



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Planning Board

From: Kelly Wyatt, Planning Director  
Joseph Costello, Deputy Planning Director

Date: March 15, 2024

Subject: Discussion and initiation of text amendments related to installation of netting as a barrier to deter stray golf balls from impacting private property.

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#### **Overview**

The town has occasionally received communications from property owners within the Village at Nags Head SPD-C District or those adjacent to Nags Head Golf Links regarding stray golf balls impacting their private property. Recently, we have had extensive communication with Michael Muller, the property owner of 6316 Bob White Avenue, Nags Head. Mr. Muller reached out to the town seeking advice on how to address the repeated damage to his property caused by stray golf balls.

Upon contacting the General Manager of Nags Head Golf Links to relay the homeowner's concerns, we were informed that it is typically the golfer's responsibility to address any damage to private property.

To mitigate the issue of stray golf balls, Mr. Muller has inquired about the necessary steps to install netting as a barrier adjacent to his home. Based on the examples he provided, this netting would be 20 feet high and 30 feet wide, supported by telescoping flag poles.

Examples of the proposed netting and telescoping flagpole can be found [\[HERE\]](#) and [\[HERE\]](#), respectively.

The current Unified Development Ordinance (UDO) does not address this type of structure. While the intended purpose of the structure is similar to that of a fence, the maximum fence height allowed is 6 feet, which Mr. Muller has noted would not provide the level of protection he seeks.

Given Mr. Muller's proposed solution, staff recognizes that such a measure could benefit more properties than just Mr. Muller's. Therefore, we are requesting that the Planning Board initiate the text amendment process. This would allow the Planning Staff to begin researching and seeking additional guidance on future amendments to accommodate Mr. Muller's request and similar situations.

Planning staff will be available at the Planning Board's March 19<sup>th</sup> meeting for further discussion.

## Kelly Wyatt

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**From:** Kelly Wyatt  
**Sent:** Thursday, August 17, 2023 9:06 AM  
**To:** Andy Garman; Mike Muller  
**Subject:** RE: Nags Head Golf Links

Good Morning Mr. Muller –

I hope you are doing well today. I just wanted to update you, I have contacted Mr. John Mebane, Superintendent at the Golf Links to explain the concern and to inquire about what mitigation efforts they could consider. When I hear back, I will relay that information to you immediately.

Thank you so much,  
Kelly

Kelly Wyatt  
Director of Planning & Development  
Office: 252-449-6042  
Email: [Kelly.wyatt@nagsheadnc.gov](mailto:Kelly.wyatt@nagsheadnc.gov)



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**From:** Andy Garman <Andy.Garman@nagsheadnc.gov>  
**Sent:** Friday, August 11, 2023 5:04 PM  
**To:** Mike Muller <mmuller@dpsincva.com>  
**Subject:** RE: Nags Head Golf Links

Mr. Muller,

I have forwarded your concern to a staff member who is looking into this. She will be in touch early next week.

Thank you.

Andy Garman  
Town Manager  
252.449.2006  
252.619.0437 (m)



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**From:** Mike Muller <[mmuller@dpsincva.com](mailto:mmuller@dpsincva.com)>  
**Sent:** Friday, August 11, 2023 8:15 AM

To: Andy Garman <[Andy.Garman@nagsheadnc.gov](mailto:Andy.Garman@nagsheadnc.gov)>

Subject: Nags Head Golf Links

Dear Mr. Garman,

I own a home at 6316 S. Bobwhite Avenue in Nags Head. My house is next door to The Villages at Nags Head Village and the Nags Head Golf Links course. My house is not in the golf club community but is located on the left side of hole number 4. Since I purchased the house in March, 2017 my house and my personal property has suffered multiple damages from the golf course resulting in thousands of dollars in damages.

My house has over 30 broken pieces of siding, two broken windows, broken chairs and multiple dents from errant gold balls. July of this year 2023 and last year 2022, my new 2021 Dodge Ram truck was struck by golf balls that broke the rear window and dented the body (2023) and last year broke out the sun roof. Other vehicles; family, friends and contractors have also received damages from the golf balls (broken tail light, a dent in the side of a vehicle and a broken windshield.) I have golfers playing their ball from my front yard, golf carts running through my yard and down the street searching for their ball.

Over the 5 years span I have accumulated several hundred golf balls. Each visit to my vacation home I find additional damage and golf balls in my yard and in my pool. On several occasions, golf balls have barely missed hitting someone in our yard and pool.

Calls to Nags Head Golf Links course and visits to speak to the manager have gone unanswered. I think it's about time that Nags Head Links or the Town of Nags Head to take action and do something before someone is seriously injured or dies from an errant ball. It should be the responsibility of the golf course to keep gold balls within their property limits by providing adequate tree coverage and or netting. Any suggestion or advise would be greatly appreciated.

Respectfully,

Michael & Virginia Muller

6316 S. Bobwhite Ave,

Nags Head, NC 27959

## Kelly Wyatt

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**From:** Jt Symons <Jt.Symons@invitedclubs.com>  
**Sent:** Wednesday, September 6, 2023 11:18 AM  
**To:** Kelly Wyatt; John Mebane  
**Subject:** Re: Stray golf ball concerns.

Good Morning Kelly!

My apologies for the late response. It's nice to finally be past Labor Day! With regards to the homeowner's concerns, it is the golfer's responsibility for any damage to private property. We share this message with golfers when they arrive. Sometimes when damage occurs, they will report it to us, and we will notify the owner. It unfortunately, doesn't always happen. These are the unfortunate risks associated with owning a home next to a golf course. Their best solution would be to add trees, vegetation, or even a net for protection on their property, however, I do not know what restrictions there might be within that neighborhood. Thank you for following back with me and I apologize again for the late response!!

Have a great day!



J.T. Symons, PGA  
General Manager

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The Currituck Club | Nags Head Golf Links | Village Beach Club  
e: [Jt.Symons@invitedclubs.com](mailto:Jt.Symons@invitedclubs.com) o: 2524539400 ext. 1

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**From:** Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>  
**Sent:** Wednesday, September 6, 2023 11:01 AM  
**To:** John Mebane <John.Mebane@invitedclubs.com>; Jt Symons <Jt.Symons@invitedclubs.com>  
**Subject:** RE: Stray golf ball concerns.

Good Morning Mr. Mebane and Mr. Symons – I am following up on this email request from mid-August, any updates?  
Thank you,  
Kelly

Kelly Wyatt  
Director of Planning & Development  
Office: 252-449-6042  
Email: [Kelly.wyatt@nagsheadnc.gov](mailto:Kelly.wyatt@nagsheadnc.gov)



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**From:** John Mebane <John.Mebane@invitedclubs.com>  
**Sent:** Thursday, August 17, 2023 12:47 PM

To: Kelly Wyatt <Kelly.Wyatt@nagsheadnc.gov>; Jt Symons <Jt.Symons@invitedclubs.com>  
Subject: Re: Stray golf ball concerns.

Hi Kelly, I have included our general manager Jt Symons in this response. He will be reaching out to you.

Have a Great Day



**NAGS HEAD**  
~GOLF LINKS~

**John Mebane**  
Superintendent

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e: John.Mebane@invitedclubs.com w: nagsheadgolf.com

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**From:** Kelly Wyatt <[Kelly.Wyatt@nagsheadnc.gov](mailto:Kelly.Wyatt@nagsheadnc.gov)>  
**Sent:** Thursday, August 17, 2023 9:02 AM  
**To:** John Mebane <[John.Mebane@invitedclubs.com](mailto:John.Mebane@invitedclubs.com)>  
**Subject:** Stray golf ball concerns.

Good Morning Mr. Mebane,

I hope you are doing well today. I am not entirely sure you are the correct person to direct this to, if not, would you mind putting me in touch with the person who would be?

The Town has received a concern from a property owner on Bobwhite Avenue, just south of the Village Golf Course and Village Community District. The property owner is claiming that his home and his personal property (vehicles, etc.) has suffered multiple damages from stray golf balls from the course – broken pieces of siding, broken windows, broken windows of vehicle, dented body of vehicle, etc. While I don't believe the Town really has any say over this situation, I was hoping that the Village Golf Links personnel could look into this and see if there is anything that can or should be done to mitigate these types of damages. Landscaping, netting, I'm honestly not sure – but I was hoping you could give this some thought.

I told the property owner that I would contact the golf course and share the concerns. If you, or someone else can let me know stance the golf course is taking and if there is any consideration to mitigating these instances, please just let me know.

I appreciate your time and consideration.

Thank you,  
Kelly Wyatt

Kelly Wyatt  
Director of Planning & Development  
Office: 252-449-6042  
Email: [Kelly.wyatt@nagsheadnc.gov](mailto:Kelly.wyatt@nagsheadnc.gov)



## Kelly Wyatt

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**From:** Chris Trembly  
**Sent:** Wednesday, February 28, 2024 4:31 PM  
**To:** the4mullers@aol.com  
**Cc:** Kelly Wyatt  
**Subject:** RE: 6316 Bobwhite.pdf

Thank you for the updated details. They will be very helpful in reviewing consistency with the Town Code. I will need to do some research and have some discussions within the planning department with this type of proposed development. I will get back to you the first of next week with the results of our discussions.

**Christopher Trembly, CZO**  
Town of Nags Head  
Planner and CAMA LPO  
Direct: 252-449-6045  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)  
[chris.trembly@nagsheadnc.gov](mailto:chris.trembly@nagsheadnc.gov)



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**From:** the4mullers@aol.com <the4mullers@aol.com>  
**Sent:** Wednesday, February 28, 2024 2:35 PM  
**To:** Chris Trembly <Chris.Trembly@nagsheadnc.gov>  
**Subject:** Re: 6316 Bobwhite.pdf

Hi Mr. Trembly;

The trees that I plan to have installed will hopefully eventually grow 15-20 feet tall by 4 feet wide. The plan is to install 8-10 arborvitae trees or similar along the property line and Forest Street.

The net would be installed directly behind the trees (on the house side of the tree line). The net is a golf ball net in black that would be 30 feet long and 20 feet tall. The net would hopefully be temporary until the trees mature enough to help stop the golf balls. The net would also be able to come down and put back up as needed when someone is at the property to help protect them and their vehicles from golf ball damage. The net will be similar to the link below;

[https://www.amazon.com/Practice-Carabiners-Durable-Weatherproof-Baseball/dp/B0CN9SLKJK/ref=sr\\_1\\_21?crid=1QERT0U6BRXN3&dib=eyJ2ljojMSJ9.I zoQmku1BWd ynFrTX-PkXrAFbxWYOpJPn eRPXOa2ed7EuKoT1W2Aip5hb R4zcAcjQf9jW6qHaMy1cO4qQevxln3HMF0k FJRSC1TY-GLSY3D08vOPqR-NvVKOKIizAoKLL09FrwPEQbRMp4axy7LHWP3z4YO9hSXQ6h1zjuFBbX4VO7P58Zysvn1mQKc5r0 OcTUnyTx6tlEsA3dlYXIV3kWNxZemMyvOJrVC7GEjtzHvPZb 3ivroaMqgBvvQ7matm-6ZzhpCWoOxb6 eYpNSmxhIkwas1B2-J0dt2nv8.dRQL7zy7WUx2XE fcY8GQFqCHosme2msMfalbd4a jY&dib tag=se&keywords=golf%2Bball%2Bnetting%2Bfor%2Bhome%2Bprotection&qid=1709146120&sprefix=golf%2Bball%2Bnet%2Cps%2C92&sr=8-21-spons&sp\\_csd=d2lkZ2V0TmFtZT1zcF9tdGY&th=1&psc=1](https://www.amazon.com/Practice-Carabiners-Durable-Weatherproof-Baseball/dp/B0CN9SLKJK/ref=sr_1_21?crid=1QERT0U6BRXN3&dib=eyJ2ljojMSJ9.I zoQmku1BWd ynFrTX-PkXrAFbxWYOpJPn eRPXOa2ed7EuKoT1W2Aip5hb R4zcAcjQf9jW6qHaMy1cO4qQevxln3HMF0k FJRSC1TY-GLSY3D08vOPqR-NvVKOKIizAoKLL09FrwPEQbRMp4axy7LHWP3z4YO9hSXQ6h1zjuFBbX4VO7P58Zysvn1mQKc5r0 OcTUnyTx6tlEsA3dlYXIV3kWNxZemMyvOJrVC7GEjtzHvPZb 3ivroaMqgBvvQ7matm-6ZzhpCWoOxb6 eYpNSmxhIkwas1B2-J0dt2nv8.dRQL7zy7WUx2XE fcY8GQFqCHosme2msMfalbd4a jY&dib tag=se&keywords=golf%2Bball%2Bnetting%2Bfor%2Bhome%2Bprotection&qid=1709146120&sprefix=golf%2Bball%2Bnet%2Cps%2C92&sr=8-21-spons&sp_csd=d2lkZ2V0TmFtZT1zcF9tdGY&th=1&psc=1)

The net would be supported by 3 flag poles that are 20 feet tall. The flag poles would also be removable as needed when using the net. The poles can be adjusted from 6 feet tall to 20 feet in height. The poles are black and withstand high winds. Similar to the link below:

[https://www.amazon.com/DEPARTMENT-Telescoping-Telescopic-Flagpole-Residential/dp/B0C2DH74PJ/ref=sr\\_1\\_3?crd=OCO7XYOGC1T5&dib=eyJ2ljojMSJ9.OiBzA9yQSMSCa1oUBGjTjW5jeWn8gUopbqJ Bogy7F0-PriVUo1FPoAeOfEWZg9OIBUbAShI8nkCN-L0on6pjaVWzbf8EW3hILUpLg04equZ5PVSZCmQBbcuwsKQiBnDhEzsiG-Q5zWY51pXkpzleSB8ngJYKbE0ndoS84utoQR8k6Qzq3hvS0Qr8ga9xtDNHXcBP-WgQrE4De1kGCGEHMuGPXNTL02o0pKhCpzesZYqleVnIAuHux1mMZA KrpNn0S4nFpbiNFBDvCmudHyxg51X6obTeDY036KI7ggEU8.xBbKY-guhgrBxysMCC9EM52g18Ec0WhQitgdSW0Hbuc&dib\\_tag=se&keywords=flag+poles+in+ground+for+home&qid=1709146458&sprefix=flag+poles%2Caps%2C96&sr=8-3-spons&sp\\_csd=d2lkZ2V0TmFtZT1zcf9hdGY&psc=1](https://www.amazon.com/DEPARTMENT-Telescoping-Telescopic-Flagpole-Residential/dp/B0C2DH74PJ/ref=sr_1_3?crd=OCO7XYOGC1T5&dib=eyJ2ljojMSJ9.OiBzA9yQSMSCa1oUBGjTjW5jeWn8gUopbqJ Bogy7F0-PriVUo1FPoAeOfEWZg9OIBUbAShI8nkCN-L0on6pjaVWzbf8EW3hILUpLg04equZ5PVSZCmQBbcuwsKQiBnDhEzsiG-Q5zWY51pXkpzleSB8ngJYKbE0ndoS84utoQR8k6Qzq3hvS0Qr8ga9xtDNHXcBP-WgQrE4De1kGCGEHMuGPXNTL02o0pKhCpzesZYqleVnIAuHux1mMZA KrpNn0S4nFpbiNFBDvCmudHyxg51X6obTeDY036KI7ggEU8.xBbKY-guhgrBxysMCC9EM52g18Ec0WhQitgdSW0Hbuc&dib_tag=se&keywords=flag+poles+in+ground+for+home&qid=1709146458&sprefix=flag+poles%2Caps%2C96&sr=8-3-spons&sp_csd=d2lkZ2V0TmFtZT1zcf9hdGY&psc=1)

A net as high as a "fence" would not suffice in this case. I need something that will protect my vehicles, some of the house and anybody in the yard. I have already experienced damage to several vehicles:

2021 Ram moonroof, the rear sliding window and a dent in the upper cab, 2019 Hyundai Kona broken tail light, F150 contractors truck broken windshield, and a dent in the door panel of a friends Dodge Ram.

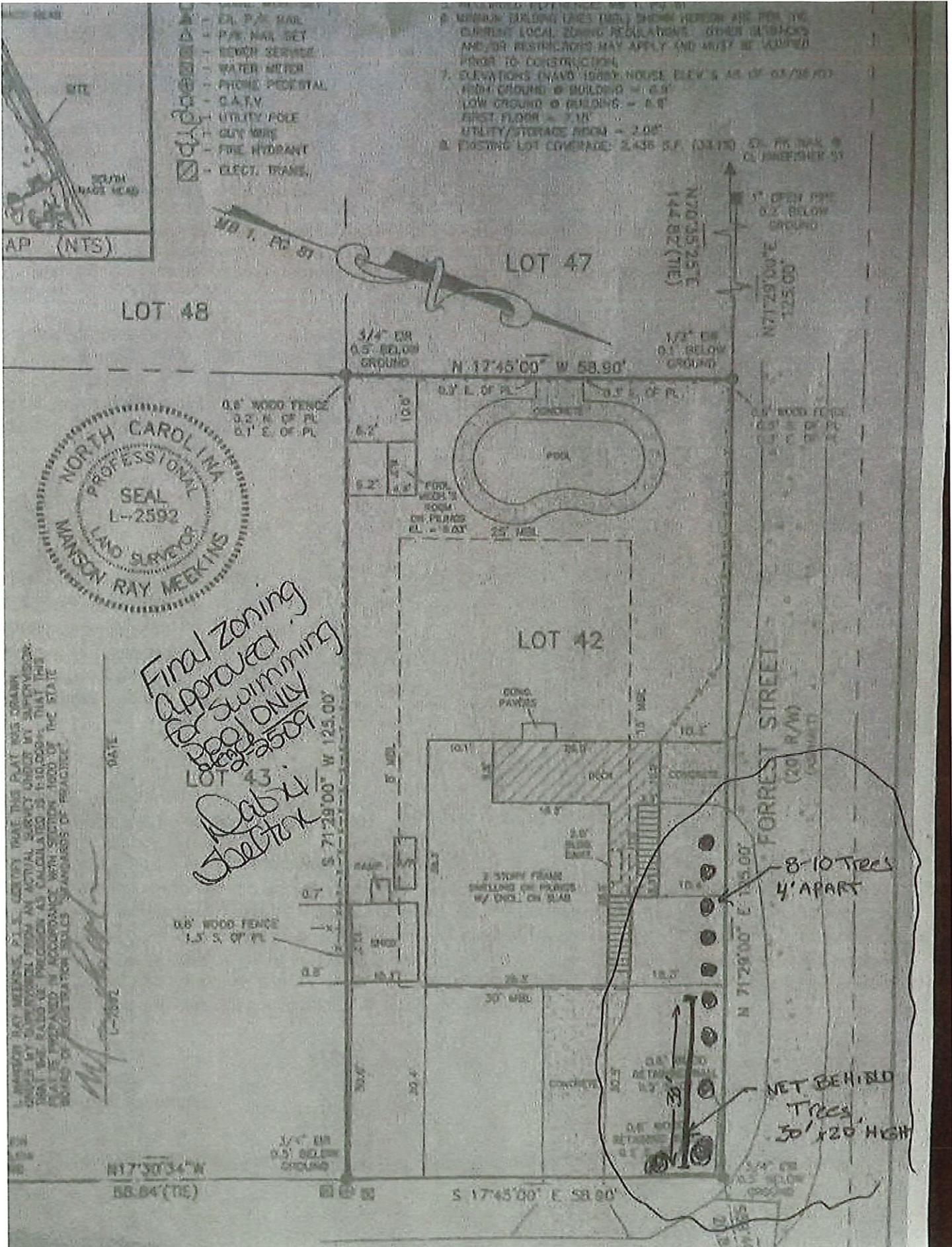
The house has several holes and damaged pieces of siding. The estimated cost to replace the siding on the house is over \$10,000. I had two broken windows in the past two years. I have collected several hundred golf balls in just the 6 years of owning the property. I find balls in the pool and on several occasions, golf balls have flown into the backyard while we were back there enjoying the pool. Someone is going to get seriously injured one of these days.

I have tried addressing the players, the golf course and the town of Nags Head. The golfers are just rude and will not admit to hitting the ball. The Town and Nags Head Links suggested the net idea. Personally I think it should be the responsibility of the golf course to help prevent these errant balls from leaving their property limits and damaging my home. If it was an "occasional" ball in the yard, I would be fine with that but this is well above normal or what one would expect.

Thanks for your consideration. Please let me know if you need anything else from me. I attached the plat with the trees and fence drawn in.

Respectfully,

Michael Muller  
6316 S. Bobwhite Ave., Nags Head  
703-932-6492



On Monday, February 26, 2024 at 12:26:16 PM EST, Chris Trembly <[chris.trembly@nagsheadnc.gov](mailto:chris.trembly@nagsheadnc.gov)> wrote:

Good evening Mr. Muller,

I have looked into your questions regarding trees and netting. The planting of trees within your property line is allowed and would not require a permit. The netting is not directly addressed in the Unified Development Ordinance (UDO), and most likely be held to the same height limits as a fence. Do you have more specifics on the netting you propose? What would be the location? What would be the height? How would the supporting structure be built? Do you have any pictures to convey your proposal? The netting proposed development may require a text amendment if the proposed height is higher than what would be required of a fence in the same location.

Thank you for your patience,

Christopher Trembly, CZO  
Town of Nags Head  
Planner and CAMA LPO  
Direct: 252-449-6045  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)  
[chris.trembly@nagsheadnc.gov](mailto:chris.trembly@nagsheadnc.gov)



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**From:** Michael Muller <[the4mullers@aol.com](mailto:the4mullers@aol.com)>  
**Sent:** Monday, February 26, 2024 9:49 AM  
**To:** Lily Nieberding <[Lily.Nieberding@nagsheadnc.gov](mailto:Lily.Nieberding@nagsheadnc.gov)>  
**Cc:** Chris Trembly <[Chris.Trembly@nagsheadnc.gov](mailto:Chris.Trembly@nagsheadnc.gov)>  
**Subject:** Re: 6316 Bobwhite.pdf

Hi Chris,  
I'm following up on our phone conversation from February 16th regarding any restrictions to planting trees along my property line and the gravel road section of Bobwhite Ave and a golf ball netting to prevent golf balls from hitting the house, my vehicles and hopes to protect my family and friends from errant golf balls.

Thanks for your time and looking into this.

Respectfully,  
Mike Muller

Sent from my iPad

On Feb 16, 2024, at 5:00 PM, [the4mullers@aol.com](mailto:the4mullers@aol.com) wrote: