 4/5 majority vote of the Board is required to grant a variance or appeal. Shortly after the meeting an Order will be prepared and signed by the Board Chairman stating the Board's decision and findings. This Order will be filed with the Town Clerk and delivered to the applicant by registered mail. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the filing of the Board's Order.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variances or appeal applications should contact the Zoning Administrator at the Nags Head Department of Planning & Development at (252)441-7016.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

La Patel
Signature of Property Owner/Aggrieved Party

June 26 2020
Date

STATE OF NORTH CAROLINA, COUNTY OF DARE
On this 26 day of JUNE, 20 26

LORETTA E PATRICK personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public

My Commission expires 12/09/2030

DEBORAH S. WITTERS



CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER OR AGGRIEVED PARTY

I _____ (your name) file this application on the behalf of _____ (property owner name).

I am the _____ (attorney, contractor, etc.) for the property owner in this matter and file this application with the full knowledge and consent of the property owner. I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Signature

Date

STATE OF _____, COUNTY OF _____
On this _____ day of _____, 20 _____

_____ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public

My Commission expires _____, 20 _____

Attachment – Answers to questions 6-10

Question 6 – Specific Provisions or Portions of the Decision Being Appealed

The Appellant appeals the June 1, 2026 denial of Zoning Permit No. ZN202602236 (Application No. 202600632) for removal of the beach walkover located within the Pelican Park access easement on Lot 19, 10023C East Pelican Street, Nags Head, North Carolina.

Specifically, Appellant appeals the determination that:

1. The beach walkover "is considered to serve a common interest" because it is located within a shared access easement.
2. The Town cannot authorize demolition of the walkover without documentation demonstrating consent from the Pelican Park Homeowners Association and all parties holding an interest in the easement.
3. The permitting history from 2011 and 2014 establishes authority in the Pelican Park Homeowners Association over the walkover structure.
4. The application therefore failed to meet the requirements necessary for approval.

Question 7 – Grounds for Appeal

The denial is based upon an erroneous interpretation of property ownership, easement rights, and the legal effect of prior permits.

The Town's decision concludes that because the structure is located within a shared access easement, it serves a "common interest" and therefore cannot be removed without HOA consent and consent of all easement holders. However, neither the denial letter nor any recorded instrument identifies a legal basis granting ownership or control of the structure to the Pelican Park Homeowners Association.

A shared easement does not create common ownership of the servient estate or of improvements located on that estate. Easement rights are rights of use, not ownership interests. The existence of multiple easement beneficiaries does not transform privately owned property into HOA-owned property, common area, or jointly owned property.

The Town further relies upon permits issued in 2011 and 2014. However, permits do not create property rights. A zoning permit authorizes construction activity; it does not convey

ownership, establish easement rights, amend deeds, create common areas, or grant authority to an HOA that otherwise lacks such authority.

The Town's own prior correspondence acknowledged that the Pelican Park covenants do not reference ownership, construction, maintenance, or control of the existing walkway and do not assign maintenance responsibility to the HOA. Town staff further acknowledged that permit authority through an HOA generally depends upon governing documents that expressly establish common areas and grant HOA authority over them. No such document has been identified for Pelican Park.

The denial therefore improperly substitutes assumptions based on permit history for the recorded property documents that govern ownership and authority. The Town has cited no deed, plat, easement agreement, declaration, covenant, or other recorded instrument establishing HOA ownership or HOA control of the walkover.

Furthermore, the administrative determination improperly relies on the 2014 permit history associated with the walkover. The 2014 permit expired on May 28, 2015 and was never finalized through a final inspection or certificate of completion. Unlike the 2011 permit, which received final approval, the 2014 permit was never completed and cannot reasonably be relied upon as evidence of continuing authority, ownership, or control over the structure. Moreover, permits do not create property rights and cannot substitute for a recorded deed, easement, covenant provision, or other instrument granting authority to the HOA.

Accordingly, the Board of Adjustment should reverse the administrative determination and find that:

1. No deed or recorded instrument gives the HOA ownership or control.
2. Town staff previously acknowledged the covenants do not grant such authority.
3. The 2011 permit was a construction approval, not a conveyance of rights.
4. The 2014 permit expired and was never completed.
5. Therefore, the Town's conclusion that HOA approval is required is unsupported by the governing documents or permit history.

QUESTION 8 – If you are not the property owner, or if the decision was not issued to you, explain how you are a person aggrieved by the decision.

Appellant is an owner of property within the Pelican Park subdivision and is directly affected by the administrative determination. The determination adversely affects Appellant's property rights, easement rights, use and enjoyment of property, and ability to seek permits or approvals relating to the access easement and boardwalk structure.

The determination further impacts Appellant's legal rights by recognizing authority in favor of the Pelican Park Homeowners Association that is not supported by the governing documents and by imposing requirements that directly affect the use, maintenance, and administration of property interests within Pelican Park.

Because the decision directly affects Appellant's property interests and legal rights, Appellant is a person aggrieved and entitled to seek review before the Board of Adjustment.

Appellant recently was denied insurance coverage due to the location of the wooden structure within the 10' easement; if injury occurs on said structure it would cause Appellant irreparable harm.

QUESTION 9-Abutting Lot owners tax records

Lot 5, tax record and deed attached

Lot 11, tax record and deed attached

Question 10 – Attachments

1. Lot 19 Deed/proof of ownership
2. Administrative decision/determination being appealed.
3. 2011 zoning permit, building permit, and certificate of compliance.
4. 2014 permit application and approval documents.
5. Pelican Park Declaration of Protective Covenants with plat (1975),2014 covenant amendment
6. Kelly Wyatt correspondence dated April 4 and April 7, 2025.
7. Connor Twiddy correspondence dated April 2 and April 3, 2025.
8. Lot 5, tax record and deed attached
9. Lot 11, tax record and deed attached
10. Town Spreadsheet with expiration date of the 2014 RE2014-0665 permit.
11. Insurance Denial

BK 2775 PG 697 - 703 (7)

This Document eRecorded:

Fee: \$26.00

Dare County, North Carolina

Cheryl L. House, REGISTER OF DEEDS

DOC# 700146634

02/28/2025 01:43:31 PM

Excise Tax: \$40.00

Transfer Tax: \$200.00

Attachment #1 -

no legal basis
granting ownership
or control of this
structure to Pelican
Port HOA + no "joint
ownership" or
"fractional ownership"
of my property.
(this is the property
the boardwalk was
built on)

Dare County Land Transfer No.: 0541-25 Land Transfer Tax: 200.00 1985 Sessions Law Chapter 670 (HB 215)

Prepared by William Brumsey, IV/mm File no: 25B62803
Mail after recording to Brumsey and Brumsey, PLLC

Parcel No. 008938000

NORTH CAROLINA
DARE COUNTY

GENERAL WARRANTY DEED

THIS DEED, made and entered into this the 18th day of February, 2025, by and PATRICIA BEACHAM and husband, TIM BEACHAM, KARIN HAUSACHILD and husband, JOHN CARWILE, PEGGY MATTHEWS, unmarried, KELLY MOODY and husband, RICHARD MOODY, WENDY WAINSCOTT HOLMES and husband, TOM HOLMES, and JAMIE WOOD and husband, BRIAN WOOD, Grantors whose address is 4162 Ivy Lane, Kitty Hawk, NC 27949 to LORETTA E. PATRICK, Grantees, whose address is 1106 Duck Rd., Duck, NC 27949.

The designation of Grantor and Grantee as used herein shall include said parties, their heirs, and successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey, unto the Grantees a fee simple interest, in and to all that lot or parcel of land situated in Nags Head Township, Dare County, North Carolina, and more particularly described as follows:

See attached Exhibit "A"

All or a portion of the property herein conveyed does or X does not include the primary residence of a Grantor.

The property hereinabove described was acquired by said parties of the first part by instrument recorded Deed Book 311, Page 605, Estate files 08-E-200 and 14-E-216, Dare County.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantees and their heirs and assigns in fee simple forever.

AND the Grantor does covenant with the Grantee, that Grantor is seized of the premises in fee simple and has the right to convey the same in fee simple; that title is marketable and free and clear from all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whatsoever except for the exceptions herein stated.

Title to the property hereinabove described is subject to the following exceptions:
submitted electronically by "brumsey and brumsey PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Dare County Register of Deeds.

1. Reservations, restrictions and easements of record.
2. Protective Covenants recorded in Deed Book 225, Page 270.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set his hand and official seal, or if Corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

SIGNATURE PAGES TO FOLLOW

UnOfficial Document

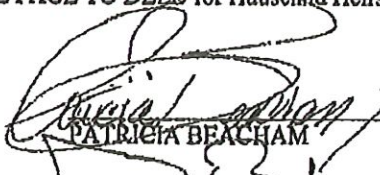
UnOfficial Document

UnOfficial Document

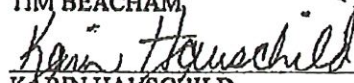
UnOfficial

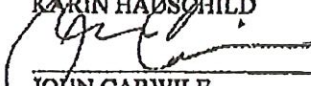
Unofficial Document

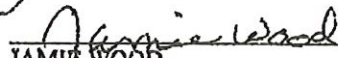
SIGNATURE PAGE TO DEED for Hauschild Heirs to Patrick

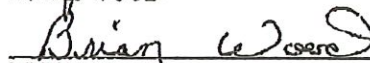
 (SEAL)
PATRICIA BEACHAM

 (SEAL)
TIM BEACHAM

 (SEAL)
KARIN HAUSCHILD

 (SEAL)
JOHN CARWILE

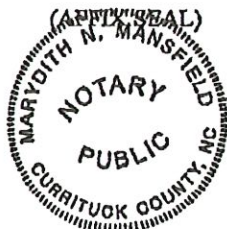
 (SEAL)
JAMIE WOOD

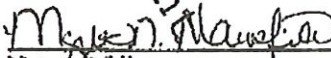
 (SEAL)
BRIAN WOOD

State of NC
County/City of Currituck

I, a Notary Public of the County and State aforesaid, certify that Patricia Beacham and husband, Tim Beacham, Karin Hauschild and husband, John Carwile and Jamie Wood and husband, Brian Wood, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the 18 day of February, 2025.



 (SEAL)
Notary Public

My commission expires: Feb. 19, 2027

Unofficial Document

Unofficial Document

A11

SIGNATURE PAGE TO DEED for Hauschild heirs to Patrick

Wendy Wainscott Holmes (SEAL)
WENDY WAINSCOTT HOLMES

Tom Holmes (SEAL)
TOM HOLMES

State of Virginia
County/City of Caroline

I, a Notary Public of the County and State aforesaid, certify that Wendy Wainscott Holmes and husband Tom Holmes, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the 20 day of February, 2025.

(AFFIX SEAL)

Betty Rae Johnson
Notary Public

My commission expires 10/31/2027



SIGNATURE PAGE TO DEED for Hauschild heirs to Patrick



Kelly N. Moody
KELLY MOODY
Richard Moody
RICHARD MOODY



State of South Carolina
County/City of Berkeley

I, a Notary Public of the County and State aforesaid, certify that Kelly Moody and husband, Richard Moody, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the 20 day of February, 2025.

(AFFIX SEAL)



Janice Johnson
Notary Public

My commission expires: 08/10/2023

SIGNATURE PAGE TO DEED for Hauschild heirs to Patrick



PEGGY MATTHEWS (SEAL)

State of VA
County/City of Accomack

I, a Notary Public of the County and State aforesaid, certify that Peggy Matthews, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the 21 day of February, 2025.

(AFFIX SEAL) 

Notary Public

My commission expires: July 31, 2027



Exhibit "A"

All that certain parcel of land designated on a plat made by Rose and Purcell, Inc., Surveyors, entitled "Land Subdivision Modification, Pelican Park," said plat appearing of record in Book 225, at Page 273, Public Registry of Dare County, North Carolina, said parcel being designated thereon as Parcel 19, and more particularly described as follows:

Beginning at a stake or other marker situated in the Northwest corner of Parcel no. 19, and the Northeast corner of Parcel No. 18 as shown on the aforesaid map or plat, which said beginning point is located on a course of South 14 deg. 59 min. East at distance of 100 feet from a reference point on the North line of the entire tract known as "Pelican Park," said reference point on the North line of the entire tract of Pelican Park being located on a course of North 66 deg. 45 min. East a distance of 359.50 feet from a stake or other marker situated in and on the Eastern margin of the right of way of North Carolina State Highway 1243, said point on said right of way being the Northwest corner of the entire tract known as "Pelican Park;" and running thence from said beginning point South 14 deg. 59 min. East a distance of 100 feet to a point; and thence turning and running North 66 deg. 45 min. East a distance of 117.80 feet to a point; thence turning and running North 14 deg. 59 min. West a distance of 100 feet to point; thence turning and running South 66 deg. 45 min. West a distance of 117.80 feet to the point or place of beginning.

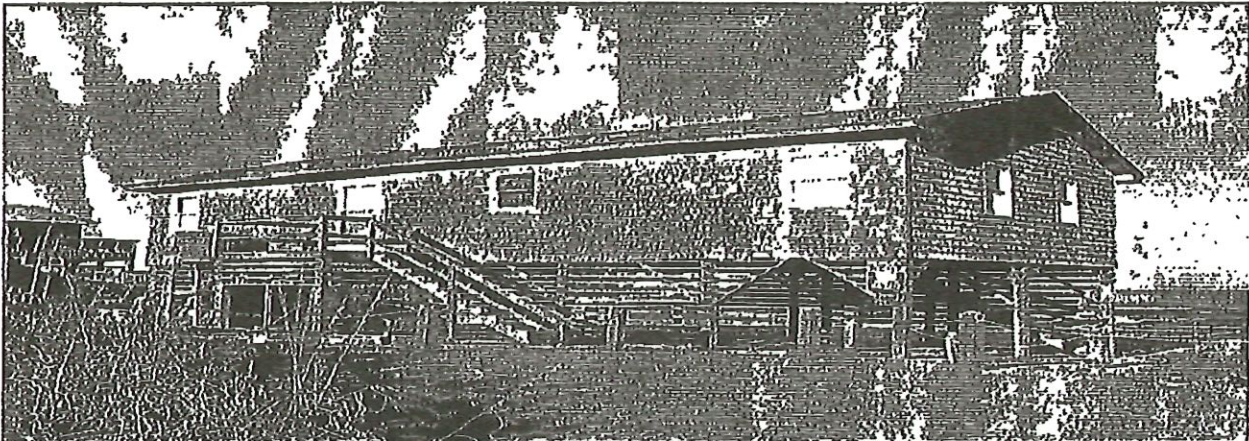
Together with a private easement for the purpose of ingress and egress over and across those paved 20-foot access area shown on the map or plat of Rose and Purcell, Inc., entitled "Land Subdivision Modification, Pelican Park," dated August 21, 1975, and which said easement provides for access over paved 20-foot area from N. C. State Highway 1243 to the South line of the parcel of land herein conveyed. This easement shall be in common with the Grantor, the Grantee, and subsequent purchasers within the area described as "Pelican Park."

This conveyance is made subject to an easement across the South line of the parcel of land herein described and across the East line of the parcel of land herein described and across the West line of the parcel of land herein described for similar access to and from said N. C. State Highway 1243.

10023 C E PELICAN ST,
NAGS HEAD, NC, 27959

1106 DUCK RD
DUCK, NC, 27949, USA

\$16,300



008955-000

14-071811-068

03/11



PARCEL INFORMATION

Parcel ID	008955000	PIN	071811653165
Land Use Code	9900	Land Use Description	SECONDARY IMPROVEMENT
District	NAGS HEAD	Neighborhood	14020003
Zoning Code	R2	Zoning Desc.	MEDIUM DENSITY RESIDENTIAL
Subdivision Code	P210	Subdivision	PELICAN PARK - DB 225 PG 273
Legal Desc.	LOT: 19 BLK: SEC:		
Plat Call Slide	PL: SL:		
Last Recorded Document	02/28/2025	Book / Page	2775 / 697
Tax Status	Taxable		

SECONDARY OWNERS

A16

008955000

10023 C E PELICAN ST,
NAGS HEAD, NC, 27959

PATRICK, LORETTA E

1106 DUCK RD
DUCK, NC, 27949, USAAssessed Value
\$16,300

REAL ESTATE ASSESSED VALUE

Land Value	\$10,100
Building Value	\$0
Other Improvements	\$6,200
Total Assessed	\$16,300

BILLING VALUE

Land Value	\$10,100
Building Value	\$0
Other Improvements	\$6,200
Total Value	\$16,300

LAND

LAND DESCRIPTION	SQFT	ACRES
1 N02-14-Ocean front	11,000	0.2525
Total	11,000	0.2525

BUILDINGS

No data to display

OTHER IMPROVEMENTS

BUILDING #	DESCRIPTION	YEAR BUILT	QTY	SIZE / COUNT
1	WD1 - WOOD DECK OR RAMP	2011	1	152
2	WD1 - WOOD DECK OR RAMP	2014	1	210

RECENT SALES HISTORY

The sales history includes only qualified sales made since January 1, 2016. A sale is qualified when it has been verified, by the appraiser, as an arm's length transaction for fair market value. Only qualified sales are considered in the appraisal process.

DEED DATE	SALE PRICE	DEED REFERENCE	DEED TYPE	GRANTOR	GRANTEE
02/28/2025	\$20,000	2775 / 697	V - VACANT	HAUSCHILD, KARIN	PATRICK, LORETTA E

VALUE CHANGES

The value change history shows only changes in appraised value; it does not show exemptions, exclusions or deferrals that could reduce a property's taxable value. If any of these are in effect for a particular tax year, it will be shown on the property tax bill for that year. It is also possible that some previous value changes might be missing from this list or listed in the wrong order.

REVALUATION EFFECTIVE DATE	ASSESSED VALUE
01/01/2025	\$16,300
01/01/2020	\$10,800
01/01/2013	\$7,600
01/01/2005	\$361,200

A17

008955000

10023 C E PELICAN ST,
NAGS HEAD, NC, 27959

PATRICK, LORETTA E

1106 DUCK RD
DUCK, NC, 27949, USA

Assessed Value

\$16,300

DATE	PERMIT #	PURPOSE	PERMIT AMOUNT
04/22/2014	RE2014-0665	RES NEW MISC	\$2,800
07/19/2011	BP2011-207	RES NEW MISC	\$3,500

A18

DARE COUNTY PROPERTY TAX BILL

Dare County Tax Department
962 Marshall C Collins Dr
Justice Center Room 167
PO Box 1000
Manteo NC 27954-1000



Visit our web page at:
<https://www.darenc.gov>

E-CHECK PAYMENT OPTION
Log in to www.darenc.gov/paytaxes to pay by
check with minimal fee!

DROP BOXES are available in front of the Dare
County Justice Center and the Dare County Water
Departments.

PATRICK, LORETTA E
1106 DUCK RD
DUCK NC 27949

Payment Plan Option is also available.

***Important bill information**

PENALTIES ARE DETERMINED BY U.S. POSTAL POSTMARK

Owner as of January 1: HAUSCHILD, KARIN

Customer Number	District	Amount Billed		
023079599	NAGS HEAD	\$42.90		
Parcel Number	Billing Date	Tax Year	Due Date	Delinquent After
008955000	07/31/2025	2025	09/01/2025	01/05/2026

Description of Property

PIN#: 071811-65-3165

Description: LOT: 19 BLK: SEC: PELICAN PARK - DB 225 PG 273

Street Address: 10023 C E PELICAN ST

Real Property Value: 16,300

Personal Property Value: 0

Exempt Value: 0

Total Taxable Value: 16,300

% Rate	Tax Levied	
0.2632	DARE CO	\$42.90
0	NH TOWN	\$0.00
0		\$0.00
0		\$0.00
0		\$0.00
0		\$0.00
0		\$0.00
	LATE LIST:	\$0.00
	PAYMENT:	\$0.00

Questions: DIRECT ALL INQUIRIES TO (252) 475-5952
Please have your 9 DIGIT PARCEL NUMBER available.

Office Hours: 8:30 AM - 5:00 PM, MONDAY - FRIDAY

PRINCIPAL BILLED: \$42.90

PARCEL NUMBER: 008955000

BILL NUMBER: 11357

CLICK HERE FOR BALANCE DUE

Credit Card Payments: Please note that all credit and debit card payments made at the tax office will now be charged an administration fee.
To receive future Invoices electronically, please visit: darenc.reviewmyinvoice.com

Make Check Payable & Remit To: (include Bill Number 11357 and Parcel Number 008955000 on your check)

DARE COUNTY TAX COLLECTIONS
PO BOX 538310
ATLANTA, GA 30353-8310

Attachment #1



6200005
Page: 1 of 3
06/26/2006 12:42P

Filed Book: 1690 Page: 471
06/26/2006 12:42PM
Doc Code: DEED
BARBARA M GRAY, REGISTER OF DEEDS

Doc Id: 6200005
Receipt #: 168070
NC Excise Tax pd: \$981.00
DARE CO, NC

UNOFFICIAL

APPROVED
DARE COUNTY TAX
COLLECTOR

DARE
COUNTY



REAL ESTATE
TRANSFER TAX

\$4905.00

NO.

2770-06 \$4905.00

LT
2770-06

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 981.00

Parcel Identifier No. 008954000 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Betsy S. Butler, Aycock & Butler, Attorneys at Law

This instrument was prepared by: Wheless & Wheless, PLLC, 101 S. Virginia Dare Road, Manteo, NC 27954

Brief description for the Index: LT 18, PELICAN PARK

THIS DEED made this 30th day of May, 20 06, by and between

GRANTOR

Lorei Caudill and husband,
Allan Caudill
188 Bob White Lane
Pembroke, VA 24136

GRANTEE

Lory E. Patrick
414 Hartzell Avenue
Niles, OH 44446

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Nags Head, _____ Township, Dare County, North Carolina and more particularly described as follows:
See attached Exhibit "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1626 page 182.

A map showing the above described property is recorded in Plat Book _____ page _____.

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: 1. Easements and Restrictions of Record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)

By: _____

Title: _____

By: _____

Title: _____

By: _____

Title: _____

Lorei Caudill (SEAL)
Lorei Caudill

Allan Caudill (SEAL)
Allan Caudill

6200005
Page: 2 of 3
06/26/2006 12:42P

State of North Carolina - County of Dare

I, the undersigned Notary Public of the County and State aforesaid, certify that Lorei Caudill and wife, Allan Caudill personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

~~State of North Carolina - County of Montgomery~~

~~I, the undersigned Notary Public of the County and State aforesaid, certify that Lorei + Allan Caudill personally came before me this day and acknowledged that he is the owners of 10023 Pelican Court Nagshead NC a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 17 day of June, 2006.~~

~~My Commission Expires: 6/30/06~~

~~_____
Notary Public~~

~~State of North Carolina - County of Montgomery~~

~~I, the undersigned Notary Public of the County and State aforesaid, certify that Lorei + Allan Caudill personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein * Witness my hand and Notarial stamp or seal, this 1 day of June, 2006 expressed.~~

~~My Commission Expires: 6/30/06~~

~~_____
Notary Public~~

The foregoing Certificate(s) of

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

Exhibit A

All that certain parcel of land together with the improvements thereon situated designated on a plat of Rose and Purcell, Inc., Surveyors, entitled "Land Subdivision Modification, Pelican Park," said plat appearing of record in Book 225 at Page 273, Public Registry of Dare County, North Carolina, said parcel being designated thereon as Parcel 18, and more particularly described as follows:

Beginning at a stake or other marker situated in the Southeast corner of Parcel 18 and the Northeast corner of Parcel 4, as shown on the aforesaid map or plat, said beginning point being located on a course of North 14 deg. 59 min. West a distance of 100 feet from the South line of the property of Pelican Park, said point on said South line being located North 66 deg. 45 min. East a distance of 359.50 feet from the intersection of the South line of said Pelican Park property with the East margin of the right of way of N.C. State Highway 1243; and running thence from said beginning point North 14 deg. 59 min. West a distance of 100 feet to a stake or other marker; and thence turning and running South 66 deg. 45 min. West a distance of 117.80 feet to a stake or other marker; thence turning and running South 14 deg. 59 min. East a distance of 100 feet to a stake or other marker; thence turning and running North 66 deg. 45 min. East a distance of 117.80 feet to a stake or other marker, the point or place of beginning.

Together with a private easement for the purpose of ingress and egress over and across those paved 20-foot access areas shown on the map or plat of Rose and Purcell, Inc., entitled "Land Subdivision Modification, Pelican Park," dated August 21, 1975, which said easement provides for access over paved 20-foot area from N.C. State Highway 1243 to the South line of the parcel of land hereinabove described. This easement shall be in common with the Grantors, Grantees, and subsequent purchasers within the area described as "Pelican Park."

Said land is also subject to an easement across the South line of the parcel of land herein described and across the East line of the parcel of land herein described and across the West line of the parcel of land herein described for similar access to and from said N. C. State Highway 1243.



6200005
Page: 3 of 3
06/26/2006 12:42P



TOWN OF NAGS HEAD
 PO Box 99 Nags Head, NC 27959
 Phone (252) 441-7016 Fax (252) 441-4290

Residential Project Denial
Application # 202600632

Property Address: 10023C EAST PELICAN ST **PIN #:** 071811653165 **Parcel:** 008955000
Lot/Block/Sec: LOT: 19 BLK: SEC: **Subdivision:** PELICAN PARK - DB 225 PG 273
Zoning: MEDIUM DENSITY RES DISTRICT **Land Use:** VACANT
Flood Zone: VE **Base Flood Elevation:** 11.0 **Regulatory Flood Elevation:** 12
Map Panel No: 0718 **Map Panel Date:** 06/19/2020 **Suffix:** K **Datum Used:** NAVD 1988

Owner Name: PATRICK, LORETTA E
Owner Address: 1106 DUCK RD DUCK, NC 27949

Contractor Name: PROPERTY OWNER **Contractor Phone:**
Contractor Address: See Above

Description: Remove & dispose of the beach walkover
Construction Value: \$2000 **Classification of Work:** RESIDENTIAL DEMO

ZONING INFORMATION

Permit #	Permit Description	Denied By:	Denial Date:
ZN202602236	ZONING PERMIT - RES DEMO	Kelly Wyatt	06/01/2026

Conditions of Approval:

- After review of the submitted application to demolish the existing walkway located within the Pelican Park subdivision, the request is hereby denied.

The Town's records reflect that permits were issued in 2011 and 2014 for the construction of the walkway within an existing access easement. Those permits were authorized by the property owner at the time (2011) and subsequently by the Pelican Park Homeowner's Association (2014), and were issued for the benefit of, and on behalf of, the Pelican Park Homeowner's Association (HOA).

Based on this history and given the location of the walkway within a shared access easement, the structure is considered to serve a common interest. As such, the Town cannot authorize demolition of the walkway absent documentation demonstrating consent from the Pelican Park Homeowner's Association or all parties holding an interest in the easement. Accordingly, the application does not meet the requirements necessary for approval and is denied.

If you wish to appeal this determination, you may do so in accordance with the procedures for Appeals of Administrative Decisions as set forth in Section 3.9 of the Town of Nags Head Unified Development Ordinance.

(ZONING) RIGHT OF APPEAL

Pursuant to Section 3.9 of the Unified Development Ordinance, Appeals of Administrative Decisions, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice. This decision shall become final and unappealable if not appealed during this thirty (30) day period.

DECISION: DENIED

Attachment #3

this permit, per
PB-2011-207 (105) town of Nags Head Ordinance
needed owner
permission -
see owners
permission
attached.

Development Permit Application Form		Town of Nags Head	
Submittal Date: <u>10-16-11</u>			
Application For: please check one Building Permit ☒ Zoning Permit ☐ Flood Permit ☐			
APPLICANT Name <u>PHIL WOODRIDGE</u> Address <u>229 EXETER DR.</u> <u>K.D.H. N.C. 27948</u> Phone <u>252-202-5712</u> Fax No. _____ APPLICANT SIGNATURE <u>PHIL WOODRIDGE</u>			
PROPERTY/ZONING INFORMATION Zoning Use Classification _____ Zoning District _____ Dwelling Category (# bedrooms) - Category #1 (1-4) ☐ Category #2 (5 or > 3,600) ☐ Category #3 (6-8) ☐ Street Address (if known) <u>10023 E Palm St.</u> Lot Area _____ Subdivision <u>Palm Park</u> PIN _____ Lot No. _____ Block _____ Section _____ CAMA Permit Required ☐ YES ☐ NO Lot Elevation at Proposed Structure _____ Flood Zone ☐ V ☐ AE ☐ X Base Flood Elevation (BFE) _____ SEWAGE INFORMATION Septic Permit No. _____ Date _____ Sewer ☐			
CONSTRUCTION INFORMATION Rental ☐ Permanent Residence/2 nd Home ☐ New Construction ☒ Addition ☐ Remodel/Repair/Other ☐ Demo ☐ House Move ☐ Square Footage: Heated Living Area _____ sq ft Deck/Porch/Walkway _____ sq ft Garage _____ sq ft Gazebo/Dune deck _____ sq ft No. Bedrooms _____ No. Baths: Full _____ Half _____ Storage Enclosure Below Yes ☐ No ☐ Size _____ sq ft Foundation type _____ Roofing Material _____ Outside Finish _____ Inside Finish _____ A/C _____ Heat Type _____ Window Make/Type _____ Insulation (R-Factor) Walls: R- _____ Floors: R- _____ Ceiling: R- _____ Elevation of Lowest Floor (V or AE Zones) _____ Estimated Construction Cost <u>\$3,500.00</u>			
CONTRACTOR INFORMATION Business Name <u>PHIL WOODRIDGE</u> Agent _____ Address <u>229 EXETER DR.</u> Nags Head Privilege License # _____ <u>K.D.H. N.C. 27948</u> NC G.C. License # _____ Phone No <u>252-202-5712</u> E-Mail Address _____ FAX No _____ Mobile No. _____			
PROJECT DESCRIPTION <u>DIKKE WALK OVER -</u>			
STAFF USE ONLY Fee _____ Date Received _____ Received By _____ Comments _____			
SEE PERMIT SUBMITTAL CHECKLIST FOR REQUIRED ATTACHMENTS AND APPLICATION INFO. *Residential Point Tabulation Form Required PLEASE BE ADVISED THAT NEW FEMA FLOOD INSURANCE RATE MAPS (FIRMS) ARE IN EFFECT FOR THE TOWN OF NAGS HEAD. THEY ARE AVAILABLE FOR REVIEW AT THE TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT DEPARTMENT OFFICES. FOR MORE INFORMATION, PLEASE CONTACT TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT STAFF.			

The 2014 permit neglected the owners written permission; it was built w/o owner's knowledge or permission. Violation of town ordinance

2011-302

Eleanor C. Hauschild
411 Kitty Hawk Bay Drive
Kill Devil Hills, North Carolina 27948

Dear Sir,

I hereby give permission to the
Fillers and Homeowners Association
to dig the sidewalk on my half of the
road at "Maple Street".

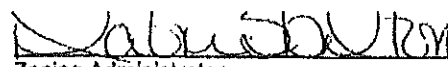
Sincerely,

Eleanor C. Hauschild
Mrs. Eleanor C. Hauschild

P.S. I will be adding my lot to the
district on the fall of 2011.

Applicant (I hereby certify that I have read and
understand the conditions contained on this permit.)

Date



Zoning Administrator

11-Jul-11

Date

TOWN OF NAGS HEAD
P O Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Attachment #3
The 2011 boardwalk
had a final inspection
was in compliance.
The 2014 boardwalk
never had a final
inspection and never
had a certificate of
usage issued

Certificate of Compliance

Owner:	HAUSCHILD, ELEANOR CRYMBLE	Permit #:	BP2011-207
	411 KITTY HAWK BAY DR		KILL DEVIL HILLS, NC 27948
Street Address:	10023C PELICAN ST E		
PIN:	071811652087		
Contractor:	Berto's Construction		
	154 CB Daniels Road	Wanchese	NC 27981

Subdivision:	PELICAN PARK - DB 225 PG 273		
Lot(s):	19	Block:	Section:
Approved Land Use:	Private Ocean Beach Access	Occupancy Load:	persons
Type of Structure:	I ☐ II ☐ III ☐ IV ☐ V ☐ VI ☐ 1-HR ☐ Sprinklered ☐		
Type of Occupancy:	A ☐ B ☐ E ☐ F ☐ H ☐ I ☐ M ☐ R ☐ S ☐		
Zoning:	R-2	FEMA Flood Zone:	BFE:
Description:	Install beach access		
Construction Type:	Accessory Structure	Residential Unit Type:	
Heated Space:		Unheated Space:	No. Units:
# of Bedrooms:		# of Baths:	

Additional Comments:

This is to certify that the work completed on the above referenced property complies with all applicable State and local laws and with the terms of the permit.

Issue Date: 8/3/2011

Building Inspector:

Signature:

DAVID MORTON

Fire Inspector:

Signature:

7
FROM: Dabni Shelton
Sent: Thursday, July 28, 2011 2:51 PM
To: All Inspection Requests
Subject: HAUSCHILD 10023C Pelican St - Final zoning inspection

DIS
The above site has been inspected and determined to be in compliance with the zoning permit.
Final zoning approved.

Dabni Shelton
Zoning Administrator
Town of Nags Head
PO Box 99
Nags Head, NC 27959
252-441-7016
252-441-4290 -fax
shelton@townofnagshead.net



7/28/2011

A27

TOWN OF NAGS HEAD
P O Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Zoning Permit

Page 1 of 1

Permit Number: ZON2011-303

Owner Name: HAUSCHILD, ELEANOR CRYMBLE
Address: 411 KITTY HAWK BAY DR

KILL DEVIL HILLS, NC 27948
Phone: 252-202-8568

Parcel: PIN: 071811652087

Address: 10023C PELICAN ST E

Zoning: R-2

Subdivision: PELICAN PARK - DB 225 PG 273

Section:

Block:

Lot(s): 19

Applicant Name: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Contractor: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Description: Beach access walkway

Land Use: Single-family Dwelling

Survey Attached: ☒

Septic Permit: n/a

Date:

Survey Date: 7/24/1987

Existing Lot Coverage:

CAMA Permit #: Exemption #11-61

Coverage to be Added: 100 sq ft

Front Yard Setback: 30'

Coverage Remaining:

Side Yard Setback: 10'/10'

Coverage to be Removed:

Rear Yard Setback: 30'

Conditions

Any change in approved construction or site plans requires prior ZA approval

Final zoning inspection required prior to issuance of C/O

Permit approved to construct a 4x60 shared HOA beach access walkway

must maintain a accessory structure minimum 5ft side yard setback

Must comply with CAMA Exemption #11-61

Total Fees: \$0.00

Total Receipts: \$0.00

APPROVED ☒

DENIED ☐

COMMENTS: Construct an HOA shared beach access walkway

Applicant (I hereby certify that I have read and understand the conditions contained on this permit.)

Date Zoning Administrator

18-Jul-11

Date

RIGHT OF APPEAL

Pursuant to Section 48-594 (b) (1) of the Nags Head Zoning Ordinance, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice.

This decision shall become final and unappealable if not appealed from during this thirty (30) day period.

TOWN OF NAGS HEAD
P O Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Building Permit

Page 1 of 1

Permit Number: BP2011-207

Owner Name: HAUSCHILD, ELEANOR CRYMBLE Address: 411 KITTY HAWK BAY DR
Phone: 252-202-8568 KILL DEVIL HILLS, NC 27948

Parcel: PIN: 071811652087 Zoning: R-2
Address: 10023C PELICAN ST E Section: Block:
Subdivision: PELICAN PARK - DB 225 PG 273 Lot(s): 19

Applicant Name: Berto's Construction Address: 154 CB Daniels Road
Phone: 252-305-4235 Wanchese, NC 27981

Contractor: Berto's Construction Address: 154 CB Daniels Road
Phone: 252-305-4235 Wanchese, NC 27981

Description: Install beach access

Land Use: Private Ocean Beach Access

Construction Type: Accessory Structure

Construction Value: \$3,500.00

Heated Space: Unheated Space:

Foundation Type:

Bedrooms: # Baths:

Zoning Permit:

Date:

FEMA Flood Zone:

Septic Permit:

Date:

Lot Elevation:

CAMA Permit #:

BFE:

Lowest Floor:

Water Tap:

WCUs:

Conditions

See CONDITIONS on Zoning Permit

Additional engineering may be required; see notes on plans.

CALL FOR ALL REQUIRED INSPECTIONS

COMMENTS:

Total Fees: \$105.00

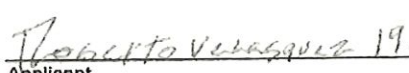
Total Receipts: \$105.00

All work shall conform to all applicable North Carolina State Building Codes and Ordinances of the Town of Nags Head and shall be the responsibility of the undersigned applicant.

This permit is valid for 180 days in which time construction must begin and proceed in a normal fashion.

Any damage to the multi-use path or adjoining right-of-way shall be immediately repaired by the owner and/or applicant.


Building Inspector Date 19-Jul-11


Applicant Date 19-Jul-11

THE ISSUANCE OF THIS PERMIT AUTHORIZES THE CONSTRUCTION OF ONLY THOSE STRUCTURES AS EXPRESSLY IDENTIFIED. THE APPROVAL AND ISSUANCE OF THIS PERMIT CONVEYS NO RIGHTS OR GUARANTEES FOR ANY FUTURE PROPOSED MODIFICATIONS OF THIS PERMIT, OR THE ISSUANCE OF NEW PERMITS FOR ANY FUTURE PROPOSED USE AND DEVELOPMENT OF THE PROPERTY.

LOWEST FLOOR OF ANY FULLY ENCLOSED AREA IN ANY A ZONE WITH MORE THAN 300 SQUARE FEET MUST BE AT OR ABOVE BASE FLOOD ELEVATION.

New ☒ Renewal ☐ Other ☐
Account No. _____



Check one:
Individual ☒
Partnership ☐
Corporation ☐

Town of Nags Head

P O Box 99
Nags Head NC 27959
252-441-5508
townofnagshead.net

BUSINESS LICENSE APPLICATION

For year: 2011

IMPORTANT: Please complete this application, making any corrections necessary, then sign, and return with remittance on or before June 30. A \$5.00 or 5% penalty per month will be applied beginning July 1.

Business Name: Berto's Construction

Physical Street Address: ¹⁵⁴CB Daniels Rd Wanchese NC P.O. Box 483 27981

Mailing Address: P.O. Box 483

Owner Name and Address: _____

Daytime Phone: 252 305 4235 Cell/Pager: 252 305 4235 Fax #: _____

Local Contact Name and Address: _____

Daytime Phone: 252 305 4235 Cell/Pager: _____ Fax #: _____

Nature of Business (Describe IN DETAIL ALL Sales and /or Services provided):

Carpentry

Under the Business License Ordinance of the Town of Nags Head the Following License Fees are Applicable for the Business Listed Above:

25.00

RECEIVED
JUL 18 2011
BY: 031428

I hereby certify that I have made inquiry concerning the regulations of the Town of Nags Head and that the business to be conducted will fully comply with the requirements thereof and with all other Town Ordinances and State laws. Note: This business is subject to periodic inspections in accordance with North Carolina General Statute 160A-424. Issuance of a License pursuant to this application does not excuse a licensee from compliance with any zoning or other applicable ordinance or statute.

[Signature]
Signature of Applicant

12-07-11
Date:

(over)



Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.townofnagshead.net

Telephone 252-441-7016
FAX 252-441-4290

July 11, 2011

Exemption # 11-61

Eleanor Hauschild
411 Kitty Hawk Bay Dr.
Kill Devil Hills NC 27948

**RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY
(15A NCAC 7K .0207)**

**PROJECT ADDRESS – 10023C E. Pelican St
OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN**

Dear Mrs. Hauschild:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a determination on July 9, 2011, I have determined that the activity you propose is exempt from needing a minor development permit as long as it meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.
4. The accessway must be located within the northern 10 ft of the access easement.

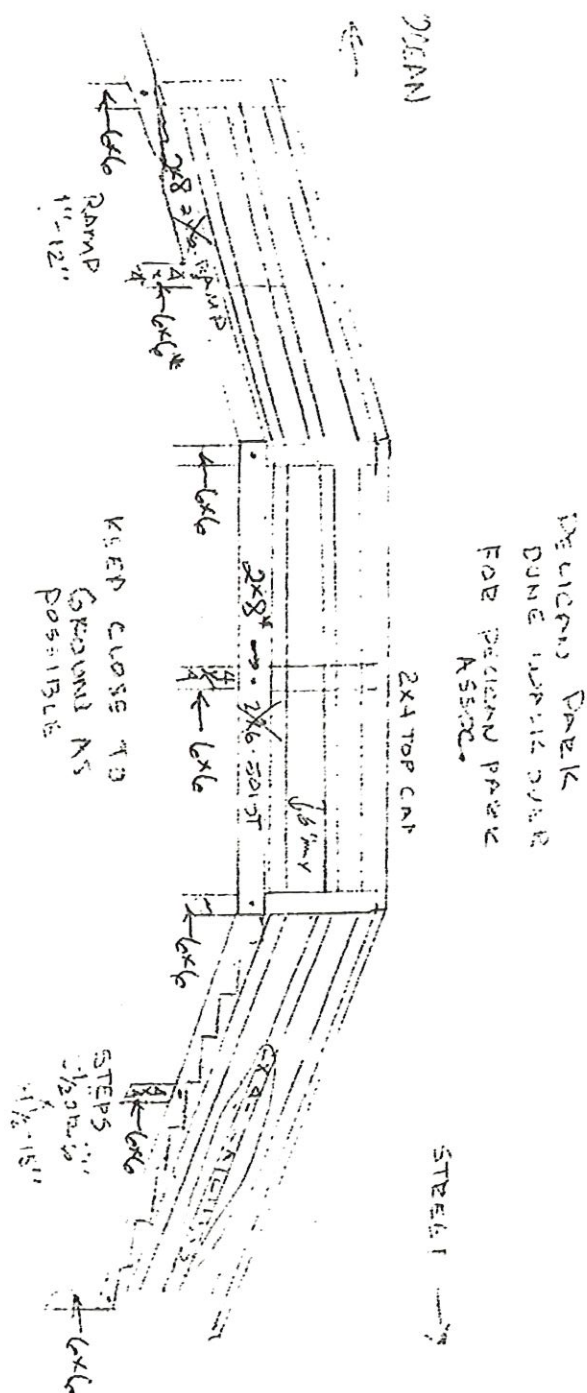
This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,


Kim Allen, LPO
Town of Nags Head

Development Permit Application Form Submittal Date: <u>7-18-11</u> Application For: please check one Building Permit ☒ Zoning Permit ☐ Flood Permit ☐		Town of Nags Head 	
APPLICANT Name <u>Rolando Velazquez</u> Address <u>154 CB Daniels</u> <u>Wanchese NC 27981</u> Phone _____ Fax No. _____		PROPERTY OWNER Name <u>Belinda Park Hill</u> Address <u>Belinda Park</u> <u>5 - Nags Head</u> Phone _____ Fax No. _____	
APPLICANT SIGNATURE <u>Rolando Velazquez</u>		PROPERTY OWNER SIGNATURE <u>See Attached</u>	
PROPERTY/ZONING INFORMATION Zoning Use Classification _____ Zoning District _____ Dwelling Category (# bedrooms) – Category #1 (1-4) ☐ Category #2 (5 or > 3,500) ☐ * Category #3 (6-8) ☐ *			
Street Address (if known) <u>1002nd Belinda St</u> Subdivision <u>Belinda Park</u> Lot No. _____ Block _____ Section _____ CAMA Permit Required ☐ YES ☐ NO Lot Elevation at Proposed Structure _____ Flood Zone ☐ V ☐ AE ☐ X Base Flood Elevation (BFE) _____		Lot Area _____ PIN _____	
SEWAGE INFORMATION Septic Permit No. _____ Date _____ Sewer ☐			
CONSTRUCTION INFORMATION Rental ☐ Permanent Residence/2 nd Home ☐ New Construction ☒ Addition ☐ Remodel/Repair/Other ☒ Demo ☐ House Move ☐ Square Footage: Heated Living Area _____ sq ft Deck/Porch/Walkway _____ sq ft Garage _____ sq ft Gazebo/Dune deck _____ sq ft No. Bedrooms _____ No. Baths: Full _____ Half _____ Storage Enclosure Below Yes ☐ No ☐ Size _____ sq ft Foundation type _____ Roofing Material _____ Outside Finish _____ Inside Finish _____ A/C _____ Heat Type _____ Window Make/Type _____ Insulation (R-Factor) Walls: R- _____ Floors: R- _____ Ceiling: R- _____ Elevation of Lowest Floor (V or AE Zones) _____ Estimated Construction Cost <u>3400</u>			
CONTRACTOR INFORMATION Business Name <u>Berto S Construction</u> Agent _____ Address <u>154 CB Daniels Wanchese NC</u> Nags Head Privilege License # _____ <u>27981 PO Box 483</u> NC G.C. License # _____			

Time is of the essence!!



PRICE FOR 4' WIDE?
PRICE FOR 6' WIDE?

* 6x6 posts NOT 4x4
* 2x8 posts NOT 2x6.
Can you give us different options for railings + prices?

For your assistance, the following permitting steps are outlined in order of importance and may be required to obtain all the permits necessary to complete repairs:

1. If the septic system has sustained any damage, obtain the necessary construction permits from Dare County Department of Environmental Health for any repairs to septic system.
2. Make application for septic repairs to CAMA for proper permitting of repairs to septic system. Obtain necessary CAMA approval prior to making repairs.
3. Make application on Town of Nags Head Development Permit Application Form for all other repairs.
4. The development permit application form would need to be filled out completely with all the pertinent information associated with the repair activity. The following information would also need to accompany the completed development permit application.

A SITE PLAN SHOWING ALL BOUNDARY AND SETBACK LINES, FLOOD ZONES, CAMA SETBACKS, TOTAL AREA OF ENVIRONMENTAL CONCERN (CAMA), THE FIRST LINE OF STABLE NATURAL VEGETATION, ALL DUNE TOPOGRAPHICAL INFORMATION, PUBLIC TRUST BEACH LOCATION WHICH IS DESCRIBED AS THE AREA BETWEEN MEAN LOW TIDE AND MEAN HIGH TIDES AND THE LOCATION OF ON-SITE PARKING AS REQUIRED BY THE TOWN OF NAGS HEAD CODE OF ORDINANCES. THESE ITEMS MUST BE REVIEWED AND APPROVED PRIOR TO THE ISSUANCE OF ANY ZONING OR BUILDING PERMITS.

CAMA permitting information and needed forms along with Development Permit application forms can be picked up at the Planning Department administrative desk located on the second floor in the Town Administrative Office complex, Address: 5401 South Croatan Highway or Planning Staff may be able to fax the requested information to a given location, or all of this information is available and printable on-line through the Town's web site: www.townofnagshead.net.

For Development permits: from Home page, click Town Departments; Planning & Development; Building Inspections; then at bottom of this page click development application.

For CAMA: from the Planning & Development page click on CAMA; all forms and general information are at the bottom of the page.

Before assuming all necessary permits have been issued or if you have any questions on CAMA, Zoning or Building permitting requirements call 252-441-7016 and ask to speak to a planning staff member.

Corrective action must be taken **upon receipt of this notice** to commence the permitting process in order to secure this property. The permitting process can be initiated either by you or by an authorized agent contacting this office on your behalf and permitting activity must start within a reasonable time. A Nags Head Zoning Administrator or Building Inspector can discuss with you all applicable permitting requirements. Based on your individual permitting requirements and the corrective actions necessary to repair the structure, the Building Inspector may establish a time frame to complete corrective action.

TOWN OF NAGS HEAD

P O Box 99

Nags Head NC 27959

252-441-7016 Fax 252-441-4290



Receipt Number: RCPT2011-615

Date: 7/19/2011

Received From: Berto's Construction

Permit #: BP2011-207

Amount: \$105.00

Received By: mortond

Comments: HAUSCHILD 10023C PELICAN ST CASH

Total Fees: \$105.00

Accounts:	Description:	Amount:
BP	BUILDING PERMITS	\$105.00
Total Paid:		\$105.00



CIB 111-3

TOWN OF NAGS HEAD
PO BOX 99
NAGS HEAD, NC 27959

CASH RECEIPT

Date: 7-19-11 031434

Received From: Berto's Construction

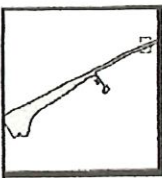
Address: One hundred five Dollars \$ 105

For: BP2011-207

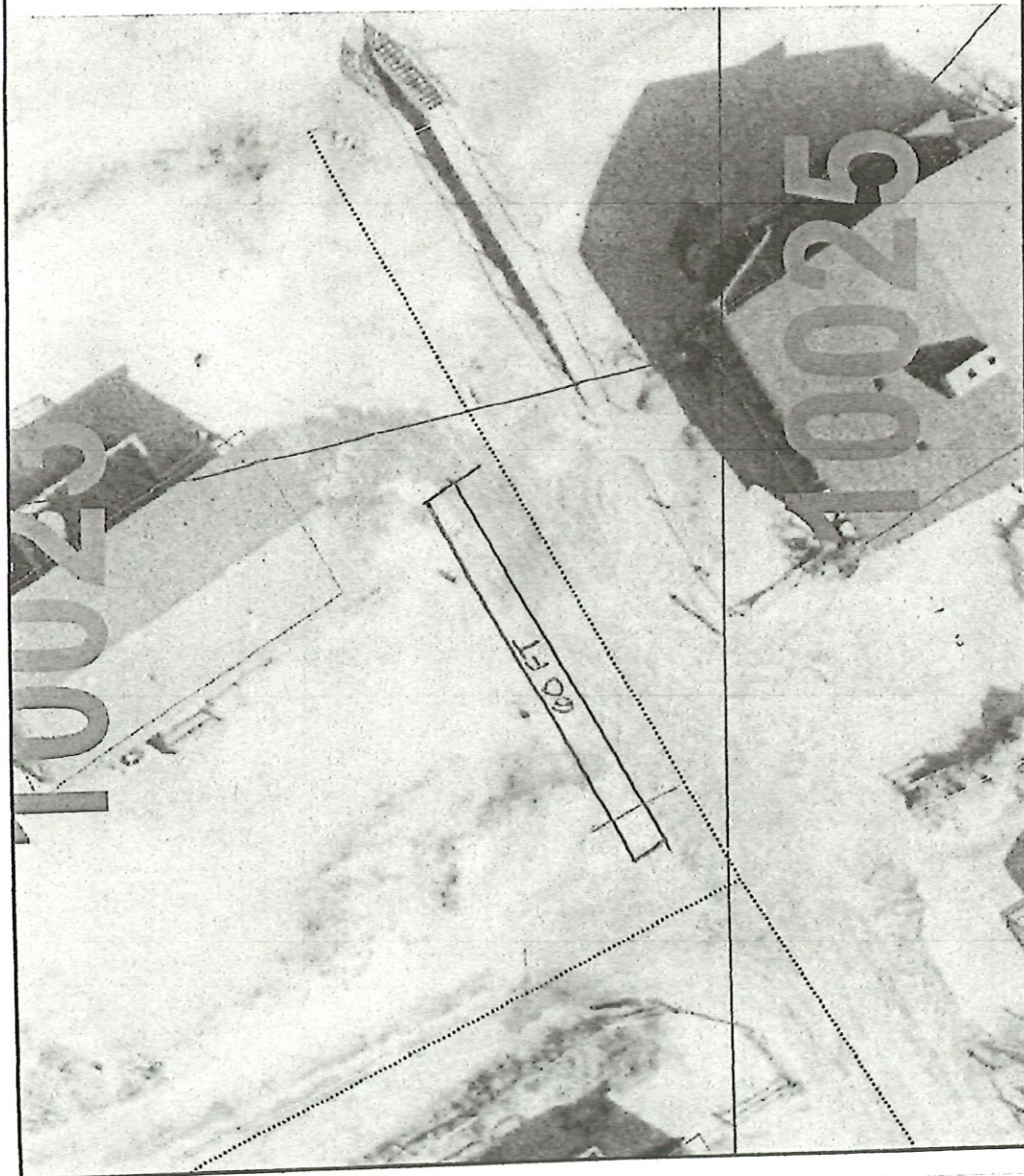
ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	<u>105</u>
AMT. PAID	<u>105</u>	CHECK	
BALANCE DUE		MONEY ORDER ☐	
		CREDIT CARD ☐	

By: CRB

A35



- parcels
- addresses
- ADD_NUM Labels
- Roads
- CAMA Erosion Rate
- EROSION_RATE Labels
- Fresh Water Ponds
- Public Access
- Structures
- Landuse
- Subdivisions
- Historic District
- Flood Maps 2006
- Flood Maps 1998
- Flood Zone Layers
- Village Zoning
- NH Zoning



1 in. = 20.0 feet

Title Line 1

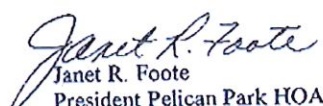
A36



**Construction and Permit Application Authorization
For Beach Access Walkway - Pelican Park HOA**

This statement is to affirm that the Pelican Park HOA has commissioned **Berto's Construction, P.O. Box 218, Manns Harbor, NC 27953** to construct a Beach Access Walkway in accordance with Town of Nags Head building codes and zoning covenants over the existing dune at the end of E. Pelican Street (a privately maintained entrance road to the Pelican Park subdivision) and to draw town permits accordingly.

This authorization is given in my capacity as President of the Pelican Park Homeowners Association on this date ¹⁸ July 2011.

 7/18/11
Janet R. Foote
President Pelican Park HOA
Ph: 703-490-4429
Cell: 434-294-1878



TOWN OF NAGS HEAD

KIM J. ALLEN
Code Compliance Officer
Planning and Development Department

P O Box 99
Nags Head, NC 27959
email: allen@townofnagshead.net

Dept: 252-441-7016
Direct: 252-449-6046
→ Fax: 252-441-4290

Eleanor C. Hauschild
411 Kitty Hawk Bay Drive
Kill Devil Hills, North Carolina 27948

Dear Sir,

As you can imagine, I am very interested in

the history of the area and the

history of the House of the

House of the House of the

House of the House of the

Sincerely,

Eleanor Hauschild

Ms. Hauschild, New York

P.S. - I will be selling my lot to the
House in the fall of 1911.

A40

TOWN OF NAGS HEAD

PO Box 99
Nags Head, NC 27959
Phone (252) 441-7016 Fax (252) 4414290

File copy

Attachment #4

**Zoning Permit****ZN2014-0220**

Owner Name: HAUSCHILD, ELEANOR CRYMBLE
Owner Phone: 252-202-8568 Office

Owner Address: 411 Kitty Hawk Bay Dr
KILL DEVIL HILLS, NC 27948

PIN: 071811653165
Address: 10023C E Pelican St
Subdivision: PELICAN PARK - DB 225 PG 273

Zoning: R2 (Medium Density Residential District)
Section: **Block:**
Lot(s): LOT: 19 BLK: SEC:

Contractor Name: Humberto Gonzalez Alvarez
Contractor Phone: 252 207 6542 Office

Contractor Address: PO Box 218
Manns Harbor, NC 27953

Permit Type: Building Zoning Review;
Land Use: Vacant

Description: Replace beach access walkway/stairs

Survey (Yes/No): No **Survey Date:**
CAMA Permit # Exemption #14-65 **Date:** 4/16/2014
Septic Permit # n/a **Date:**

Lot Area: n/a
Existing Lot Coverage: n/a
Coverage to be Added: 0
Coverage Remaining: n/a
Coverage to be removed: n/a

Conditions:

Any change in approved construction or site plans requires prior ZA approval; CALL FOR ALL REQUIRED INSPECTIONS; Zoning determination compliant with Town Code Section 48-87 Public Trust Beach Area;

- Permit approved to replace beach access walkway/stairs over existing.
- Final zoning approval required prior to issuance of Certificate of Compliance.
- Must comply with provisions of CAMA Exemption #14-65

Total Fees Paid:**Invoice #:****DECISION:** Approved with Conditions**COMMENTS:** Replace beach access walkway/stairs over existing

Humberto Gonzalez A
Responsible Party

22-04
Date

Dabri Shilton
Zoning Administrator
Apr 16 2014

RIGHT OF APPEAL

Pursuant to Section 48-594(b)(1) of the Nags Head Zoning Ordinance, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice.
This decision shall become final and unappealable if not appealed during this thirty (30) day period.

2014 boardwalk-
1) no owners written permission
2) no final inspection
3) no certificate of use issued
Illegal, unauthorized structure

A41

TOWN OF NAGS HEAD

PO Box 99

Nags Head, NC 27959

Phone (252) 441-7016 Fax (252) 4414290

**Building Permit****RE2014-0665**

Owner Name: HAUSCHILD, ELEANOR CRYMBLE	Owner 411 Kitty Hawk Bay Dr
Owner Phone: 252-202-8568	Address: KILL DEVIL HILLS NC 27948
Parcel PIN: 071811653165	Zoning: R2 (Medium Density Residential District)
Address: 10023C E Pelican St	Lot/Block/Sec: LOT: 19 BLK: SEC:
Subdivision: PELICAN PARK - DB 225 PG 273	
Contractor Name: Humberto Gonzalez Alvarez	Contractor PO Box 218
Contractor Phone: 252 207 6542	Address: Manns Harbor NC 27953

Description: Build beach accessway and stairs over existing which is buried by sand

Construction Value: 2800.00**Construction Type:** Repair**Foundation Type:****Heated Space:** 0**Unheated Space:** 0**# of Bedrooms:** 0**# of Baths:** 0**Zoning Permit:** 2014**FEMA Flood Zone:** ve**Septic Permit:** n/a**BFE:****CAMA Permit:****Flood Permit:** n/a**PW Permit#** n/a**Conditions:**

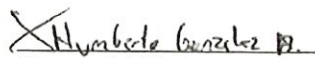
CALL FOR ALL REQUIRED INSPECTIONS; All new work to meet current code; See CONDITIONS on Zoning Permit; Additional engineering may be required; Piling inspection required; FINAL INSPECTION REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE;

see handout for beach walkways
new work to meet current codes

Total Fees Paid/Due: 105.00**Invoice #:** 2014-00368

- All work shall conform to all applicable North Carolina State Building codes and Ordinances of the Town of Nags Head and shall be the responsibility of the undersigned applicant.
- This permit is valid for 180 days in which time construction must begin and proceed in a normal fashion.
- Work must be completed within 18 months.
- All work shall conform to the plans and specifications provided with the application.
- Any damage to the multi-use path or adjoining right-of-way shall be immediately repaired by the owner and/or applicant.


Building Inspector 04/22/2014

 22-04
Responsible Party Date

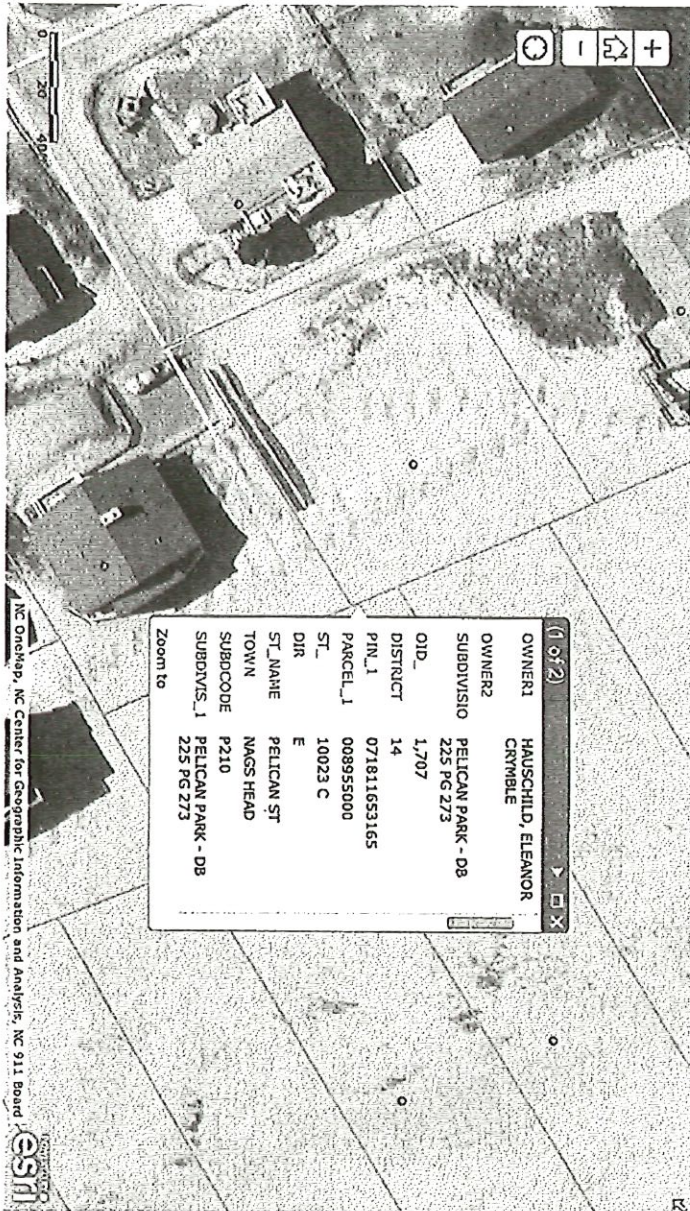
This permit only authorizes work expressly identified in the building permit application, unless otherwise specified herein. The work done shall comply with the State Building Code and all other applicable Federal, State and local laws. The approval and issuance of this permit conveys no rights or guarantees for any future proposed modifications of this permit or the issuance of new permits for any future proposed use and development of the property.

ArcGIS - Town of Nags Head Public GIS

MODIFY MAP [Sign In](#)

[Details](#) | [Basemap](#) | [Share](#) | [Print](#) | [Measure](#)

E Pelican St, Nags Head, North Carolina, USA





Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.nagsheadnc.gov

Telephone 252-441-7016
FAX 252-441-4290

April 16, 2014

Exemption # 14-65

Eleanor Hauschild
411 Kitty Hawk Bay Drive
Kill Devil Hills, NC 27948

**RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY
(15A NCAC 7K .0207)
PROJECT ADDRESS - 10023 C E. Pelican St
AREA OF ENVIRONMENTAL CONCERN - OCEAN HAZARD**

Dear Ms. Hauschild:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a determination on April 16, 2014, I have determined that the activity you propose is exempt from needing a minor development permit as long as it meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,

Dabni Shelton, LPO
Town of Nags Head

Cc: DCM -Elizabeth City

A44

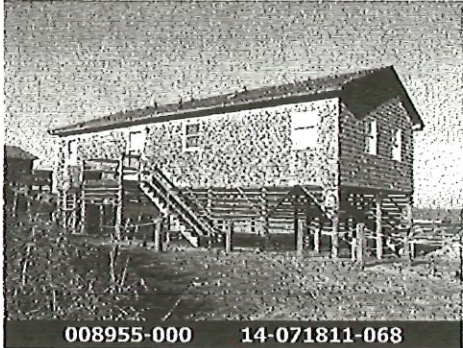
**Construction and Permit Application Authorization
For Beach Access Walkway - Pelican Park HOA**

This statement is to affirm that the Pelican Park HOA has commissioned **Berto's Construction, P.O. Box 218, Manns Harbor, NC 27953** to construct a Beach Access Walkway in accordance with Town of Nags Head building codes and zoning covenants over the existing dune at the end of E. Pelican Street (a privately maintained entrance road to the Pelican Park subdivision) and to draw town permits accordingly.

This authorization is given in my capacity as President of the Pelican Park Homeowners Association on this date 2 April, 2014.

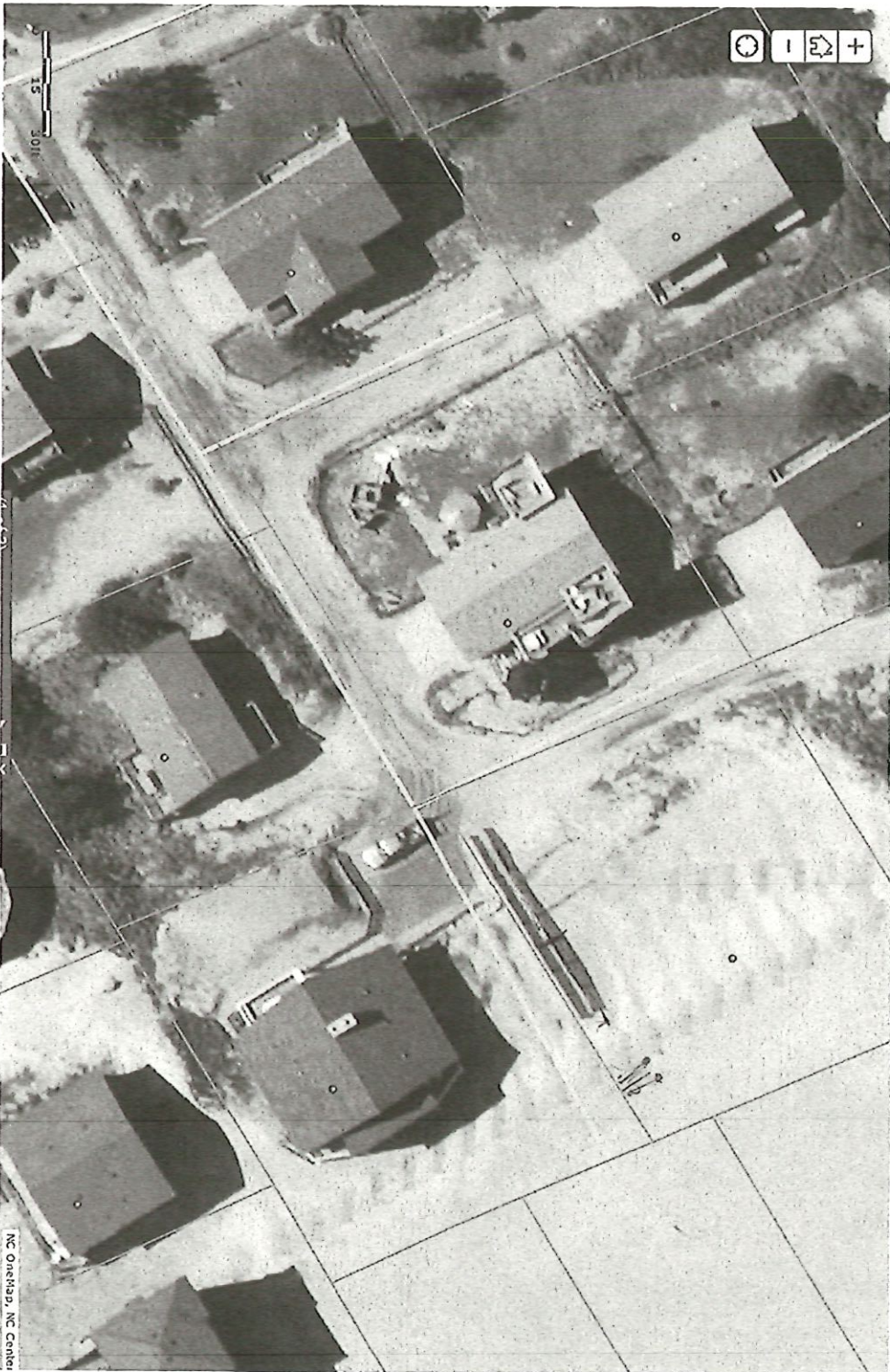


Jason C Mudryk
President Pelican Park HOA
Ph: 919-239-4418
Cell: 703-431-3353

Parcel Number: 008955000		Print Date: 4/7/2014	
County of Dare, North Carolina			
*Owner and Parcel information is based on current data on file and was last updated on 4/4/2014			
Owner Information: HAUSCHILD, ELEANOR CRYMBLE 411 KITTY HAWK BAY DR KILL DEVIL HILLS NC 27948			
Parcel Information: Parcel: 008955000 PIN: 071811653165 District: 14 - NAGS HEAD Subdivision: PELICAN PARK - DB 225 PG 273 LotBlkSect: LOT: 19 BLK: SEC: Multiple Lots: - PlatCabSlide: PL: SL: Units: 0 Deed Date: 04/18/2011 BkPg: 1864/0155			
Property Use: SECONDARY IMPROVEMENT			10023 C E PELICAN ST
BUILDING USE and FEATURES			<u>Current Building Value: \$0</u>
Building Use: Exterior Walls: Full Baths: Bedrooms: Heat-Fuel: Heat-Type: Air Conditioning:		Actual Year Built: Finished sqft for building 1: Total Finished SqFt for all bldgs: 0	
MISCELLANEOUS USE		<u>Current Misc Value: \$3,500</u>	
Misc Bldg a: (WD1) WOOD DECK OR RAMP Year Built: 2011 sqft: 248			
LAND USE		<u>Current Land Value: \$4,100</u>	
Land Description : 14-Ocean front			
TOTAL LAND AREA: 8500 square feet		Current Total Value: \$7,600	

Details | Basemap

Share | Print | Measure



Development Permit(s) Application Form Submittal Date: <u>4/7/14</u> Permit Application For (Please check all that apply): Building ☒ Zoning ☒ Sign ☐ Flood Hazard Zone ☒ * Land Disturbance ☒ Storm Repair ☐ *Additional permit application form may be required per FEMA	Town of Nags Head 
Please Note: <i>Building and/or Zoning Permits are required for most site improvements including but not limited to:</i> - Single Family/Duplex Construction - Includes additions/expansions, enclosures, stairs, ramps - Commercial Development - Includes additions/expansions, storage, renovations or changes of use - Accessory Structures - Includes pool, storage buildings, gazebo, dune deck, tennis courts - Driveways, parking and parking additions or reconfigurations - Fences and pool barriers - Signs - Satellite Dishes/Minor Communication Towers - Bulkheads, Retaining Walls, Fountains, Extensive Landscaping - Outdoor Showers, HVAC & Pool Equipment Platforms - Land Disturbing Activity	
Property Owner: Name <u>Hauschild Eleanor Crymble</u> Mailing <u>411 Kitty Hawk Bay Dr</u> Address <u>Kill Devil Hills</u> <u>NC 27948</u> Phone/Cell _____ Fax No. _____	Applicant: Name <u>Humberto Gonzalez Alvarez</u> Mailing _____ Address <u>P.O. Box 718 Hatteras</u> Phone/Cell <u>252 207 6842</u> Fax No. _____
Development Permit Submittal Checklist: <i>For an Application to be accepted as complete, you will need to provide:</i>	
☐ 1. Dare County Health Department (Septic) Improvement Permit for projects outside The Village at Nags Head, or letter of connection approval from Carolina Water Service Co. for projects within The Village (Also see survey requirements).	
☐ 2. Copy of CAMA Permit (if Applicable)	
☐ 3. NFIP – V-Zone Certification (if Applicable)	
☐ 4. Written Detailed Description of Project Scope and Use	
☐ 5. Completed Residential Design Point Tabulation Form (If Applicable) (5 bedrooms or greater and/or 3500 SF or > of enclosed habitable living area – excluding properties located within The Village at Nags Head)	
☐ 6. Survey – Including Following Items: - A blue-line survey (to scale) of the subject property prepared by a registered North Carolina land surveyor - Location and Dimensions of existing and/or proposed dwelling - Location and Dimensions of all proposed or existing structures - Existing or proposed driveway with dimensions - Existing & proposed lot elevation at corners of proposed structure (where fill has not been proposed) - When proposing fill – average elevation of 4 corners of lot – see Fill Requirements below in #8 - All building setbacks dimensioned - Flood Zone boundary lines shown (if applicable) - CAMA setbacks, dated first line of stable vegetation or static line, bulkheads, rip-rap, and total AEC area (if applicable) - Septic System location indicating tank, drain fields and repair areas - Dated Army Corp Wetland delineation (if applicable) - Health Dept. stamp on plans and survey for projects outside The Village at Nags Head - Fence or pool barrier location - HVAC and pool equipment platform location	
☐ 7. Two sets of Building Plans with the following info: - Foundation Plan – to scale - Elevations Drawings: to scale and label front, rear and sides, proposed grade, BFE, elevation of lowest floor, overall height - Fence or Pool Barrier detail - Wall cross section – to scale - Floor Plan of all levels – to scale (stamped by Health Dept. for projects outside The Village) - Engineer/Architect Seal – must be original seal, signature and date - Appendix B for commercial projects	
☐ 8. Sedimentation and Erosion Control for Disturbance >5000 SF - Location of silt fence and/or sand fence - Seeding schedule(s) - Financial Responsibility/Ownership Form	
☐ 9. Engineered Stormwater Plans (If Applicable)	

A49

- Stormwater calculations - Location and description of BMPs, plan and profile view - Maintenance Certification	
☐ 10. Signs – Include dimensioned renderings and foundation or attachment details	
☐ 11. Other Information as Required by Local Ordinance, CAMA or State Codes	
Property Information: Project Address: <u>10023 C e pelican St</u> Property ID No: _____ Subdivision: _____ Lot Area: _____ Lot No.: _____ Block: _____ Section: _____ Flood Zone: <u>V AE X</u> Base Flood Elevation: _____ Elevation of Natural Grade: _____	
CAMA Permit Required: Yes _____ No _____ CAMA Permit # _____	
Sewage Information (Attach Approvals) Septic Permit No. _____ Dated: _____ Fill Use: Y N Village Sewer ☐ CWS Approval: Y N	
Project Description: (Attach sheets, drawings and other associated permits as needed) <u>Build beach walkway + stairs over existing burial by sand</u>	
Proposed Construction Information: Commercial ☐ Residential ☐ Rental? Yes No New Construction ☐ Addition ☐ Remodel/Repair/Other ☐ Demo ☐ House Move ☐ Square Footage: Heated Living Area _____ Deck/Porch/Walkway _____ Storage _____ Garage _____ Gazebo/Dune Deck _____ Other _____ No. Bedrooms _____ No. Baths : Full _____ Half _____ Storage Enclosure Below Yes ☐ No ☐ Size _____ Foundation Type _____ Roofing Material _____ Outside Finish _____ Inside Finish _____ A/C _____ Heat Type _____ Window Make/Type _____ Insulation (R-Factor) Walls: R- _____ Floors: R- _____ Ceiling: R- _____ Elev. of Lowest Floor (V or AE Zones): _____ Proposed Elev. at grade: _____ Fill to be brought in? Yes ☐ No ☐ Amount: _____ Area (in sq. feet) of land to be disturbed: _____ Lot Coverage(in sq. feet): _____ Includes (Circle): Sed. Control Plan Stormwater Plan Estimated Construction Cost: \$ <u>2800⁰⁰</u>	
Contractor Information: Business Name: <u>Humberto Gonzalez Alvarez</u> Address: <u>P.O. Box 218 Manns harbor</u> <u>NC 27953</u> Office No. <u>252-207-6542</u> Fax No. _____	Nags Head Privilege License No. _____ NC G. C. License No. _____ License Classification _____ E-Mail Address: _____ Agent: _____ Mobile No. _____
See Permit Submittal Checklist (on reverse) for required attachments and application information. Application <u>will not</u> be accepted until all required information is provided. Please contact the Planning and Development Department to confirm requirements for your particular project: 5401 S. Croatan Highway, Nags Head, NC 27954, 252-441-7016 www.nagsheadnc.gov	
Property Owner Signature <u>See Attached</u>	Applicant Signature <u>Humberto Gonzalez Alvarez</u>
Staff Use: Review Fees Paid _____ Acceptance: Y N By: _____	

A50

Type of Application:
New ☒ Renewal ☐ Other ☐
Account No. _____



Check one:
Individual ☐
Partnership ☐
Corporation ☐

Town of Nags Head
P O Box 99
Nags Head NC 27959
252-441-5508
townofnagshead.net

BUSINESS LICENSE APPLICATION

For year: _____

IMPORTANT: Please complete this application, making any corrections necessary, then sign, and return with remittance on or before June 30. A \$5.00 or 5% penalty per month will be applied beginning July 1.

Business Name: Humberto Gonzalez A

Email Address: _____

Physical Street Address: 311 Bideford St

Mailing Address: P.O. Box 218 Manns harbor nc 27953

Owner Name and Address: Humberto Gonzalez Alvarez

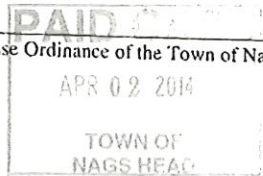
Daytime Phone: 252 207 6542 Cell/Pager: _____ Fax #: _____

Local Contact Name and Address: _____

Daytime Phone: 252 207 6542 Cell/Pager: _____ Fax #: _____

Nature of Business (Describe IN DETAIL ALL Sales and /or Services provided):

Under the Business License Ordinance of the Town of Nags Head the Following License Fees are Applicable for the Business Listed Above:



12.50

I hereby certify that I have made inquiry concerning the regulations of the Town of Nags Head and that the business to be conducted will fully comply with the requirements thereof and with all other Town Ordinances and State laws. Note: This business is subject to periodic inspections in accordance with North Carolina General Statute 160A-424. Issuance of a License pursuant to this application does not excuse a licensee from compliance with any zoning or other applicable ordinance or statute.

Signature of Applicant: Humberto Gonzalez A Date: 4-03-14

(over)

Note - If you are no longer performing/soliciting business in the Town of Nags Head, you must contact the office to have your account status changed to inactive and an adjustment made to the billing. Otherwise, you will be billed annually and will accrue any applicable late penalties.

A51



TOWN OF NAGS HEAD
P.O. BOX 99
NAGS HEAD, NORTH CAROLINA 27959
TELEPHONE (919) 441-5508

FIELD CORRECTION NOTICE

LOCATION 10472 S. S. Pelham PERMIT # _____
ISSUED TO: OWNER Ally Child
BUILDER Walkway ~~2014~~ framing
THE FOLLOWING CORRECTION(S) ARE TO BE MADE:

2 - balbs per garden
- handrail height = 34" to 38"
- address #'s on end of ~~your~~
walkway
Approved w/ mailed correction

PLEASE CALL FOR INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED. CORRECTIONS
MUST BE MADE BEFORE PROCEEDING WITH ANY FURTHER CONSTRUCTION.

DATE 5/12/14 BY ASL
INSPECTOR

WHITE - SITE COPY
YELLOW - FILE COPY

A52



Town of Nags Head
5401 S. Croatan Hwy
Nags Head, NC 27959

Phone: 252 441 7016
Fax: 252 441 4290

Paid Invoice Summary

Page 1 of 1

DATE	4/22/2014
------	-----------

ACCOUNT:

Humberto Gonzalez Alvarez
PO Box 218
Manns Harbor NC 27953

Phone: 252 207 6542

PERMIT NUMBER	RE2014-0665
---------------	-------------

10023C E Pelican St
Nags Head, NC

Date	Reference Number	Invoice Number	FeeCat	Description	Status	Amount
4/22/2014	RE2014-0665	2014-00368	BP	Building Permit Valuation Table Fee	Paid	(-) 105.00

Date	InvoiceNum	Status	Payment	Amount
4/14/2014	2014-00368	Original Due		105.00
4/22/2014	2014-00368	Paid	Cash	(-) 105.00



Total Paid	105.00
-------------------	--------

A54

Outlook

permits for 10023 C E Pelican St

From Kim Thompson <Kim.Thompson@nagsheadnc.gov>

Date Tue 7/22/2025 4:02 PM

To Crystal Misclo <crystal@legacyparktitle.com>

5 attachments (20 MB)

hauschild4.pdf; hauschild3.pdf; hauschild2.pdf; hauschild1.pdf; hauschild.pdf;

Here is what we were able to locate. The permit from 2014 RE2014-0665 was never finalized/closed out and it expired so I don't have that one to send you.
Hope this is helpful.

Attachment #4

2014 permit was never
finalized & has since
expired

Illegal, unauthorized
structure

A55

TOWN OF NAGS HEAD
P.O. Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Certificate of Compliance

Owner:	HAUSCHIC, ELEANOR CRYMBLE	Permit #:	BP2011-207
	411 KITTY HAWK BAY DR.		KILL DEVIL HILLS, NC 27949
Street Address:	10023C PELICAN ST E		
PIN:	071611052087		
Contractor:	Berio's Construction	Variance	NC 27981
	154 CB Daniels Road		

Subdivision:	PELICAN PARK - DB 225 PG 273	Block:		Section:	
Lot(s):	10				
Approved Land Use:	Private Ocean Beach Access	Occupancy Load:		persons	
Type of Structure:	I ☐ II ☐ III ☐ IV ☐ V ☐ VI ☐ 1-HR ☐ Sprinklered ☐				
Type of Occupancy:	A ☐ B ☐ C ☐ F ☐ H ☐ J ☐ M ☐ R ☐ S ☐				
Zoning:	R-2	FEMA Flood Zones		BFE	
Description:	Install beach access				
Construction Type:	Accessory Structure	Residential Unit Type:			
Heated Space:		Unheated Space:		No. Units:	
# of Bedrooms:		# of Baths:			

Additional Comments:

This is to certify that the work completed on the above referenced property complies with all applicable State and local laws and with the terms of the permit.

Issue Date: 8/3/2011

Building Inspector:

Signature:

DAVID MORTON

Fire Inspector:

Signature:

A56

TOWN OF NAGS HEAD

P.O. Box 99

Nags Head NC 27959

252-441-7016 Fax 252-441-4290



Certificate of Compliance

Owner: HAUSCHILD, ELEANOR CRYMBLE Permit #: BP2011-207
411 KITTY HAWK BAY DR KILL DEVIL HILLS, NC 27848
Street Address: 10023C PELICAN SYE
PIN: 071811652087
Contractor: Berto's Construction
164 CB Daniels Road Wanchese NC 27981

Subdivision: PELICAN PARK - DS 225 PG 273

Lot(s): 10

Block:

Section:

Approved Land Use: Private Ocean Beach Access Occupancy Load: persons

Type of Structure: I ☐ II ☐ III ☐ IV ☐ V ☐ VI ☐ 1-HR ☐ Sprinklered ☐

Type of Occupancy: A ☐ B ☐ E ☐ F ☐ H ☐ I ☐ M ☐ R ☐ S ☐

Zoning: R-2

FEMA Flood Zone:

BFE:

Description: Install beach access

Construction Type: Accessory Structure

Residential Unit Type:

Heated Space:

Unheated Space:

No. Units:

of Bedrooms:

of Baths:

Additional Comments:

This is to certify that the work completed on the above referenced property complies with all applicable State and local laws and with the terms of the permit.

Issue Date: 8/3/2011

Building Inspector:

Fire Inspector:

Signature:

DAVID MORTON

Signature:

A57

TOWN OF NAGS HEAD
P.O. Box 99
Nags Head NC 27959
252-441-7016 Fax 252-441-4280



Zoning Permit

Page 1 of 1

Permit Number: ZON2011-303

Owner Name: HAUSCHILD, ELEANOR CRYMBLE

Address: 411 KITTY HAWK BAY DR

KILL DEVIL HILLS, NC 27948

Phone: 252-202-8588

Parcel: PIN: 071811652087

Address: 10023C PELICAN ST E

Zoning: R-2

Subdivision: PELICAN PARK - DB 225 PG 273

Section: Block:

Lot(s): 19

Applicant Name: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Contractor: Berto's Construction

Address: 154 CB Daniels Road

Phone: 252-305-4235

Wanchese, NC 27981

Description: Beach access walkway

Land Use: Single-family Dwelling

Survey Attached: ☒

Septic Permit: n/a

Date:

Survey Date: 7/24/1987

Existing Lot Coverage:

CAMA Permit #: Exemption #11-61

Coverage to be Added: 100 sq ft

Front Yard Setback: 30'

Coverage Remaining:

Side Yard Setback: 10'/10'

Coverage to be Removed:

Rear Yard Setback: 30'

Conditions

Any change in approved construction or site plans requires prior ZA approval

Final zoning inspection required prior to issuance of C/O

Permit approved to construct a 4x80 shared HOA beach access walkway

must maintain a accessory structure minimum 5ft side yard setback

Must comply with CAMA Exemption #11-61

Total Fees: \$0.00

Total Receipts: \$0.00

APPROVED ☒ DENIED ☐

COMMENTS: Construct an HOA shared beach access walkway

19-07-11
Applicant: Robert B. Ureaguet Date: 18-Jul-11
I hereby certify that I have read and understand the conditions contained on this permit. Zoning Administrator Date

RIGHT OF APPEAL

Pursuant to Section 46-584 (b) (1) of the Nags Head Zoning Ordinance, you have the right to appeal this decision to the Nags Head Board of Adjustment within thirty (30) days of the date of this notice. This decision shall become final and unappealable if not appealed from during this thirty (30)-day period.

A58

Dabni Shelton

From: Dabni Shelton
Sent: Thursday, July 28, 2011 2:51 PM
To: All Inspection Requests
Subject: HAUSCHILD 10023C Pelican St - Final zoning inspection

DLS

The above site has been inspected and determined to be in compliance with the zoning permit.
Final zoning approved.

Dabni Shelton
Zoning Administrator
Town of Nags Head
PO Box 99
Nags Head, NC 27959
252-441-7016
252-441-4290 -fax
shelton@townofnagshead.net



7/28/2011

A59

TOWN OF NAGS HEAD
P O Box 89
Nags Head NC 27959
252-441-7016 Fax 252-441-4290



Building Permit

Page 1 of 1

Permit Number: BP2011-207

Owner Name: HAUSCHILD, ELEANOR CRYMBLE
Phone: 252-202-8568

Address: 411 KITTIE HAWK BAY DR
KILL DEVIL HILLS, NC 27948

Parcel: PIN: 071811652087
Address: 10023C PELICAN ST E
Subdivision: PELICAN PARK - DB 225 PG 273

Zoning: R-2
Section: Block:
Lot(s): 19

Applicant Name: Berto's Construction
Phone: 252-305-4235

Address: 154 CB Daniels Road
Wanchese, NC 27981

Contractor: Berto's Construction
Phone: 252-305-4235

Address: 154 CB Daniels Road
Wanchese, NC 27981

Description: Install beach access

Land Use: Private Ocean Beach Access
Construction Value: \$3,500.00
Foundation Type:

Construction Type: Accessory Structure
Heated Space: Unheated Space:
Bedrooms: # Baths:

Zoning Permit:
Septic Permit:
CAMA Permit #:

Date:
Date:

FEMA Flood Zone:
Lot Elevation:
BFE: Lowest Floor:
Water Tap: WQUs:

Conditions

See CONDITIONS on Zoning Permit
Additional engineering may be required; see notes on plans.
CALL FOR ALL REQUIRED INSPECTIONS

COMMENTS:

Total Fees: \$105.00

Total Receipts: \$105.00

All work shall conform to all applicable North Carolina State Building Codes and Ordinances of the Town of Nags Head and shall be the responsibility of the undersigned applicant.

This permit is valid for 180 days in which time construction must begin and proceed in a normal fashion.

Any damage to the multi-use path or adjoining right-of-way shall be immediately repaired by the owner and/or applicant.

[Signature]
Building Inspector
Date: 19-Jul-11

[Signature]
Applicant
Date: 19-Jul-11

THE ISSUANCE OF THIS PERMIT AUTHORIZES THE CONSTRUCTION OF ONLY THOSE STRUCTURES AS EXPRESSLY IDENTIFIED. THE APPROVAL AND ISSUANCE OF THIS PERMIT CONVEYS NO RIGHTS OR GUARANTEES FOR ANY FUTURE PROPOSED MODIFICATIONS OF THIS PERMIT, OR THE ISSUANCE OF NEW PERMITS FOR ANY FUTURE PROPOSED USE AND DEVELOPMENT OF THE PROPERTY.

LOWEST FLOOR OF ANY FULLY ENCLOSED AREA IN ANY A ZONE WITH MORE THAN 300 SQUARE FEET MUST BE AT OR ABOVE BASE FLOOD ELEVATION.

A60

New ☒ Renewal ☐ Other ☐
New ☒ Renewal ☐ Other ☐
Account No. _____
Account No. _____



Check one:
Check one:
Individual ☐
Partnership ☐
Corporation ☐

Town of Nags Head

P.O. Box 99

Nags Head NC 27959

252-441-5508

townofnagshead.net

BUSINESS LICENSE APPLICATION

For year: 2011

IMPORTANT: Please complete this application, making any corrections necessary, then sign, and return with remittance on or before June 30. A \$5.00 or 5% penalty per month will be applied beginning July 1.

Business Name: Porto Construction

Physical Street Address: 154 AB Daniels Rd Wanchese NC P.O. Box #83 27981

Mailing Address: P.O. Box 483

Owner Name and Address: _____

Daytime Phone: 252 385 4235 Cell/Pager: 252 385 4235 Fax #: _____

Local Contact Name and Address: _____

Daytime Phone: 252 385 - 72 Cell/Pager: _____ Fax #: _____

Nature of Business (Describe IN DETAIL ALL Sales and/or Services provided):

Carpentry

Under the Business License Ordinance of the Town of Nags Head the Following License Fees are Applicable for the Business Listed Above:

25.00

RECEIVED
JUL 18 2011
BY: 031428

I hereby certify that I have made inquiry concerning the regulations of the Town of Nags Head and that the business to be conducted will fully comply with the requirements thereof and with all other Town Ordinances and State laws. Note: This business is subject to periodic inspections in accordance with North Carolina General Statute 160A-424. Issuance of a License pursuant to this application does not excuse a licensee from compliance with any zoning or other applicable ordinance or statute.

Robert Valasquez
Signature of Applicant

12-07-11
Date:

(over)

A61



Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.townofnagshead.net

Telephone 252-441-7016
FAX 252-441-4290

July 11, 2011

Exemption # 11-01

Eleanor Hauschild
411 Kitty Hawk Bay Dr.
Kill Devil Hills NC 27948

RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY
(15A NCAC 7K.0207)

PROJECT ADDRESS -- 10023C E Pelican St
OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN

Dear Mrs. Hauschild:

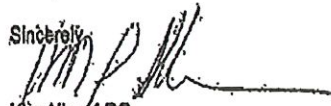
I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a determination on July 9, 2011, I have determined that the activity you propose is exempt from needing a minor development permit as long as it meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.
4. The accessway must be located within the northern 10 ft of the access easement.

This exemption to CANA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,


Kim Allen, LPO
Town of Nags Head

A62

302011-207

Development Permit Application Form Submittal Date: <u>7-18-11</u> Application For: please check one Building Permit ☒ Zoning Permit ☐ Flood Permit ☐		Town of Nags Head 	
APPLICANT Name: <u>Roberto Velazquez</u> Address: <u>154 CB Daniels Waychese Dr. 27981</u> Phone: _____ Fax No.: _____		PROPERTY OWNER Name: <u>Pelican park Hox</u> Address: <u>Pelican park 5-Nags Hl</u> Phone: _____ Fax No.: _____	
APPLICANT SIGNATURE <u>Roberto Velazquez</u>		PROPERTY OWNER SIGNATURE <u>See Attached</u>	
PROPERTY/ZONING INFORMATION Zoning Use Classification _____ Zoning District _____ Dwelling Category (# bedrooms) - Category #1 (1-4) ☐ Category #2 (5 or >3,600) ☐ Category #3 (6-8) ☐			
Street Address (if known) <u>100232 pelican st</u> Subdivision <u>Pelican park</u> Lot No: _____ Block _____ Section _____		Lot Area _____ PIN _____ CAMA Permit Required ☐ YES ☐ NO Flood Zone ☐ V ☐ AE ☐ X Lot Elevation at Proposed Structure _____ Base Flood Elevation (BFE) _____	
SEWAGE INFORMATION Septic Permit No. _____ Date _____ Sewer ☐			
CONSTRUCTION INFORMATION Rental ☐ Permanent Residence/2nd Home ☐ New Construction ☒ Addition ☐ Remodel/Repair/Other ☒ Demo ☐ House Move ☐ Square Footage: Heated Living Area _____ sq ft Deck/Porch/Walkway _____ sq ft Garage _____ sq ft Gazebo/Dune deck _____ sq ft No. Bedrooms _____ No. Baths: Full _____ Half _____ Storage Enclosure Below Yes ☐ No ☐ Size _____ sq ft Foundation type _____ Roofing Material _____ Outside Finish _____ Inside Finish _____ A/C _____ Heat Type _____ Window Make/Type _____ Insulation (R-Factor) Walls: R- _____ Floors: R- _____ Ceiling: R- _____ Elevation of Lowest Floor (V or AE Zones) _____ Estimated Construction Cost <u>2400</u>			
CONTRACTOR INFORMATION Business Name <u>Berto's Construction Agent</u> Address <u>154 CB Daniels Waychese Dr 27981 P.O Box 493</u> Nags Head Privilege License # _____ Phone No <u>(252) 305 4235</u> NC GC License # _____ FAX No _____ E-Mail Address _____ Mobile No. _____			
PROJECT DESCRIPTION <u>DUNE WALK OVER</u>			
STAFF USE ONLY Fee _____ Date Received _____ Received By _____ Comments _____			
SEE PERMIT SUBMITTAL CHECKLIST FOR REQUIRED ATTACHMENTS AND APPLICATION INFO. *Residential Point Tabulation Form Required PLEASE BE ADVISED THAT NEW FEMA FLOOD INSURANCE RATE MAPS (FIRMS) ARE IN EFFECT FOR THE TOWN OF NAGS HEAD. THEY ARE AVAILABLE FOR REVIEW AT THE TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT DEPARTMENT OFFICES. FOR MORE INFORMATION, PLEASE CONTACT TOWN OF NAGS HEAD PLANNING AND DEVELOPMENT STAFF.			

A63

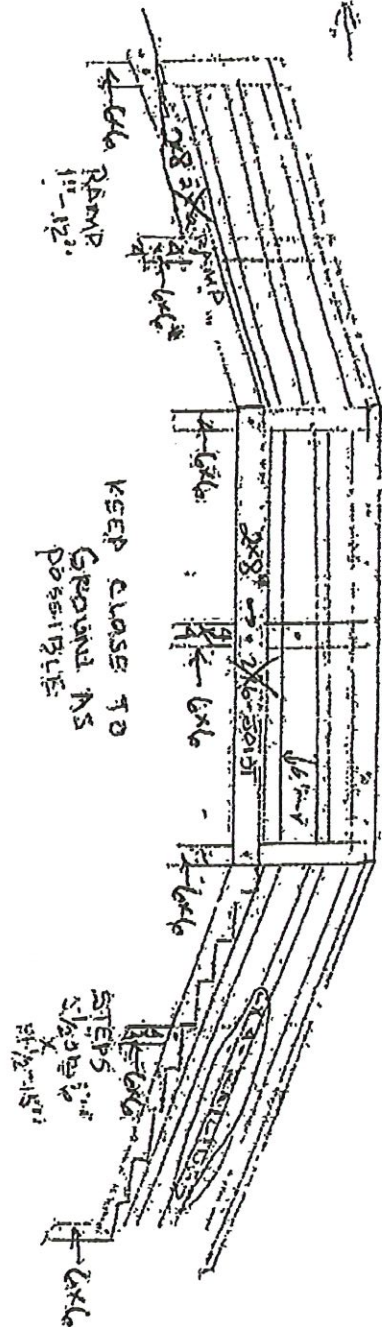
Time is of the essence!!

Medicinal Break
Dune Lushes Over
For Peculiar Park
Access

DOWN

2x4 TOP CAP

STREET →



4'x60'

PRICE FOR 4" WIDE?
PRICE FOR 6" WIDE?

KEEP CLOSE TO
GROUND AS
POSSIBLE

* 6x6 posts NOT 4x4
* 2x8 joists NOT 2x6
Can you give us different options
for railings + prices?

For your assistance, the following permitting steps are outlined in order of importance and may be required to obtain all the permits necessary to complete repairs:

1. If the septic system has sustained any damage, obtain the necessary construction permits from Dare County Department of Environmental Health for any repairs to septic system.
2. Make application for septic repairs to CAMA for proper permitting of repairs to septic system. Obtain necessary CAMA approval prior to making repairs.
3. Make application on Town of Nags Head Development Permit Application Form for all other repairs.
4. The development permit application form would need to be filled out completely with all the pertinent information associated with the repair activity. The following information would also need to accompany the completed development permit application.

A SITE PLAN SHOWING ALL BOUNDARY AND SETBACK LINES, FLOOD ZONES, CAMA SETBACKS, TOTAL AREA OF ENVIRONMENTAL CONCERN (CAMA), THE FIRST LINE OF STABLE NATURAL VEGETATION, ALL DUNE TOPOGRAPHICAL INFORMATION, PUBLIC TRUST BEACH LOCATION WHICH IS DESCRIBED AS THE AREA BETWEEN MEAN LOW TIDE AND MEAN HIGH TIDES AND THE LOCATION OF ON-SITE PARKING AS REQUIRED BY THE TOWN OF NAGS HEAD CODE OF ORDINANCES. THESE ITEMS MUST BE REVIEWED AND APPROVED PRIOR TO THE ISSUANCE OF ANY ZONING OR BUILDING PERMITS.

CAMA permitting information and needed forms along with Development Permit application forms can be picked up at the Planning Department administrative desk located on the second floor in the Town Administrative Office complex, Address: 5401 South Croatan Highway or Planning Staff may be able to fax the requested information to a given location, or all of this information is available and printable on-line through the Town's web site: www.townofnagshead.net.

For Development permits: from Home page, click Town Departments; Planning & Development; Building Inspections; then at bottom of this page click development application.

For CAMA: from the Planning & Development page click on CAMA; all forms and general information are at the bottom of the page.

Before assuming all necessary permits have been issued or if you have any questions on CAMA, Zoning or Building permitting requirements call 252-441-7016 and ask to speak to a planning staff member.

Corrective action must be taken upon receipt of this notice to commence the permitting process in order to secure this property. The permitting process can be initiated either by you or by an authorized agent contacting this office on your behalf and permitting activity must start within a reasonable time. A Nags Head Zoning Administrator or Building Inspector can discuss with you all applicable permitting requirements. Based on your individual permitting requirements and the corrective actions necessary to repair the structure, the Building Inspector may establish a time frame to complete corrective action.

TOWN OF NAGS HEAD

P.O. Box 99

Nags Head NC 27959

252-441-7016 Fax 252-441-4290



Receipt Number: RCPT2011-615

Date: 7/19/2011

Received From: Berto's Construction

Permit #: BP2011-207

Amount: \$105.00

Received By: mortond

Comments: HAUSCHILD 100230-PELICAN ST CASH

Total Fees: \$105.00

Accounts:	Description:	Amount:
BP	BUILDING PERMITS	\$105.00
Total Paid:		\$105.00



CASH RECEIPT

Date: 7-19-11 031434

Received From: Berto's Construction

Address: One hundred five

For: BP2011-207 Dollars \$ 105

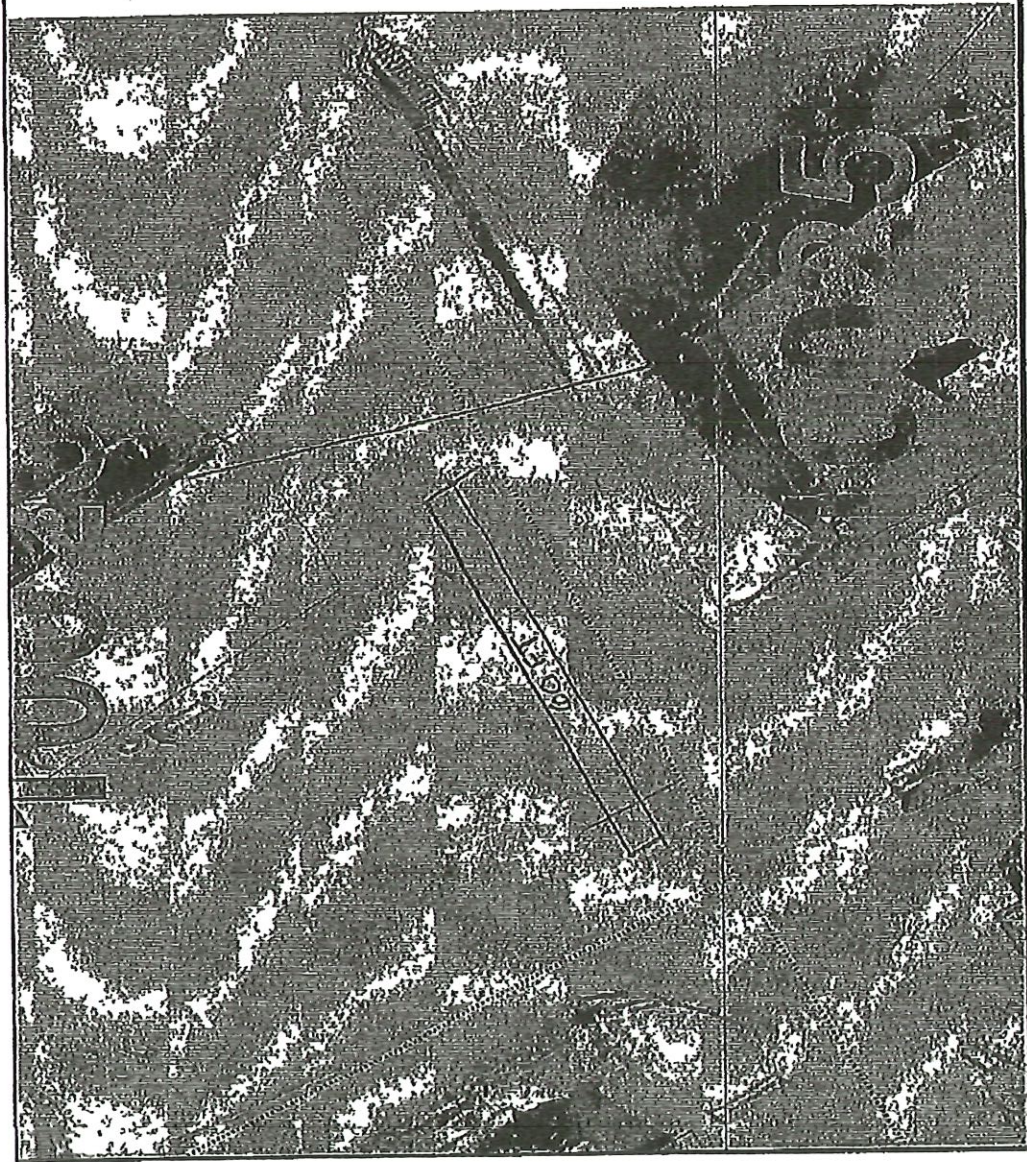
ACCOUNT	HOW PAID
AMT OF ACCOUNT	CASH 105
AMT PAID 105	CHECK
BALANCE DUE	DEBIT CARD

By: C. B. Vella

TOWN OF NAGS HEAD
P.O. BOX 99
NAGS HEAD, NC 27959

CBS 1113

A66



- parcels
- addresses
- Abbeville
- Roads
- CAMA Erosion Rate
- Erosion Labels
- Fresh Water Ponds
- Public Access
- Structures
- Landuse
- Subdivisions
- Historic District
- Flood Maps 2006
- Flood Maps 1998
- Flood zone layers
- Village Zoning
- NH Zoning



1 in. = 20.0 feet

Title Line 1

A67



Attachment #5

HOA covenants - this instrument does not identify any legal basis granting ownership or control of the boardwalk

BOOK 225 PAGE 270

NORTH CAROLINA

DARE COUNTY

THIS DECLARATION OF PROTECTIVE COVENANTS, made this 22nd day of August, 1975, by CHARLES F. BAILEY and wife, LYNN O. BAILEY, hereinafter referred to as "OWNERS";

W I T N E S S E T H :

THAT WHEREAS, Charles F. Bailey and wife, Lynn O. Bailey, are the owners of certain lands generally within the perimeter of the plat entitled "Pelican Park" prepared by William F. Clark, Land Surveyor, dated October 23, 1970, and duly recorded in Map Book 4, page 39, Public Registry of Dare County, North Carolina;

AND WHEREAS, the Owners have withdrawn the easements shown on the aforesaid plat and do now specifically declare that the owners of parcels of land situated within the perimeter of said subdivision shall have the easements of rights of way for access and ingress to and from the parcels of land situated within said subdivision, which said easements are specifically shown and delineated upon a plat entitled "Land Subdivision Modifications for Pelican Park" dated August 21, 1975, prepared by Rose and Purcell, Inc., Engineers and Surveyors, copy of which said plat showing the easements herein declared is attached hereto and made a part of this declaration, subject to the provisions as set forth in Item 1 hereinafter;

AND WHEREAS, the Owners do now by this instrument desire to declare and make known the following covenants and restrictions and provisions which are to run with the land and shall be binding upon all parties and persons claiming under them as owners of the property within the subdivision known as "Pelican Park", the covenants and restrictions being set forth as follows:

1. The Owners reserve the right to grant easements over and across the lands shown within the perimeter of Pelican Park for the purpose of permitting public water supply by the Town of Nags Head and the maintenance of necessary water lines; for the purpose of providing electric service by Virginia Electric and Power Company; for the purpose of providing cable television service by Outer Banks Video, Inc.; to Norfolk and Carolina Telephone and Telegraph Company for providing telephone service; and such other utilities as may be necessary and beneficial for the residential homesites contained within said subdivision.

2. None of the lots numbered and shown on the aforesaid plat shall be used for manufacturing or any commercial purposes of any kind or character whatsoever, nor shall any advertising signs, other than a sign advertising the property for sale or rent, be erected upon said lots; and no animals, livestock or poultry of any kind shall be raised, bred or kept for any commercial purpose on any of the lots shown on the aforesaid plat. Any household pets maintained on said premises shall be kept on a leash or under other restraint so they are not permitted to run loose upon the premises.

3. All of the residential building sites, which may include a combination of one or more portions of the lots shown on the said plat and which building sites shall be designated at the time of conveyance, shall be used exclusively

MCCOWN & MCCOWN
ATTORNEYS AT LAW
MARTIN, N.C. 27844

A68

for residential purposes, and a one-family residence only shall be erected on the building site referred to in the conveyance by reference to the aforesaid plot, together with an appurtenant garage, if desired. No lot or portion of lot may be resubdivided without the written consent of the Owners.

4. In order to preserve a desirable beauty and to protect purchasers of this property from having undesirable types of architecture placed on abutting properties with the consequent depreciation of the whole, all elevation and site plans for buildings to be erected shall be approved by the Owners in writing and evidenced by the approved copy of the elevation plans left in the permanent possession of the Owners. Any addition to such premises, including fencing, will require like additional approval. In addition, at the time of presenting building plans for approval, a list of materials shall be presented so as to illustrate the appearance, outside covering, etc. of the dwelling proposed to be constructed upon said premises. Under no circumstances shall any building or portion of building be removed from a site outside of this subdivision and placed in this subdivision as a proposed dwelling house without the specific written permission of the Owners.

5. No building or structure including porches, garages, and outbuildings shall be constructed, except in accord with the setback lines provided by the Town of Nags Head. Whenever one lot or a portion of another lot may be shown on the map prepared by William F. Clark and are conveyed as one building site the setback restriction shall apply to the outside perimeter of the entire building site conveyed, rather than to any interior lot division line.

6. All service utilities, fuel tanks, woodpiles and trash and garbage accumulation are to be enclosed within a fence or wall of a type and size approved by the Owners so as to preclude the same from causing any unsightly view from any highway, street or way within the subdivision.

7. All toilet and sewage units installed upon said property shall be in accord with the rules and regulations of the North Carolina Department of Health, and shall be located upon said lands in positions approved by the Owners and said Health Department, and no outside toilets permitted.

8. No trailer, tent, shack or other temporary building shall be erected or placed on the lands within the subdivision, except such temporary buildings as may be necessary for the storage of materials for the convenience of workmen during the erection of residences upon said lands.

9. All buildings, structures and their appurtenances shall be maintained in a suitable state of repair; and in the event of destruction by fire or other casualty, premises are to be cleared and debris removed within 90 days from the date of such casualty.

10. The Owners Declarant specifically declares that there shall be no parking upon the easements hereinabove referred to, but that each building site shall provide prior to occupancy its own driveway and off-easement parking, which said driveway or parking space shall enable the owner to maintain free and open use of the hard-surfaced easement providing access to such property.

11. It is understood by and between the Owners Declarant and each property owner who acquires title to property within the perimeter of the subdivision known as "Pelican Park", their successors and assigns, that the easements shown on the aforesaid plat entitled "Land Subdivision Modifications for Pelican Park" are private easements and that the hard-surfaced roadway constructed therein by Owners in conformity with the requirements of the Town of Nags Head will not be maintained by any public body. From and after the 1st day of January, 1979, each of the 19 owners of parcels of land within the perimeter of the subdivision known as "Pelican Park" shall be equally liable for maintenance costs of the hard-surfaced easements providing access to the parcels of land contained within said subdivision. Upon determination by ten of the owners of the 19 parcels of land within the perimeter of Pelican Park that a sum of money is due for the maintenance of said easements then a pro-rata part of such sum shall be assessable against each of the 19 owners of lands within the perimeter of Pelican Park.

12. It is understood and agreed by and between the Owners Declarant and each property owner acquiring title within the perimeter of the subdivision known as "Pelican Park" that the approval of building plans required under Section 4 of these covenants shall be complied with on and after the first day of January, 1979, by mailing to the Owners Declarant at Dogwood Trail, Southern Shores, Kitty Hawk, North Carolina 27949, the plans and specifications for such proposed structure. In the event that the Owners Declarant have not

rejected said plans within 30 days from the date of such mailing, then and in that event the plans shall be deemed to have been approved.

13. These conditions and restrictions shall be binding upon all parties, or those claiming under them until January 1, 1995, at which time said conditions and restrictions shall automatically be extended for two successive periods of ten years each, unless by vote of the then owners of record of a majority of the lots shown on said plat herein referred to, it is agreed, on or before such expiration date, to change the conditions and restrictions in whole or in part; PROVIDED, HOWEVER, the provisions of Section 11 of these covenants with respect to maintenance by Owners of the paved surface of the access easement shall in no case expire or terminate, but the same shall survive any change, modification or abandonment of these covenants.

IN WITNESS WHEREOF, Charles F. Bailey and wife, Lynn O. Bailey, Owners Declarant, have hereunto set their hands and seals this day and year first above written.

Charles F. Bailey (SEAL)
Charles F. Bailey

Lynn O. Bailey (SEAL)
Lynn O. Bailey

NORTH CAROLINA

DARE COUNTY

I, The Undersigned, a Notary Public of the aforesaid county and state, do hereby certify that Charles F. Bailey and wife, Lynn O. Bailey, personally appeared before me this day and acknowledged the due execution of the foregoing instruments. Witness my hand and notarial seal this 28th day of August, 1975.

NOTARIAL SEAL

Patricia Meekins (no: Sanderlin)
Notary Public

My commission expires:

9-8-75

NORTH CAROLINA

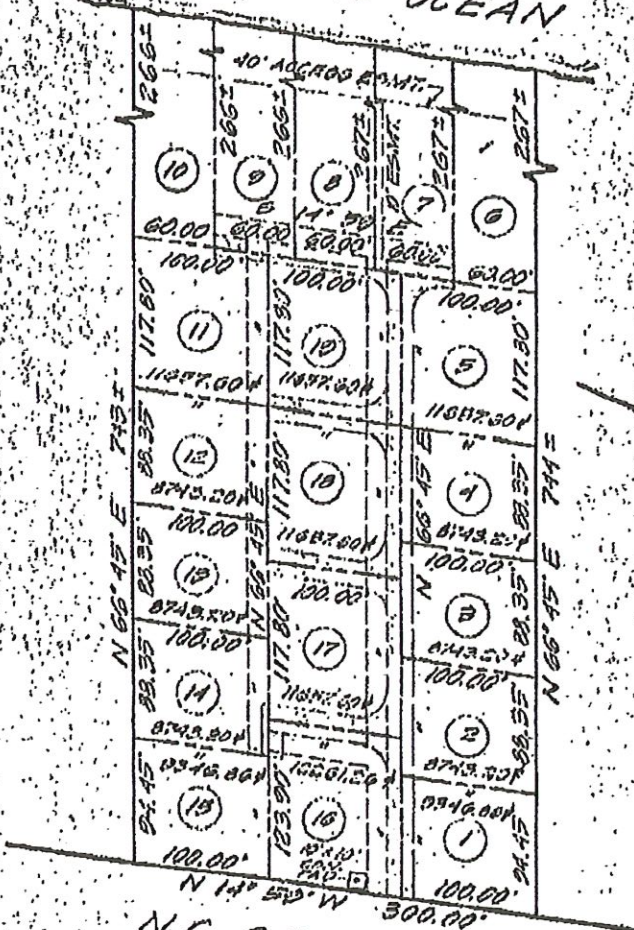
DARE COUNTY

The foregoing certificate of Patricia Meekins (no: Sanderlin), a Notary Public of Dare County, North Carolina, is certified to be correct. Presented for registration this 4th day of September, 1975, at 1:46 o'clock P. M., and recorded in this office in Book 225, page 270 9-11-75

Ernest B. Tillet
Register of Deeds

By _____
Assistant Register of Deeds

ATLANTIC OCEAN



N.C. S.R. 1243

NOTE: SURVEY DATA FROM MAP BY WILLIAM F. CLARK R.L.S. DATED OCT. 22, 1970, ENTITLED PELICAN PARK.

STATE OF NORTH CAROLINA, COUNTY OF DARE

I, D.J. NEAL CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME (DEED DESCRIPTION RECORDED IN BOOK 225, PAGE 273, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND LONGITUDES IS 0.000 THAT THE BOUNDARIES NOT SURVEYED AS SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 225, PAGE 273 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47, ART. 2A, AS AMENDED, WITNESS MY HAND (SIGNED) D.J. NEAL DAY OF AUGUST, A.D. 1975 (REGISTERED SURVEYOR) SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF AUGUST, 1975 John C. Thomas (NOTARY PUBLIC) MY COMMISSION EXPIRES July 14, 1980

LAND SUBDIVISION MODIFICATIONS FOR PELICAN PARK

TOWN: <u>NAGS HEAD</u>	TOWNSHIP: <u>NAGS HEAD</u>
COUNTY: <u>DARE</u>	<u>NORTH CAROLINA</u>
SCALE: <u>1" = 100'</u> DATE: <u>AUGUST</u>	ROSE AND PURCELL INC. SURVEYORS ENGINEERS PLANNERS
SUBDIVISION: <u>PELICAN PARK</u> MAP <u>4</u> BOOK <u>225</u> PAGE <u>39</u>	

A71

Recorded: 12/31/2014 01:23:26 PM
BY: Claudia Harrington
Vanzolla McMurran-Smith, Register of Deeds
Dare County, NC

Fee Amt: \$26.00

NC Excise Tax: \$0.00

BOOK 1995 PAGE 853 (11)

700006688



Prepared by and return to:
Linda H. McCown
P. O. Box 729
Manteo, North Carolina 2954

STATE OF NORTH CAROLINA
COUNTY OF DARE

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS
of
PELICAN PARK**

THIS AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, made this the 30th day of December, 2014, by PELICAN PARK HOMEOWNERS an unincorporated Association, (the "Declarant"), pursuant to the provisions of the North Carolina Planned Community Act, in the General Statutes of North Carolina and pursuant to the terms and provisions of the Declaration of Protective Covenants for Pelican Park, recorded in Book 225, at Page 270, Dare County Public Registry.

WITNESSETH:

WHEREAS, on Saturday, December 27, 2014, a meeting was held by the Pelican Park Homeowners, and a majority of the eligible Homeowners met and voted on certain items of business; and

WHEREAS, the original Declaration of Protective Covenants defined the subdivision as nineteen (19) lots, however, the passage of time and the ravages of the Atlantic Ocean resulting in the loss of land, has resulted in the loss of eligible lots for voting and reduced the number of lots of eligible voters to thirteen (13); and

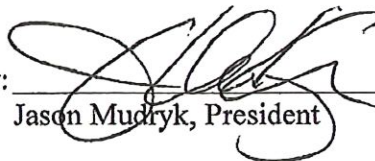
WHEREAS, that under item number 3, "Other New Business", (iv.) of the minutes of the Annual Meeting, at the top of Page 5 of the Annual Meeting minutes attached hereto as Exhibit A, the majority of the homeowners voted to extend the original covenants expiration date of January 1, 2015; for two additional ten (10) years, to January 1, 2035.

A72

NOW, THEREFORE, Declarant does hereby, restate and Amend the Declaration of Protective Covenants filed in Book 225 at Page 270, Dare County Public Registry for two additional ten (10) year terms as provided for in Paragraph 13 of the Covenants.

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the day and year first written above.

PELICAN PARK HOMEOWNERS, an
unincorporated Association

By:  (SEAL)
Jason Mudryk, President

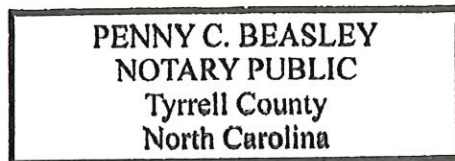
STATE OF NORTH CAROLINA
COUNTY OF TYRRELL

I, a Notary Public for the aforementioned state and county do hereby certify that Jason Mudryk, President of the Pelican Park Homeowners, an unincorporated Association, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of Pelican Park Homeowners.

Witness my hand and seal this the 30th day of December, 2014.

(SEAL/STAMP)


Notary Public
My commission expires: 12-10-19



 Outlook

Attachment #7
Owner of the boardwalks
permission to clear sand

(No subject)

From loryobx@aol.com <loryobx@aol.com>
Date Tue 4/14/2026 7:26 AM
To Crystal Miscio <crystal@legacyparktitle.com>

On Thursday, April 3, 2025 at 10:07:55 AM EDT, loryobx@aol.com <loryobx@aol.com> wrote:

Good morning, Conner!

Yes, you got it right, I am giving Jerry Creef permission to clean the boardwalk and southside only (and also, I did tell Jerry that he could take this "clean" sand to the front side of my south dune facing the ocean (Jerry and I already discussed where he was going to put this sand and, I am glad that Jerry and I could talk and resolve any issues between us; I truly believe we are all finally "on the same page" concerning this boardwalk and sand removal!).

I thank you for meeting with me and Crystal, and Jerry Creef, yesterday and sharing your opinions and expertise on this matter (I have sure learned a lot, especially from you and Crystal!). And, as I stated, I never wanted to create any issues concerning a "walk over" for the other homeowners in my development, I only wanted the destruction of this north dune, along-side this walkover, to stop! I am sorry certain homeowners can't seem to comprehend this!

One last request, can you please put me on your "cc" thread for the emails from Sebastian to you that you are also "cc'g" Crystal? Crystal is sharing all emails that she receives with me but, being that this is my property that Sebastian seems to be so focused on getting permits for without my knowledge or permission, I do appreciate being part of these "conversations". I thank you, again, for your professionalism!

Lory Patrick

On Thursday, April 3, 2025 at 09:08:05 AM EDT, Conner Twiddy <conner.twiddy@nagsheadnc.gov> wrote:

Good morning Mrs Lory,

Just wanting to confirm you're giving Jerry Creef permission through the Town of Nags Head's sand relocation program to clean the boardwalk and the south side only, the north side shall not be touched for the single time cleaning? and this does not apply to any future projects.

Thanks,
Conner

[Get Outlook for iOS](#)

From: loryobx@aol.com <loryobx@aol.com>
Sent: Wednesday, April 2, 2025 4:13:06 PM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>; jmcreef@gmail.com <jmcreef@gmail.com>
Subject: Pelican Park sand removal

I, Loretta Patrick, grant the Town of Nags Head permission to clean the boardwalk structure within my easement. This permission is for this one-time cleaning only and does not apply to future actions.

Sincerely,

Lory Patrick
10023B East Pelican Street, Nags Head, NC 27959
10023C East Pelican Street, Nags Head, NC 27959

A74

 Outlook

RE: Sand Clearing Clarification

From Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>

Date Mon 4/7/2025 11:58 AM

To Crystal Miscio <crystal@legacyparktitle.com>; Sebastian Ojanguren <ojanguren@gmail.com>; Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>

Cc loryobx@aol.com <loryobx@aol.com>

Attachment #6
Letter from Ms Kelly Wyatt
verifying my permission
(the owner of the boarder
to clear sand from it - if
the HOA had legal rights
(they don't) why would my
permission have been needed

Good Morning Ms. Miscio,

I hope you're doing well today.

I apologize, let me clarify my previous response, as I realize now that I was approaching it from the perspective of a development permit (i.e., zoning and building permits) in relation to potential work on the walkway. My comments did not take into account the current sand relocation activity that has been discussed.

It is my understanding that the scope of work related to the current sand relocation has been agreed upon between Ms. Patrick and contractor Jerry Creef, and that Ms. Patrick has given permission for the work to proceed as outlined, on a one-time basis.

To clarify, my earlier guidance would apply to any future requests, and not to the sand relocation effort that is already approved and currently underway.

Please let me know if you have any questions.

Thank you,
Kelly

Kelly Wyatt

Director of Planning & Development

Office: 252-449-6042

Email: Kelly.wyatt@nagsheadnc.gov



From: Crystal Miscio <crystal@legacyparktitle.com>

Sent: Monday, April 7, 2025 8:55 AM

To: Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>; Sebastian Ojanguren <ojanguren@gmail.com>; Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>

Cc: loryobx@aol.com

Subject: Re: Sand Clearing Clarification

A75

Good morning Ms. Wyatt,

Thank you for your email and clarification. I have a couple of questions: Does this include approval to relocate the sand from the south side of the structure (sand path within the easement) back to the beach? Additionally, I understood that a permit isn't required if the sand is removed from the structure by hand. Is this correct?

Ms. Patrick and I met with Mr. Sandman and Conner Twiddy last week, and I thought we left the meeting with the understanding that Mr. Sandman would shovel the sand (with Ms. Patrick's permission) to the south side and then use equipment to push it back to the beach. What has changed?

I look forward to hearing from you.

Crystal Misclo
703-772-4968

From: Kelly Wyatt
Sent: Friday, April 4, 2025 3:02 PM
To: Sebastian Ojanguren; Conner Twiddy
Cc: Crystal Misclo; loryobx@aol.com
Subject: RE: Sand Clearing Clarification

Good afternoon Mr. Ojanguren,

I hope this message finds you well.

Thank you for the input and feedback provided in your email below. Based on the information currently available to our office, if a permit application were submitted today for maintenance of the wooden walkway, I would advise our permitting staff to proceed as follows:

1. Place the application on hold until documentation is provided from an attorney confirming that the Pelican Point HOA has the authority to apply for permits related to the improvement or maintenance of the walkway, **OR**
2. Apply a strict interpretation of the documentation currently available. Specifically, the Declaration of Protective Covenants for the Pelican Park Homeowners Association, as amended in December 2014, does not reference ownership, construction, or maintenance of the existing wooden walkway. Additionally, the recorded deed only refers to access over and across a 20-foot paved access, with no mention of a pedestrian walkway (improved or otherwise). Based on this, I would recommend that staff deny the permit application. You would then have the option to appeal the decision to the Nags Head Board of Adjustment.

While I believe Mr. Twiddy has communicated something similar previously, I want to reiterate the importance of the resident's seeking advice and guidance from a land use attorney. This will help determine what, if anything, is required for the wooden walkway to remain in place and be maintained in perpetuity by the HOA, or whether an individual property owner may have the authority to request permits for its removal, upkeep, maintenance, or other improvements.

A76

Please note that Ms. Miscio is copied on this message, and Conner Twiddy let me know that Ms. Patrick has also been requested to be included in these communications and is copied as well.

Please don't hesitate to reach out with any questions.

Thank you,
Kelly

Kelly Wyatt

Director of Planning & Development

Office: 252-449-6042

Email: Kelly.wyatt@nagsheadnc.gov



From: Sebastian Ojanguren <ojanguren@gmail.com>
Sent: Wednesday, April 2, 2025 4:41 PM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>
Cc: Crystal Miscio <crystal@legacyparktitle.com>; Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>
Subject: Re: Sand Clearing Clarification

Hi Conner,

Thanks again for your thoughtful reply and for helping us navigate this.

We wanted to follow up specifically on point #3, regarding the HOA's ability to apply for permits tied to maintenance of the dune crossover.

While it's true that the crossover structure is not mentioned in the 1975 covenants or plat map, we wanted to clarify a few contextual points that we believe legally support the HOA's role:

- The original plat does show an access easement for shared use by the 19 parcels within Pelican Park.

A77

- Over time, some of those parcels have been lost to the ocean, and the dune has encroached into the former hard-road easement area.
- In 2011, a dune crossover was voted for and approved by the homeowners to be constructed and maintained within the bounds of the original easement, expressly for the benefit of all remaining homeowners, in order to maintain the original intent of shared access.
- The covenant language does provide that owners are jointly responsible for maintaining easements and outlines a process for majority-initiated action—which has actively been performed by the HOA since the construction of the structure, and likely well before that.

We also wanted to clarify, in response to the Town's note that written permission is required "in cases where the HOA or POA is inactive or no longer functioning," that the Pelican Park HOA is in fact active and has continually coordinated the maintenance of the dune crossover—including securing permits—since its construction in 2011.

From our perspective, the dune crossover is a reasonable and necessary improvement to uphold the purpose of the original easement given changing environmental conditions. The HOA has consistently acted on behalf of the homeowners to preserve shared access.

With that in mind, could you please confirm whether the Town will continue to accept permit applications submitted by the HOA for maintenance of this structure?

We're committed to following all permitting protocols and appreciate your help as we work to ensure this community resource is maintained responsibly.

Regards,

Sebastian

On Wed, Apr 2, 2025 at 3:52 PM Conner Twiddy <Conner.Twiddy@nagsheadnc.gov> wrote:

Good Afternoon,

I am going to answer each question in order that they were written.

1. Sand can only be removed from the AEC or Area of Environmental Concern if the sand is determined to be contaminated for example by being over a failing/malfunctioning septic system or if the sand is full of vegetation, debris or other contaminants that cannot be sifted or screened out to be considered clean sand. If the sand cannot be remediated to the extent that it is considered clean and can be put back on the beach, then it must be inspected and approved to be hauled away.

A78

2. When there is gravel or other debris that makes it out on the beach, I would contact the contractor (or property manager in some cases) to have them go clean up the debris. In past cases we have had contractors scrape and screen the sand to remove the gravel.

3. Permits may be obtained either by the property owner or by a contractor authorized by the property owner. In situations where multiple property owners share deeded rights to common areas, and there is an active Homeowners Association (HOA) or Property Owners Association (POA), permits may be issued with the authorization of the HOA or POA—provided that the association's bylaws or covenants clearly define the common areas and grant the HOA or POA the authority to maintain them.

However, in cases where the HOA or POA is inactive or no longer functioning, written permission must be obtained from each individual property owner within the affected area before a permit can be issued.

Staff acknowledges that the following language appears in the deed for Pelican Park property owners; however, neither the deed nor the associated bylaws or covenants (with updates in 2014) reference a shared walkway, walkover, pedestrian easement, or similar structure, nor do they address responsibility for the maintenance of such a structure or define any role of the HOA in its upkeep.

feet to the Northwest corner of the aforesaid parcel 17, the point or place of beginning.

Together with a private easement for the purpose of ingress and egress over and across those paved 20 foot access areas shown on the map or plat of Ross and Purcell, Inc., entitled "Land Subdivision Modification, Pelican Park", dated August 21, 1975, which said easement provides for access over paved 20 foot area from N.C. State Highway 1243 to the Southwest corner of the parcel of land hereinabove described. This easement shall be in common with the Grantor, Grantee and subsequent purchasers within the area described as "Pelican Park".

Reference is made to Deed dated November 6, 2001, recorded in Deed Book 1403, Page 35 of the Dare county Public Registry.

Thanks,

Conner

A79

From: Sebastian Ojanguren <ojanguren@gmail.com>
Sent: Tuesday, April 1, 2025 3:32 PM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>
Subject: Sand Clearing Clarification

Hi Conner,

Hope you're doing well—and sorry again for reaching out twice this week. We had our HOA's annual meeting this past Saturday, and a few comments were made during the discussion that referenced you or Town policies. I wanted to follow up to ensure we're interpreting everything correctly and staying aligned with the Town's guidance.

1. Can Sand Be Hauled Away?

One homeowner shared that you had said: *"you can just load it up and haul it off;"* in reference to sand removed from the easement area.

That seems a little different from what we've understood—that sand typically needs to remain within the area of impact unless there's a specific exception outlined in the Town's program.

Would our current sand push activity—particularly clearing sand that accumulates around the dune walkover—fall under one of those exceptions? We just want to make sure we're handling it appropriately within the bounds of the program.

2. Scraped Road Sand and Gravel Debris

Another homeowner mentioned that sand scraped from the roadway can never be pushed over the dune due to potential gravel contamination and must instead be hauled away. They also noted that the Town determines where that type of sand should go if not pushed over the dune.

We understand from the Town's FAQ and contractor training materials that sand relocated to the beach or dune must be clean and free of debris. That aligns with our intent, and we've been working with contractors who've completed the Town's program and follow its requirements. That said, in practice, because of the use of heavy equipment, there may occasionally be small amounts of gravel mixed in—particularly with the final scoops—despite the contractor's best efforts to minimize it. Could you clarify how the Town typically handles a situation where there may be some gravel mixed in with the sand, and whether there's a standard approach for reviewing or correcting that kind of issue?

3. HOA's Ability to Pull a Permit for Work in the Easement

There was also a comment made that the HOA is not allowed to pull a permit or remove sand from the dune crossover area because it's considered private property within a deeded easement and not directly owned by the HOA. It was shared that this was based on a conversation with you.

We understand that questions about easement access between private owners aren't within your purview, and we're not asking you to weigh in on that. We just want to confirm whether, from the Town's standpoint, there's any issue with the HOA—or a contractor working on the HOA's behalf—applying for a sand relocation permit to maintain the shared dune access?

We really appreciate your time and help, Conner. Our only goal here is to be sure we're operating by the rules and communicating accurate information to our homeowners.

Fw: Pelican Park sand removal

From loryobx@aol.com <loryobx@aol.com>
Date Thu 12/4/2025 3:38 PM
To Crystal Miscio <crystal@legacyparktitle.com>

----- Forwarded Message -----

From: Conner Twiddy <conner.twiddy@nagsheadnc.gov>
To: loryobx@aol.com <loryobx@aol.com>; jmcreef@gmail.com <jmcreef@gmail.com>
Sent: Thursday, April 3, 2025 at 09:08:05 AM EDT
Subject: Re: Pelican Park sand removal

Good morning Mrs Lory,

Just wanting to confirm you're giving Jerry Creef permission through the Town of Nags Head's sand relocation program to clean the boardwalk and the south side only, the north side shall not be touched for the single time cleaning? and this does not apply to any future projects.

Thanks,
Conner

Get [Outlook for iOS](#)

From: loryobx@aol.com <loryobx@aol.com>
Sent: Wednesday, April 2, 2025 4:13:06 PM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>; jmcreef@gmail.com <jmcreef@gmail.com>
Subject: Pelican Park sand removal

I, Loretta Patrick, grant the Town of Nags Head permission to clean the boardwalk structure within my easement. This permission is for this one-time cleaning only and does not apply to future actions.

Sincerely,

Lory Patrick
10023B East Pelican Street, Nags Head, NC 27959
10023C East Pelican Street, Nags Head, NC 27959

BEWARE! WIRE FRAUD ADVISORY!

WIRE FRAUD AND EMAIL HACKING ATTACKS ARE ON THE RISE!

****If you received an email corresponding our wire transfer instructions, please verify by calling your settlement agent immediately using previously known contact information prior to sending funds. We are not responsible for any wires sent by you or your financial institution due to incorrect bank account information****

From: Sebastian Ojanguren <ojanguren@gmail.com>

Sent: Wednesday, April 2, 2025 4:40 PM

To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>

Cc: Crystal Miscio <crystal@legacyparktitle.com>; Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>

Subject: Re: Sand Clearing Clarification

Hi Conner,

Thanks again for your thoughtful reply and for helping us navigate this.

We wanted to follow up specifically on point #3, regarding the HOA's ability to apply for permits tied to maintenance of the dune crossover.

While it's true that the crossover structure is not mentioned in the 1975 covenants or plat map, we wanted to clarify a few contextual points that we believe legally support the HOA's role:

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With that in mind, could you please confirm whether the Town will continue to accept permit applications submitted by the HOA for maintenance of this structure?

We're committed to following all permitting protocols and appreciate your help as we work to ensure this community resource is maintained responsibly.

Regards,
Sebastian

On Wed, Apr 2, 2025 at 3:52 PM Conner Twiddy <Conner.Twiddy@nagsheadnc.gov> wrote:

Good Afternoon,

A82

Fw: Sand Clearing Clarification

From loryobx@aol.com <loryobx@aol.com>
Date Thu 12/4/2025 3:54 PM
To Crystal Miscio <crystal@legacyparktitle.com>

----- Forwarded Message -----

From: Crystal Miscio <crystal@legacyparktitle.com>
To: loryobx@aol.com <loryobx@aol.com>
Sent: Wednesday, April 2, 2025 at 09:15:52 PM EDT
Subject: Fw: Sand Clearing Clarification

See below from Sebastian

If you have any questions, please do not hesitate to call me.

**ALL OVERNIGHT PACKAGES and USPS Mail TO BE SENT TO: 7879 UNBRIDLED CT
MANASSAS VA 20112**

Thank you,
Crystal Miscio, VA Title Agent
LEGACY PARK TITLE, LLC
703-772-4968 (cell)
866-361-8766 (fax)
www.legacyparktitle.com



For all emails with Citrix SECURE attachments, click on the BLUE "Download Attachment" button, follow recipient verification instructions, once the attachment opens click "Download", the attached document will open for you to review and

I am going to answer each question in order that they were written.

1. Sand can only be removed from the AEC or Area of Environmental Concern if the sand is determined to be contaminated for example by being over a failing/malfunctioning septic system or if the sand is full of vegetation, debris or other contaminants that cannot be sifted or screened out to be considered clean sand. If the sand cannot be remediated to the extent that it is considered clean and can be put back on the beach, then it must be inspected and approved to be hauled away.
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Thanks,
Conner

A84

From: Sebastian Ojanguren <ojanguren@gmail.com>
Sent: Tuesday, April 1, 2025 3:32 PM
To: Conner Twiddy <Conner.Twiddy@nagsheadnc.gov>
Subject: Sand Clearing Clarification

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—

Regards,

Sebastian

A85

UnOfficial Document

DARE COUNTY REAL ESTATE TRANSFER TAX

LT 2442-19 \$4,750.00

Recorded: 07/25/2019 03:06:02 PM

BY: CLAUDIA HARRINGTON
Cheryl L. House, Register of Deeds
Dare County, NC

Fee Amt: \$26.00

NC Excise Tax: \$950.00

BOOK 2313 PAGE 599 (3)

700067041



Other owner for property also has an easement - this owner can give permission to use his land for a boardwalk or being an easement, all neighbors can just walk on the sand to the beach

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$950.00 Land Transfer Tax: \$4,750.00 LT# 2442-19

Parcel Identifier No. 008940000 Verified by _____ County on the _____ day of _____ By: _____

Mail/Box to: Sharp, Graham, Baker & Varnell, LLP, P.O. Drawer 1027, Kitty Hawk, NC 27949

This instrument was prepared by: Casey & Robbins, PC, 110 West Gray Eagle Street, STE 101, Nags Head, NC 27959

Brief description for the Index: LOT 1, Pelican Park

THIS DEED made this 25th day of July, 2019, by and between

GRANTOR
PAUL KARAGEORGE, widower and not remarried (Silvy Karageorge died September 18, 2018 in Charlottesville, VA)
P.O. Box 85
High View, WV 26808

GRANTEE
SCOTT L. GELMAN and wife,
SUSAN GELMAN
116 Gilmore Blvd.
Floral Park, NY 11001

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Nags Head, Nags Head Township, Dare County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1808 page 323. All or a portion of the property herein conveyed includes or ☒ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

Page 1 of 2

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002, 2013
Printed by Agreement with the NC Bar Association - 1981

This standard form has been approved by:
North Carolina Bar Association - NC Bar Form No. 3

A86

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

General utility easements and rights of way of record; Ad valorem taxes subsequent to 2018; Restrictions and covenants of record in Dare County Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Paul J. Karageorge (SEAL)
Print/Type Name: PAUL KARAGEORGE
By: _____ (SEAL)
Print/Type Name: _____
By: _____ (SEAL)
Print/Type Name: _____
By: _____ (SEAL)
Print/Type Name: _____

State of West Virginia - County or City of Hardy
I, the undersigned Notary Public of the County or City of Hardy and State aforesaid, certify that PAUL KARAGEORGE widower and not remarried personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 23 day of July, 2019.

My Commission Expires: 2/28/2024
(Affix Seal)



Bethany Stotler
Bethany Stotler Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

EXHIBIT "A"
TO NORTH CAROLINA GENERAL WARRANTY DEED
FROM
PAUL KARAGEORGE, WIDOWER AND NOT REMARRIED
TO
SCOTT L. GELMAN AND WIFE, SUSAN GELMAN

All that certain parcel of land designated on a plat made by Rose & Purcell, Inc., Surveyors, entitled "Land Subdivision Modification, Pelican Park", said plat appearing of record in Book 225, Page 273, Public Registry of Dare County, North Carolina, said parcel being designated thereon as Parcel 5, and more particularly described as follow:

Beginning at a stake or other marker situated on the South line of the Charles F. and Lynn O. Bailey property, said point of beginning being located North 66 deg. 45. min East 477.30 feet along said South property line from the intersection thereof with the Eastern margin of the right of way of N. C. State Road No. 1243, said beginning point being in and marking the Southeast corner of Parcel No. 5 and the Southwest corner of Parcel No. 6; running thence from said beginning point North 14 deg. 59 min. West a distance of 100 feet to a point, said point being the center line of the easement shown on the map or plat hereinabove referred to; and thence turning and running South 66 deg. 45 min. West a distance of 117.80 feet to a point, said point being in the center line of the easement hereinabove referred to; and thence turning and running South 14 deg. 59 min. East a distance of 100 feet to the South line of the Charles F. and Lynn O. Bailey property; and thence turning and running North 66 deg. 45 min. East a distance of 117.80 feet to the point of place of beginning.

Together with a private easement for the purpose of ingress and egress over and across those paved 20 foot access areas extending from said lot to N. C. State Road No. 1243 and shown on the map or plat entitled "Land Subdivision Modification, Pelican Park" made by Rose and Purcell, Inc., dated August 21, 1975, as hereinabove referred to. This easement shall be in common with the Grantors, the Grantees, and the subsequent purchasers within the area described as Pelican Park.

The lands hereinabove described are conveyed subject to the private easement shown in the aforesaid map or plat of Rose & Purcell, Inc., recorded in Book 225, Page 273, Public Registry of Dare County, North Carolina, said easement extends along the Northern line of Parcel 5, and a portion of the eastern line of Parcel 5 as shown on the aforesaid map or plat so as to provide access to Parcels 6, 7, 8, 9 and 10 of the aforesaid land modification plat.

This conveyance is made subject to that Declaration of Protective Covenants dated August 22, 1975, and recorded in Book 225, Page 270, Public Registry of Dare County, North Carolina, which said covenants shall run with the land and be binding upon the Grantors, the Grantees, and their successors in title.

This conveyance is made subject to that certain deed of easement dated August 22, 1975, to the Town of Nags Head, which said easement is for the purpose of providing maintenance of the water lines installed upon the properties within said subdivision known as "Pelican Park".



UNOFFICIAL Document
APPROVED
DARE COUNTY TAX
COLLECTOR
NO. 7362-04
\$ 4150.00

DARE
COUNTY



REAL ESTATE
TRANSFER TAX

4- 7362-04 4,150.00

Attachment #9
Other adjacent property
also has an easement -
this owner can give
permission to use his
land for a boardwalk or
being an easement, all
neighbors
can just
walk on the
sand to the
beach

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 830.00

Parcel Identifier No. 008947000 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Jim Edsall, Edsall & Epp, Attorneys at Law PC, P. O. Box 70, Harbinger, NC 27941

This instrument was prepared by: Aldridge, Seawell, Spence & Felthousen, LLP, 805 North Main Hwy, Manteo, NC 27954

Brief description for the Index: LT 11, PELICAN PARK S/D

THIS DEED made this 2nd day of November, 2004, by and between

GRANTOR

Jeffrey W. Gutmann and wife
Wanda J. Gutmann

GRANTEE

Barry J. Brockway and wife
Julie S. Brockway
188 DeGraw Street, #1
Brooklyn, NY 11231

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Nags Head, Nags Head Township, Dare County, North Carolina and more particularly described as follows:
See Attachment

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1028 page 234.

A map showing the above described property is recorded in Plat Book _____ page _____.

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TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Easements and restrictions appearing of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)

By: _____
Title: _____

By: _____
Title: _____

By: _____
Title: _____

Jeffrey W. Gutmann (SEAL)
Jeffrey W. Gutmann

Wanda J. Gutmann (SEAL)
Wanda J. Gutmann

(SEAL)

(SEAL)

State of North Carolina - County of Cumby
Maryland

I, the undersigned Notary Public of the County and State aforesaid, certify that Jeffrey W. Gutmann and wife Wanda J. Gutmann personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29 day of November, 2006.

My Commission Expires: Oct. 18, 2006

Notary Public
Tara M. Olise

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____ a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

North Carolina
Dare County

The foregoing certificate of Tara M. Olise
a Notary Public is certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

Barbara M. Gray, Register of Deeds

By Kangia McMillan Assistant Register of Deeds



6151242
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11/05/2004 04:58P

A90

ATTACHMENT "A"

Unofficial Document
All that certain parcel of land together with the improvements thereon situated designated on a plat made by Rose and Purcell, Inc., Surveyors, entitled "Land Subdivision Modification, Pelican Park," said plat appearing of record in Book 225, Page 273, Public Registry of Dare County, North Carolina, said parcel being designated thereon as Parcel 11, and more particularly described as follows:

Beginning at an iron pipe situated in and marking the North line of the property of Charles F. and Lynn O. Bailey known as "Pelican Park" as the same adjoins the property know or formerly owned by Casalina Corporation, said beginning point being located on a course of North 66 deg. 45 min. East a distance of 359.50 feet from a stake or other marker situated in and on the East margin of N. C. Road 1243, said point of reference at the aforesaid highway right of way being the Northwest corner of the original Pelican Park tract of land; and running thence from said beginning point North 66 deg. 45 min. East a distance of 117.80 feet to a stake or other marker; and thence turning and running South 14 deg. 59 min. East a distance of 100 feet to a stake or other marker; and thence running South 66 deg. 45 min. West a distance of 117.80 feet to a stake or other marker; and thence turning and running North 14 deg. 59 min. West a distance of 100 feet to the point or place of beginning.

Together with a private easement for the purpose of ingress and egress over and across these paved 20 foot access areas shown on the map or plat of Rose and Purcell, Inc., entitled "Land Subdivision Modification, Pelican Park, dated August 21, 1975, which said easement provides for access over paved 20' area from N. C. Highway 1243 to the Southwest corner of the parcel of land hereinabove described. This easement shall be in common with the Grantors, the Grantees, and the subsequent purchasers within the area described as "Pelican Park"



6151242
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Attachment #10

2014 application

Permit#	Status	Applied Date	Issued Date	CO Issued Date	Address	PIN	Class	Work Class	Total Finished Sq Ft
RE2014-0665	Completed	4/8/2014	4/22/2014		10023 C E Pelican St	071811653165	Residential	Repair	0

A92

Description
Build beach accessway and stairs over existing which is buried by sand

A93

Fees Paid	Valuation	Company Name
105	2,800.00	Humberto Gonzalez Alvarez

A94

Complete Name
HAUSCHILD, ELEANOR CRYMBLE

A95

Expiration Date
5/28/2015

A96

FW: 10023 C - Lot / boardwalk

From: Brittany Randolph (brandolph@bearinginsurance.com)
To: loryobx@aol.com
Cc: cstory@bearinginsurance.com
Date: Tuesday, May 26, 2026 at 08:46 AM EDT

Good morning Lory, I hope you had a nice weekend!

Unfortunately USLI has declined to write Liability coverage on this risk due to the easement. I have reached out to one other carrier to see if they have a market. I will be in touch once I hear back. Thanks!



Brittany Randolph, CISR
Personal Insurance Account Manager
252-331-8213
www.bearinginsurance.com



Service requests and payments can be handled by phone, email, website, or mobile app. View all [service options](#). If ever in doubt, please call me directly.

From: Brittany Randolph
Sent: Friday, May 22, 2026 2:42 PM
To: loryobx@aol.com
Cc: Bo Rhodes <brhodes@bearinginsurance.com>; Christie Story <cstory@bearinginsurance.com>
Subject: 10023 C - Lot / boardwalk

Hi Lory, thank you for the below email with the additional information. I wanted to reach out before I left for the day in regard to 10023 C East Pelican – I have reached out to my carrier USLI to see if they can provide liability coverage for this lot/boardwalk. Unfortunately, I received an out of office reply advising their offices closed at 1pm today (we go to lunch from 12-1so I missed the window). We closed at 2pm today and we are both (Bearing Insurance and USLI) closed on Monday in observance of Memorial Day. Please know I will be in touch on Tuesday as soon as I hear back from my underwriter to confirm if they can or cannot write liability on this. Thank you again and have a nice weekend!



Brittany Randolph, CISR
Personal Insurance Account Manager
252-331-8213
www.bearinginsurance.com



Service requests and payments can be handled by phone, email, website, or mobile app. View all [service options](#). If ever in doubt, please call me directly.

From: loryobx@aol.com <loryobx@aol.com>
Sent: Friday, May 22, 2026 2:12 PM
To: Brittany Randolph <brandolph@bearinginsurance.com>
Subject: Re: Quote to amend coverages- 10023-B E. Pelican Street

A97

External Email: Slow down and **think** before clicking links or opening attachments.

Brittney, I just got off the phone with my friend concerning 10023C East Pelican Street. I'm trying not to waste your time but I was flipping thru my policies and saw something about "easement exclusions" and I want to make sure that you do understand this boardwalk is situated on an easement on this property. This is the ONLY reason I want insurance for this property--to protect me in case someone gets hurt on this boardwalk, or in this easement. I have no trespassing signs posted on my adjacent personal property but this an easement. As stated, I will never

Attachment #11
Denial of insurance due to this boardwalk being built on an easement → irreparable harm if someone is injured on my property; Nags Head has been formally put on notice concerning this illegal unauthorised structure!