



**Agenda**  
**Town of Duck Board of Adjustment**  
Keller Meeting Hall  
Tuesday, May 26, 2026 – 10:00 AM

1. Call to Order
2. Swearing in New Board of Adjustment Members
  - a. *Frank Douglas*
3. Election of Officers
  - a. *Chair*
  - b. *Vice-Chair*
4. Old Business:
  - a. *Final Written order in the matter of Knotts v. Town of Duck*
5. Public Hearings
  - a. *BOV-2026-001 An application submitted by property owner Edward and Debra Scheuermann for a variance to keep a ground level bathroom in an area that is located below the Town of Duck Regulatory Flood Protection Elevation (RFPE) of 10 feet. Town Code Section 150.40(D) requires that all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the RFPE.*
  - b. *BOV-2026-002 An application submitted by property owner Wishner Family Partners, LLC by Mark Wishner for a variance of 5.79 feet to retain a concrete pool deck constructed 19.21 feet from the southern property line of their residence at 109 Settlers Lane. Town Code Section 156.030(D) (5) requires a minimum setback of 25 feet from the property line.*
6. Staff Comments
7. Board Comments
8. Adjournment





Town of Duck, North Carolina  
**Department of Community Development**  
*Memorandum*

*Agenda Item 4a*

**Memorandum**

**TO:** Chairman Finch and Members of the Duck Board of Adjustment  
**FROM:** Sandy Cross, Planning and Permits Manager  
**DATE:** May 26, 2026  
**RE:** Final written order in the matter of Knotts v. Town of Duck

With regards to the Board of Adjustment ruling on November 12, 2025, regarding the appeal of the Zoning Administrator's determination made by Kevin R. and Diane G. Knotts, owners of real property located at 115 Ocean Bay Boulevard, Lauren Arizaga-Womble will present the final draft written order in the matter of Knotts v. Town of Duck.



**TOWN OF DUCK BOARD OF ADJUSTMENT**

**CASE NO: BOA-2025-001**

**ORDER AFFIRMING DECISION OF ZONING ADMINISTRATOR**

Filed in Planning Department: \_\_\_\_\_, \_\_\_\_, 20\_\_

**IN RE:** Appeal by Kevin R. and Diane G. Knotts of the Town of Duck Zoning Administrator’s determination that the recent installation of pavers within the rear yard setback are in violation of Town Code § 156.012 (Yard Requirements) and § 156.051 (Building Features Exempt from Setbacks or Minimum Yard Requirements), and whether the Zoning Administrator’s issuance of the Notice of Violation was based on an erroneous interpretation of those code provisions

**Subject Property:** 115 Ocean Bay Blvd, Duck, NC  
**Dare County PIN:** 995006487667  
**Dare County Parcel Nos.:** 009329000  
**Appellants:** Kevin R. and Diane G. Knotts  
**Property Owners:** Kevin R. and Diane G. Knotts

**DECISION ON APPEAL:**

The Board of Adjustment (the “Board”) of the Town of Duck (the “Town”) held a hearing (the “Hearing”) on January 12, 2026, to consider an appeal (the “Appeal”) submitted by attorney Casey C. Varnell on behalf of Kevin R. Knotts and wife, Diane G. Knotts (the “Appellants”), challenging the Town of Duck’s Zoning Administrator’s determination that the Appellants’ installation of a paver patio/deck on the subject property located at 115 Ocean Bay Blvd, Duck, NC 27949 (the “Property”) is a violation of Town Code § 156.012 and § 156.051, and the Zoning Administrator’s issuance of a Notice of Violation based on those code provisions

Attorney Jay Wheless was present to advise and consult with the Board prior to and during the Appeal. The Appellants were present and represented by attorney Casey C. Varnell. The Town was represented by attorney Louis J. “Johnny” Hallow, III. Notice of this hearing was duly served on the Appellants by certified mail and was advertised in *The Coastland Times* on October 26, 2025, November 2, 2025, and November 9, 2025. This Hearing was previously scheduled for November 17, 2025, however a request for continuance was granted and the hearing was continued until January 12, 2026 at 10:00am.

One seated member of the Board, Carol Powell, was unable to attend the Hearing. Due to her absence, alternative Board member, Warren Stembridge, served in her place. At the conclusion of the Hearing, and after discussion by the Board members, the Board voted five (5) votes in favor to zero (0) votes against to affirm the decision of the Zoning Administrator.

The Board, having heard all of the sworn testimony and arguments and having reviewed all of the documentary evidence and record materials presented at the hearing, makes the following **FINDINGS OF FACT** based on substantial, competent, and material evidence presented at the Hearing:

1. At some point before March 19, 2025, Appellants installed a paver patio/deck adjacent to their existing, permitted pool deck on the east side of the Property within the rear yard setback of Appellants' Property.
2. On or about March 19, 2025, Town staff notified Appellants that staff recently discovered the Appellants' installation of the paver patio/deck within the rear setback of the Property.
3. On or about April 16, 2025, Town staff met with the Appellants at the Property and informed Appellants that they would have needed to obtain a permit prior to installing the paver patio/deck, and that since the paver/patio deck was a "structure" as defined by Town Code, it was not permitted within the rear yard setback.
4. On or about May 13, 2025, the Appellants advised Town staff that they hired David Neff, Kwasny Engineering, PLLC, to sort out their setback issue. At that time, Appellants confirmed that they would comply with the entirety of Town Code.
5. On June 10, 2025, Appellants submitted a preliminary "proposed" Land Disturbance Site Plan, prepared by David Neff, Kwasny Engineering, PLLC, dated April 25, 2025. This site plan identified the Appellants' pavers as a "paver pool **deck**". (emphasis added).
6. On July 22, 2025, Staff received notice from attorney Casey Varnell indicating that he would be representing the Appellants in this matter.
7. On or about July 29, 2025, Town staff issued a Notice of Violation against Appellants arising out of the violations of Town Code § 156.012 and § 156.051 as described herein.
  1. On or about July 30, 2025, Appellants were served with a copy of the Notice of Violation by via Certified Mail, U.S. Mail and Electronic Mail.
  2. On or about August 29, 2025, Appellants appealed the Notice of Violation.
  3. The Town's Staff Report was duly distributed to all parties before the Hearing. The following exhibits were offered and received by the Board into the record:
    - T1: Staff report dated November 12, 2025
    - T2: Spreadsheet detailing 12 similar property enforcement/permitting scenarios
    - A1: Application for Appeal dated August 29, 2025
    - A2: Survey of Property with hash marked coverage calculations dated May 3, 2023 sealed May 5, 2023 by Styons Surveying Services.

- A4: Test report from Testing Services, Inc.
  - A5: Land Disturbance Site Plan prepared by Kwasny Engineering PLLC dated April 25, 2025.
4. The Property is located in the Single Family Residential Conventional District (RS-1).
  5. Town Code § 156.002 defines “structure” “as anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.”
  6. Town Code § 156.002’s definition of “yard” supplements the definition of “structure” by defining “yard” as “a required open space other than a court, unoccupied and unobstructed by an improvement or a **structure** or portion of a structure (including pools, sheds, *decks*, *patios, gazebos and similar features*).” (emphasis added).
  7. Town Code § 156.002 does not make any distinction between permeable and non-permeable structures.
  8. Town Code § 156.012 expressly prohibits principal structures or principal uses, structures intended for outdoor recreational use, such as pools and tennis courts, or other accessory buildings or structures from being located within the setback.
  9. Town Code § 156.012’s prohibition on structures within the setback does not contain any exception for permeable structures.
  10. Town Code § 156.051(F) notes that walkway structures are not exempt from minimum yard requirements if the walkway abuts a swimming pool deck or is located within 3 feet of a swimming pool.
  11. Town Code § 156.128(B)(1) requires the issuance of a land disturbance permit prior to commencement of site improvements, including any filling and/or grading a lot; any lot clearance, filling or grading activity prior to issuance of a building permit; any installation of gravel or pavers or accessory structures and similar site features whether or not subject to building permit requirements; and any removal or installation of site features such as septic systems, wells and draining systems that disturb the land.
  12. Appellants failed to obtain a land disturbance permit prior to installing the paver patio/deck and do not dispute the same.
  13. Mr. Knotts testified that at the time Appellants received their Certificate of Completion, there were no setback encroachments on the Property.
  14. The Appellants testified that they paid Jason Emminizer of Jason’s Lawn & Landscaping Service \$53,000 to install the unpermitted paver patio/deck.

15. Neither Appellants nor Mr. Emminizer applied for or obtained any permits prior to installing the paver patio/deck.
16. Mr. Knotts acknowledged that if Appellants had attempted to apply for and obtain the required permits, the Appellants would not have been subject to the Notice of Violation.
17. Mr. Knotts testified that Appellants use lawn chairs and umbrellas on permitted concrete deck and unpermitted paver deck/patio.
18. Mr. Knotts testified that the pavers were made of concrete and were permeable.
19. Mr. Knotts testified that the pavers which make up the unpermitted patio/deck sit on top of a wooden structure/retaining wall.
20. The Appellants' paver patio/deck was constructed or erected, and the use of it requires location on the ground or attachment to something having location on the ground.
21. The Appellants' paver patio/deck is located within the rear yard setback of Appellants' Property. The paver patio/deck abuts the Appellants' existing, permitted pool deck, and is located within three (3) feet of Appellants' existing swimming pool.
22. The Appellants contend that the paver patio/deck is a "stormwater retention area" permitted within the setback.
23. The paver patio/deck has not been identified as a stormwater retention area or stormwater improvement on any site plan or other record submitted to the Town.
24. The Appellants have not submitted any stormwater management plan to the Town.

Based upon the above Findings of Fact, and considering the burdens of proof and persuasion being on the Appellants, the Board makes the following **CONCLUSIONS OF LAW**:

1. All parties are properly before the Board, and the Board has the jurisdiction to consider and render a decision on the Appeal.
2. The Findings of Fact are incorporated herein by reference to the extent that they represent Conclusions of Law.
3. The Zoning administrator has the authority to interpret, administer and enforce the standards in the Town Code, pursuant to Town Code § 156.150 and §156.59.
4. The Appellants' paver patio/deck is a structure located within the rear yard setback in violation of Town Code § 156.012.
5. The Appellants failure to obtain a land disturbance permit prior to the installation of the paver patio/deck structure is a violation of Town Code § 156.128.
6. The Zoning Administrators' issuance of the Notice of Violation was proper.

**THEREFORE**, based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS ORDERED** that the Zoning Administrator's July 29, 2025 Determination and Issuance of the Notice of Violation against Appellants should be and is hereby **AFFIRMED. IT IS FURTHER ORDERED** that the relief sought in Appellants' Notice of Appeal should be and is hereby **DENIED**.

Entered and signed this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Olin Finch, Chairman  
Town of Duck Board of Adjustment

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Lori Ackerman, Town Clerk

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Dare County in accordance with Article 14 of Chapter 160D of the North Carolina General Statutes and Town Code § 156.163(B)(3).





**TO:** Chairman Finch and Members of the Town of Duck Board of Adjustment  
**FROM:** Sandy Cross, Planning and Permits Manager  
**DATE:** May 20, 2026  
**RE:** Staff Report for BOV 26-001, 116 Skimmer Way

**Application Information**

Application #: BOV 26-001  
Project Location: 116 Skimmer Way  
Dare County PIN: 995118403280  
Existing Use: Single-Family Residence  
Zoning: Single-Family Residential (RS-1)  
Property Owner/Applicant: Edward and Debra Scheuermann

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**Public Hearing Notice**

Public Hearing Advertised: May 3 & March 17, 2026 (Coastland Times)  
Public Hearing Notices Sent: May 4, 2026  
Public Hearing Sign Posted: May 4, 2026  
Public Hearing Town Website: May 4, 2026  
Public Hearing Town Hall Posted: May 4, 2026

**Application Summary**

Edward and Debra Scheuermann are owners of 116 Skimmer Way in Duck, NC 27949 are seeking a *variance to keep a ground level bathroom in an area that is located below the Town of Duck Regulatory Flood Protection Elevation (RFPE) of 10 feet. Town Code Section 150.40(D) requires that all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the RFPE.*

**Property Information**

Located in the Sanderling Homes Association neighborhood, the property at 116 Skimmer Way is zoned Single-Family Residential (RS-1). According to an as-built survey prepared on July 18, 2025, the subject property is 17,034 square feet (0.39 acre) in size. The property is oblong in shape approximately 90 feet in width along the southern (front) road boundary, 171 feet in length along the western property line and approximately 206 feet along the eastern property line. The subject property presently contains a five (5) bedroom, 2,512 square foot single-family residence that was permitted and completed in 1987 under the jurisdiction and standards of Dare County. The property was purchased by the applicants in June of 2020.



- The adjoining property to the east located at 118 Skimmer Way is zoned RS-1 and contains a five-bedroom, 2,135 square foot single-family residence constructed in 1999. This lot is ~17,000 square feet in size.
- The adjoining property to the west located at 114 Skimmer Way is zoned RS-1 and contains a five-bedroom, 2,570 square foot single-family residence constructed in 1983. This lot is ~16,500 square feet in size.
- The property to the south across Skimmer Way located at 113 Skimmer Way is zoned RS-1 and was developed with a four-bedroom, 1,620 square foot single-family residence in 1981.
- Two parcels located across Skimmer Way to the north and south both contain single family dwellings constructed in the 1980's and zoned RS-1.

Improvements were made to the property in 2023 to enclose the lower level and add a bathroom. In November 2024 a permit was issued for an addition to increase the size of the kitchen, southwest bedroom and to add a bathroom along with window and siding replacement.

### **Applicable Ordinance Standards**

#### § 150.05 DEFINITIONS.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, issued by the FEMA, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated, (see also **DFIRM**).

**FLOOD-RESISTANT MATERIAL.** Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**FREEBOARD.** The height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the **REGULATORY FLOOD PROTECTION ELEVATION**.



**MARKET VALUE.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**NON-CONVERSION AGREEMENT.** A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed in the Dare County Register of Deeds. The agreement must show the Clerk's or Recorder's stamps and/or notations that the filing has been completed.

**REGULATORY FLOOD PROTECTION ELEVATION IN SPECIAL FLOOD HAZARD AREAS.**

(1) The "Base Flood Elevation" plus the "Freeboard" OR the "Local Elevation Standard", whichever is greater, for those areas where base flood elevations have been determined on the FIRM; the base flood depth above the highest adjacent grade or "Local Elevation Standard", whichever is greater, for those areas identified as AO zones of the FIRM, or the "Local Elevation Standard" for those areas identified as Shaded X or X zones on the FIRM.

(2) For the Town of Duck, the RFPE is applied as follows:

(a) In CHHA zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus two feet of freeboard.

(b) In AE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 3 feet of freeboard OR an elevation to or above 10 feet NAVD 1988, whichever is greater.

(c) In AO zones, the RFPE is the designated base flood depth on the effective FIRM above the highest natural adjacent grade OR an elevation to or above 10 feet NAVD 1988, whichever is greater.

(d) In Shaded X and X zones, the RFPE is 10 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than ten feet NAVD 1988.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions;



**VARIANCE.** A grant of relief from the requirements of this ordinance.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance with the standards of this chapter is presumed to be in violation until such time as that documentation is provided.

### **§ 150.26 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.**

...

(C) *Certification requirements.*

(1) Elevation Certificates for AE, AO, VE, Shaded X and X Zones.

...

(c) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in division (A). To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches. Digital photographs are acceptable.

### ***PROVISIONS FOR FLOOD HAZARD REDUCTION***

#### **§ 150.40 GENERAL STANDARDS.**

The following provisions are required:

(A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.



(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

(C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.

...

#### § 150.41 SPECIFIC STANDARDS.

In addition to the provisions of § [150.40](#), the following provisions are required:

(A) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § [150.05](#) of this chapter.

...

(D) *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor or below the lowest horizontal structural member in VE zones:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and

(3) Shall include, in Zones A, AE, AH, AO, A99, Shaded X and X, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

...

(5) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. This agreement shall be recorded with the Dare County Register of Deeds and shall transfer with the property in perpetuity. The



Town of Duck will have the right to inspect the enclosed area. Such inspection should be coordinated with the property owner.

(6) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below RFPE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

(E) *Additions/improvements/conversions.*

(1) *Standards in all flood zones (AE, AO, VE, Shaded X, and X).*

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

2. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) A substantial improvement must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code enforcement official and that are the minimum necessary to assume safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(e) Areas in existing structures may be converted to conditioned, temperature-controlled space provided the use is limited to parking, storage and access. Property owner will be required to record a non-conversion agreement consistent with § [150.41\(D\)\(5\)](#).

(2) *Additional standards in Shaded X and X Zones.* Remodeling or renovations of existing structures with the reference level located below the current applicable RFPE that do not increase the footprint or temperature-controlled area of the structure may be authorized at the existing



reference level or higher. Reconstruction of damage to the structure with no increase in footprint may be authorized at the existing reference level or higher.

### **Background Information**

Applicants, through their North Carolina Licensed General Contractor, Ken Green & Associates obtained a building permit from the Town of Duck on December 2, 2024, to construct an addition to the Property, pursuant to permit B24-0343. At that time, Mr. Green provided a project cost estimate of \$266,000.00 (Exhibit T3).

Section 150.05 of the Town Code of Ordinances defines a “substantial improvement” to property as “any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the ‘start of construction’ of the improvement.”. Upon receipt of the permit application from the Contractor, and prior to the issuance of the Permit, Town staff alerted the Contractor to the potential implications related to a “substantial improvement.

As a result of Town staff concerns, and in order for the Town to determine whether the proposed Project would be classified as a “substantial improvement”, the Property was appraised by Kimberly B. Tate, SRA, RES, Tate Appraisal & Consultation, Inc on September 24, 2024 (Exhibit T4). The Market Value of the Property was \$535,807.27. This Market Value is multiplied by 50% to determine the substantial improvement, as set forth in Chapter 150.05 of the Town Code. The 50% threshold of \$535,807.27 is \$267,903.64. Therefore, based upon the original Project estimate cost of \$266,000.00, the Project did not constitute a “substantial improvement”.

Upon completion of the Project, the Town requested a budget accounting detail from the Contractor. The Contractor’s final budget accounting detail showed a total cost of \$281,070.11 for the Project. Town staff determined that \$4,998.88 could be deducted from the actual cost of construction under Section 4.4.2 of FEMA P-758 (Substantial Improvement/ Substantial Damage Desk Reference). But even with the adjustment, the total cost of the Project amounted to \$276.071.23, which exceeds the 50% threshold listed above, rendering the Project a “substantial improvement” (Exhibit T5).

Chapter 150.41(E)(2) of the Town Code provides that, whenever a property owner makes a “substantial improvement” to property, both the existing structure and/or improvements must comply with the standards for new construction.

Furthermore, if an owner makes a “substantial improvement”, the owner must comply with the following:

- Section 150.40(B) requires all new construction and “substantial improvements” to be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.



- Section 150.40(C) requires all new construction and “substantial improvements” to be constructed by methods and practices that minimize flood damage.
- Section 150.40(D) requires all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
- Section 150.41(D)(1) requires that areas located below the regulatory flood protection elevation—such as the ground level of the Property—may *only* be used for parking, access and storage.
- Section 150.41(D)(2) requires all “substantial improvements” must be constructed entirely of flood resistant materials at least to the RFPE.
- Section 150.41(D)(3) requires all “substantially improved” structures shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. A minimum of two flood openings on different sides of each enclosed area is required equivalent to a net area of all flood openings equal to one square inch for each square foot of enclosed area.

In addition to the foregoing, once a “substantial improvement” to property is made, Section 150.41(D)(5) of the Town Code requires that the owner(s) sign and record a non-conversion agreement, prior to the Town’s issuance of a Certificate of Completion, which declares that the area below the regulatory flood protection elevation of the property shall not be used for any other purpose than parking, access and storage. The owner must record the non-conversion agreement with the Dare County Register of Deeds, which will run with the land. Under the non-conversion agreement, the Town will have the right to inspect the enclosed area by coordinating the same with the owner(s).

Prior to the start and completion of the above noted project, the Town issued approval for a separate project under permit B23-0051 on March 3, 2023, which consisted of a new ground level unheated storage enclosure, and the addition of a bathroom in the NE Corner of the Property (Exhibit T6). This space was completed as conditioned habitable space. This was permissible because the Property was “grandfathered” under the previous A-7 flood zone with a Base Flood Elevation of seven feet (7’). Town records reveal that the ground level of the Property has an elevation of 7.6 feet (Exhibit T7).



*Agenda Item 5a*

Chapter 150 of the Town Code requires that all new construction and substantial improvements meet a ten-foot (10') RFPE. As such, the ground level habitable space was permissible until such time as a substantial improvement was made to the Property.

The Property lost its “grandfathering” status upon the completion of the Project associated with Permit B24-0343, which was deemed to be a “substantial improvement”, as referenced above. The substantial improvement, as well as the now non-compliant ground level habitable living space of the Property, cannot be used or occupied by any person until the Town issues a Certificate of Completion. The Town cannot issue a Certificate of Completion for the Project unless the lower enclosure of the Property is retrofitted, consistent with the requirements of Chapter 150.

A Notice of Violation was issued to the property owners on October 10, 2025, based on the details listed above (Exhibit T8). An administrative hearing was held on November 17, 2025, which upheld the Notice of Violation and was affirmed on by Order on December 12, 2025. (Exhibit T98). No appeal of the Order was filed.

Town Staff worked with the owners to submit a variance application to retain the ground level bathroom with the following factors in mind:

- 1) The Town of Duck implemented a “higher regulatory standard” of 10’ when the flood maps were last adopted in 2020. The property at 116 Skimmer Way is below the 10’ town standard, however it is in a non-shaded “X” or non-flood zone based on the Flood Insurance Rate Map (FIRM).
- 2) After consulting with Town attorneys and representatives from the State Department of Public Safety regarding potential impacts to the Town of Duck’s Community Rating System, it was determined that a limited variance would not negatively impact the Town’s class 6 rating which provides homeowners with a 20% discount on flood insurance.
- 3) Mr. Scheuermann was diagnosed with Parkinson’s Disease, and his neurologist has indicated that he suffers from significant mobility issues, including impaired balance and difficulty with ambulation (Exhibit T10). While Mr. Scheuermann’s medical condition does not in and of itself support the need for this bathroom, however his ambulatory deficiencies in a time of need could prove very challenging.
- 4) The Scheuermann’s are taking the necessary steps to bring their lower enclosure into flood compliance to the maximum extent possible, except for their variance request to keep the lower bathroom. A Development Permit B26-0165 (Exhibit T11) was issued on May 2, 2026. This permit includes renovations that will include the following:
  - a. All areas below the 10’ elevation will be replaced with water resistant material;
  - b. All mechanicals, except for the bathroom toilet, will be elevated at or above 10’;
  - c. Flood vents will be added;
  - d. All habitable items from the ground level of the property will be removed;



- e. The owners have agreed to record a non-conversion agreement that all areas, except for the bathroom, will be utilized for parking, access and storage only.

### **Variance Criteria/Staff Analysis**

Section 150.029 of the Duck Town Code states that variances may be issued for any type of development provided it meets the requirements of this section. Section 150.029 has been included as a separate attachment (Town Exhibit T13). The Board of Adjustment may grant a variance from provisions of the Flood Damage Prevention Ordinance consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. As part of its decision, the Board of Adjustment members may impose conditions on the approval of a variance, if the conditions are reasonably related to the variance. Such conditions are often intended to mitigate potential impacts resulting from granting a variance.

During its evaluation of the variance application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of chapter 150 and specifically, the following criteria:

- (1) The danger that materials may be swept onto other lands to the injury of others;  
*Based on Staff's historical and institutional knowledge, we have no indication that this property has ever experienced any velocity flooding that would cause damage to adjacent properties. Testimony from the North Carolina Licensed General Contractor, Ken Green, who built the home in 1987 and constructed the additions noted above, will confirm that a lower enclosure was constructed when the home was originally constructed, that he built the recent 2023 habitable enclosure and that no floods have ever impacted the enclosures at this property.*
- (2) The danger to life and property due to flooding or erosion damage;  
*Staff would direct the Board to (1) above. This home is not located near the oceanfront or the soundfront and is therefore not going to affect or cause flooding or erosion damage.*
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;  
*Staff would direct the Board to (1) above.*
- (4) The importance of the services provided by the proposed facility to the community;  
*This is a private residence. There would be no services provided to the community.*
- (5) The necessity to the facility of a waterfront location as defined under § 150.05 of this ordinance as a functionally dependent facility, where applicable;  
*This is not applicable in this scenario/situation.*



- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

Staff would direct the Board to (1) above.

- (7) The compatibility of the proposed use with existing and anticipated development;

All surrounding properties are zoned RS-1, and several have lower enclosures that have been in existence since the 1980s. None of these properties, nor the subject property, are in a repetitive loss area as determined by the Town of Duck Floodplain Administrator.

- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

The Town of Duck implemented a “higher regulatory standard” of 10’ when the flood maps were last adopted in 2020. The property at 116 Skimmer Way is below the 10’ town standard, however it is located in a non-shaded “X” or non-flood zone based on the Flood Insurance Rate Map (FIRM). This higher regulatory standard is consistent with the Town’s Comprehensive and Land Use Plan also adopted in 2020. While analysis of the floodplain and properties subject to flooding, not all areas are created equally. Varying elevations, distance to the ocean or sound, vegetation and development all play a part in the potential for flooding and erosion. As we noted above, this property was constructed in 1987 and based on testimony expected from the contractor who originally built this home and the additions that bring us here today, this property has never flooded.

After consulting with Town attorneys and representatives from the State Department of Public Safety regarding potential impacts to the Town of Duck’s Community Rating System, Town Staff determined that a limited variance would not negatively impact the Town’s class 6 rating which provides homeowners with a 20% discount on flood insurance.

- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

The lower enclosure has existed since 2023, and an older section of enclosure has existed since the original 1987 construction. There is no expectation that access to the property in the event of a flood for ordinary or emergency vehicles will change from the conditions that have existed since the home’s original construction.

- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

Staff would direct the Board to (1) above.



- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

*This is a private residence and as such this is not applicable.*

The Board of Adjustment must also consider and make **FINDINGS** concerning the following four conditions. If the Board finds that all four of the conditions have been met, then the Board should vote to grant the requested variance. If the Board finds that one or more of the conditions have not been met, then the Board should deny the requested variance.

#### CONDITIONS FOR VARIANCES:

1. Variances from the Town of Duck Floodplain Damage Ordinance shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

*Aside from the request to keep the ground level bathroom for medical reasons, once the renovations to this property issued under Permit B26-0165 (Exhibit T10) are completed, this property's local violation will be mitigated bringing the property in compliance, provided this variance is approved.*

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

*The applicants are currently working to bring all flood related items into compliance and are only requesting that the bathroom be permitted to remain.*

- a. *As noted above, all areas below the 10' elevation will be replaced with water resistant material;*
- b. *All mechanicals, except for the bathroom toilet, will be elevated at or above 10';*
- c. *Flood vents will be added;*
- d. *All habitable items from the ground level of the property will be removed;*
- e. *The owners have agreed to record a non-conversion agreement that all areas, except for the bathroom, will be utilized for parking, access and storage only.*

3. Variances shall only be issued prior to development permit approval.

*The lower enclosure and bathroom, which is the subject of this variance, was approved in 2023 and a Certificate of Completion was issued on November 7, 2023 (Exhibit T5). It wasn't until the 2024 project, and the discovery that the project exceeded the 50% threshold that this matter was discovered.*

4. Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;



*Agenda Item 5a*

- a. The Town of Duck implemented a “higher regulatory standard” of 10’ when the flood maps were last adopted in 2020. The property at 116 Skimmer Way is below the 10’ town standard, however it is located in a non-shaded “X” or non-flood zone based on the Flood Insurance Rate Map (FIRM).
  - b. After consulting with Town attorneys and representatives from the State Department of Public Safety regarding potential impacts to the Town of Duck’s Community Rating System, Town Staff determined that a limited variance would not negatively impact the Town’s class 6 rating which provides homeowners with a 20% discount on flood insurance.
- (b) A determination that failure to grant the variance would result in exceptional hardship, Mr. Scheuermann was diagnosed with Parkinson’s Disease, and his neurologist has indicated that he suffers from significant mobility issues, including impaired balance and difficulty with ambulation (Exhibit T9). Removal of the ground level bathroom, given Mr. Scheuermann’s ambulatory deficiencies could be considered an exceptional hardship.
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Staff would refer the Board to items (1) through (11) above.

**Staff Recommendation**

It is staff’s opinion that the applicants have satisfied the applicable Conditions for a Variance in items 1 through 4 above.

As all the findings have been met in staff’s evaluation of the requested variance, staff recommends **APPROVAL** of this variance application with the findings and conditions identified in the draft Order Approving the Variance.

**ATTACHMENTS**

**Applicant Exhibits:**

- A1. Variance Application



**Staff Exhibits:**

- T2. Location Map and Property Information
- T3. Building Permit B24-0343 issued 12/2/2024
- T4. Appraisal dated 9/24/2024
- T5. Budget Accounting from General Contractor
- T6. Building Permit B23-0051 issued 3/3/2023 & Completion Certificate issued 11/7/2023
- T7. Original 1987 Construction Elevation Certificate
- T8. Notice of Violation Dated 10/10/2025
- T9. Administrative Order Dated 11/17/2025 & executed 12/12/2025
- T10. Doctor's letter Dated 7/10/2025
- T11. Building Permit B26-0165 issued 5/2/2026
- T12. Section 156.020 Variance Procedures
- T13. Draft Order Granting Variance



Department of Community Development

PO Box 8369
1200 Duck Road
Town of Duck, North Carolina 27949
(252) 255-1234

FLOOD DAMAGE PREVENTION VARIANCE APPLICATION

PURPOSE OF VARIANCE – A variance is a grant of relief from the requirements of Chapter 150, Flood Damage Prevention from the Town of Duck Code of Ordinances. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if the Town of Duck development regulations are followed literally, such as a lot which is substandard in area or width.

BOARD OF ADJUSTMENT - The Board of Adjustment, or BOA, is the Town of Duck Board that considers requests for variances. The BOA receives sworn testimony at its quasi-judicial hearings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a Variance to attend the BOA meeting and present sworn testimony in support of the request.

Date: January 26, 2026 Application #: BOV 2026-001

Applicant: Edward & Debra Scheuermann

Mailing Address: 20 Wedgewood Dr, Annandale, NJ 08809

Telephone #: 908-591-9349 Email: edbka@comcast.net or ed.scheuermann@comcast.net

Representative (if different from applicant): Ken Green, Ken Green & Associates

Mailing Address: PO Box 372, Harbinger, NC 27941

Representative Telephone #: 252-207-3018 Email: kgreen@kg-a.com

Property Information:

Property Address/Location: 116 Skimmer Way, Duck, NC 27949

Dare County PIN #: 995118403280

Zoning District: Duck RS-1 Use of Property: Residential

**Variance Request:**

Applicable Ordinance Section: Chapter 150 Flood Damage Prevention

Ordinance Requirement: \_\_\_\_\_

**REASON FOR VARIANCE REQUEST** – Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the Town of Duck Flood Damage Prevention regulations. (Attach additional sheets if needed.)

It is necessary to keep the toilet/sink on the first floor due to Mr. Scheuermann having Parkinsons Disease and because of his mobility issues getting up and down the stairs.

The BOARD OF ADJUSTMENT is required to make the following findings before granting a Variance. Write a thorough response to each of these items.

Does danger exist that would cause materials to be swept onto other lands to the injury of others?

No, the area will have flood vents to handle water infiltration and hydrostatic pressure.

Does danger exist to life and property due to flooding?

We don't believe so as this property is several hundred feet from the ocean and sits at an elevation of 8'. The lower enclosure has never been flooded or had water infiltration.

Is there susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner?

Potentially, in the case of a catastrophic event. However, no flood damage has occurred since the structure was constructed in 1985.

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What is the importance of the services provided by the proposed facility to the community?

This is a private residence so it does not provide any services to the community.

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Is there necessity to the facility of a waterfront location, where applicable?

No

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Is there availability of alternative locations, not subject to flood damage, for the proposed use?

No

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What is the compatibility of the proposed use with existing and anticipated development?

Not applicable

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What is the relationship of the proposed use to the comprehensive plan and flood plain management program for that area?

The structure is located in the RS-1 zoning district and while it is located in a non-flood, unshaded X zone, the Town has a regulatory flood protection elevation of 10'. Our property sits at an elevation of ~ 6-7.

Is there safety of access to the property in times of flood for ordinary and emergency vehicles?

None that would be any different than other adjacent properties.

What are the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site?

Unknown, but this property has not been flooded since 1985.

What are the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges?

N/A This is a private residence.

**APPLICANT INFORMATION**  
Name/Address/Telephone/Email

Name: Ken Green\_\_\_\_\_

Address: PO Box 372, Harbinger NC\_\_\_\_\_

Phone: 252-207-3018\_\_\_\_\_

Email: kgreen@kg-a.com\_\_\_\_\_

**OWNER INFORMATION**  
Name/Address/Telephone/Email

Ed & Debra Scheuermann\_\_\_\_\_

116 Skimmer Way, Duck NC\_\_\_\_\_

908-591-9349\_\_\_\_\_

edbka@comcast.net\_\_\_\_\_

ATTACH AGENT FORM IF THE APPLICANT IS NOT OWNER

DATE\_\_\_\_\_

APPLICANT'S SIGNATURE

*Ed Scheuermann Debra Scheuermann*

Applicant Signature \_\_\_\_\_

*Delma Schreer* *Delma Schreer*  
Property Owner Signature (if different from applicant)

A complete application can be submitted in person to the Town of Duck Community Development Department at Duck Town Hall, 1200 Duck Road or mailed to Town of Duck, P.O. Box 8369, Duck, NC 27949. Checks should be made payable to the *Town of Duck*. A complete application consists of:

- Complete, signed flood damage prevention variance application form
- Variance application fee (\$500)
- Plat, site plan, or building plans drawn to scale showing the existing and proposed improvements
- Other exhibits or information necessary to describe the proposal
- Any other information in support of the variance request

FOR OFFICE USE ONLY	
Application Received <u>2/20/2026</u>	Received By <u>Sandy Cross</u>
Fee Paid <u>\$500.00</u>	Receipt # <u>#120</u>



BUNTING  
WAY

Exhibit T2



SKIMME



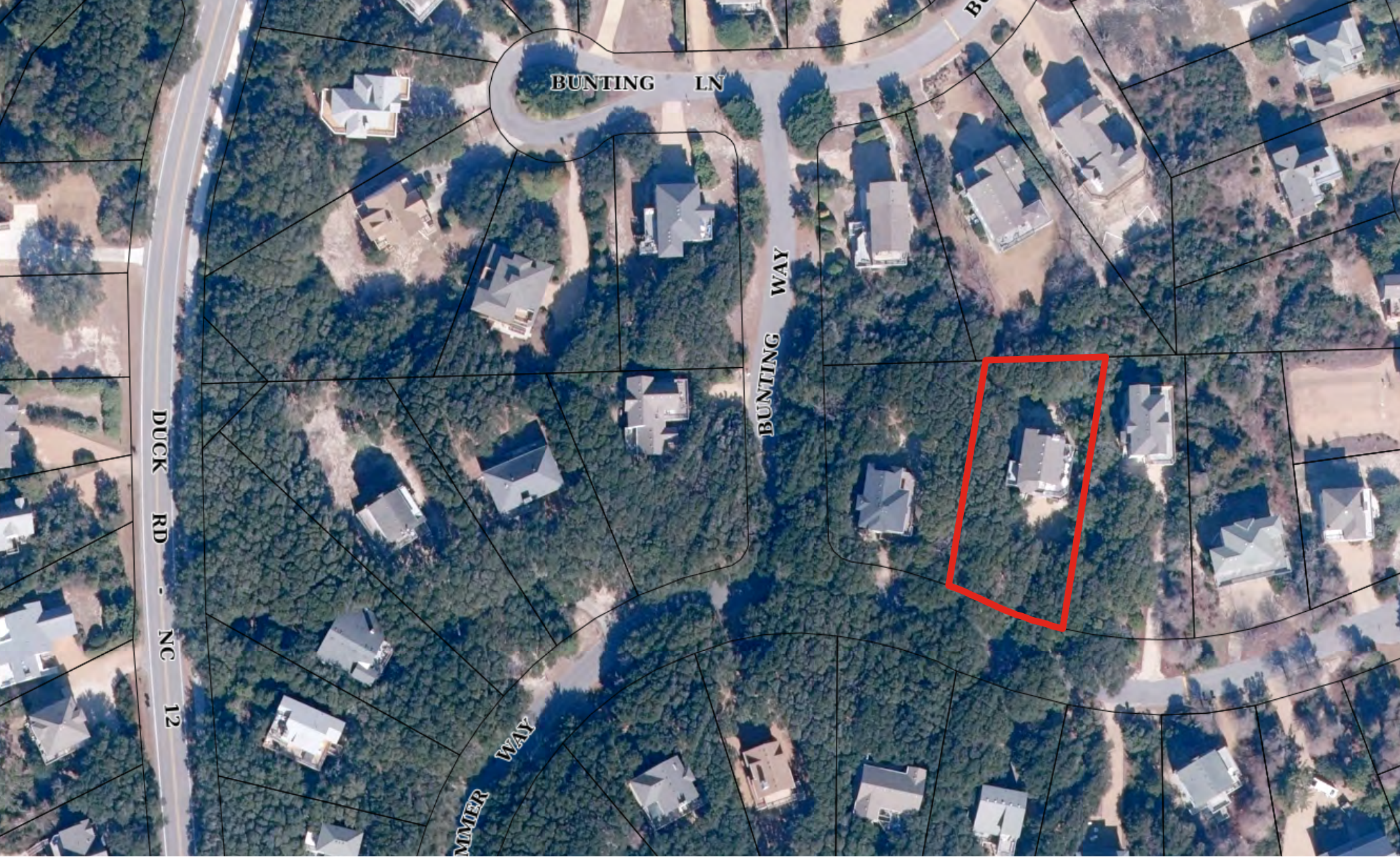
This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

116 Skimmer WAY  
Duck NC, 27949  
Parcel: 009449000  
Pin: 995118403280

Owners: Scheuermann, Edward B -  
Primary Owner  
Scheuermann, Debra L -Primary  
Owner  
Building Value: \$470,400  
Land Value: \$548,600  
Misc Value: \$0  
Total Value: \$1,019,000

Tax District: Duck  
Subdivision: Sanderling Phase 2  
Lot BLK-Sec: Lot: 61 Blk: Sec:  
Property Use: Residential  
Building Type: Beach Contemporary  
Year Built: 1987





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.

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Year Built: 1987



009449-000 21-995118-152 06/25



**Town of Duck**  
 Department of Community Development  
 PO Box 8369  
 1200 Duck Road  
 Duck, NC 27949  
 (252) 255-1234

Date Issued: 12/2/24  
 Permit #: B24-000343

**Building/Floodplain Development Permit**

Project Address: 116 SKIMMER Way  
 Property Owner: SCHEUERMANN, EDWARD B  
 Property Owner Phone: 908-238-9156

*Cheek  
17262*

PIN #: 995118403280  
 Property Owner Mailing Address: 116 SKIMMER WAY  
 DUCK, NC 27949  
 Property Owner Email Address: ed.scheuermann@comcast.net

**Contractor:**

Company Name: Ken Green & Associates  
 Phone: 252-491-8127  
 Email: kgreen@kg-a.com; dana@kg-a.com

Contact Name: Ken Green  
 Address: P.O. Box 372  
 Harbinger, NC 27941

Classification: General Contractor  
 NC State License #: 68343  
 Expiration Date:

**Description of Work:**

Remove and replace all windows. Remove and replace siding and soffits. Increase size of kitchen. Increase size of SW bedroom. Add new bathroom. Replace existing fireplace with gas fireplace.

Use:  
 Single Family

Structure/Work Type:  
 Primary Structure: 2, Addition  
 Number of Bedrooms:  
 Maximum Number of Occupants:  
 Deck:  
 Demo:

Pool/Hot Tub:  
 Accessory Building:  
 Bulkhead (L.F.):  
 Pier (L.F.):  
 House Moving:

Permit Amount:  
 \$341.40

<b>Proposed Area Schedule (Sq.Ft.):</b>	Heated: 256	Unheated:	Accessory Heated:	Accessory Unheated:			
<b>Proposed Finished Grade (ft.):</b>	N/A:	House:	Pool:	Driveway:	Parking:	Other:	
<b>Floodplain Development:</b>	Flood Zone: Unshaded X	Existing Elevation: 6	Structure Value: \$535,807.27	Storage Below Existing Elevation:			
	RFPE: 10						
<b>Vegetation Management (Sq.Ft.):</b>	N/A:	Required Coverage: 2363	Area Preserved: not provided	Required Plantings: 2363			
<b>Project Cost Estimate:</b>	Building \$250,000.00	Electrical \$6,000.00	Mechanical \$3,000.00	Plumbing \$6,000.00	Gas \$1,000.00	Other \$0.00	Total \$266,000.00

**Permit Conditions:**

- Any change or changes in the plans for development, construction or land use activities will require a re-evaluation and modification of this permit.
- The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 am and 6 pm, Monday through Saturday is prohibited.
- All new glass will need to meet wind-borne debris provisions of NC Residential Building Code.
- Typical trade inspections required.
- Call for inspection if rot is found.
- Vegetation canopy at completion of development and prior to CO must be greater than or equal to 15% coverage of Net Lot Area, or 2368 s.f.
- Provide Final As-Built Survey with Updated Coverage Breakdown.
- Call for final inspection once stabilization has been completed.

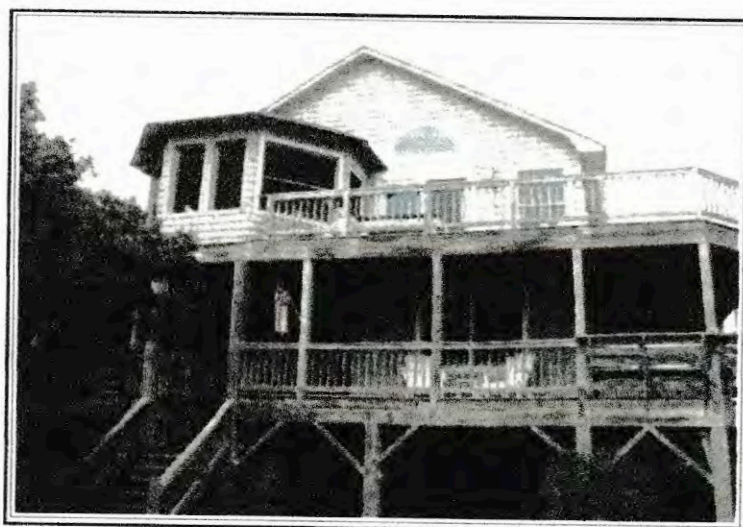
This permit is issued on the expressed condition that all information is correct and all work will comply with the State Building Code and all other applicable State and Local laws, ordinances and regulations. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Please be advised that the permit is not valid until the signed permit along with payment have been received by our office.

*[Signature]*  
 Applicant Signature  
 Date: 12-2-24

I have read and understand the permit conditions listed above.



## APPRAISAL OF



The Dwelling Improvements Only

### LOCATED AT:

116 Skimmer Way  
Duck, NC 27927

### FOR:

Edward B. Scheuermann & Debra L. Scheuermann  
116 Skimmer Way  
Duck, NC, 27949

### BORROWER:

Edward B. Scheuermann & Debra L. Scheuermann

### AS OF:

September 25, 2024

### BY:

KIMBERLY B TATE, SRA, RES  
TATE APPRAISAL & CONSULTATION, INC.

The subject property is a three level good quality home constructed on an oceanside site in the Sanderling subdivision in the Duck area of Dare County, North Carolina. Dare County tax records indicate the subject property was constructed in 1987. The construction of the dwelling improvements are frame, built on a concrete slab and piling foundation, with exterior wall finish of wood shingle & frame lap siding. The roof consists of multiple roof lines / angles, and is covered in composition architectural shingles of average quality that are sound. The home has good fenestration, and all windows are thermopane insulated windows, a mixture of casement, single hung style and custom fixed glass. Drip edging has been strategically installed in order to facilitate drainage away from the foundation.

The subject living area of the improvements include 4 bedrooms, with 3 full baths and two half bath with laminate and tile flooring and updating of fixtures over years. The baths include fiberglass shower enclosures. Additional features include vaulted ceilings on the upper level, wood trim and wainscoting, a prefabricated fireplace, and a kitchen with formica surface counter tops. Appliances have been updated and replaced over years as needed, and include a dishwasher, a range / oven, icemaker, and a microwave. Floor coverings are a mixture of tile, laminate, and carpet. The overall level of finish and quality of materials in terms of flooring, trim, and hardware is average to good. The subject is heated and cooled by a zoned electric heat pump hvac system. The exterior features open and covered wood decking with staircases as well as a covered and screened porch. The ground level includes a storage room off of the carport area and an outdoor shower for the use of guests in rinsing off after the beach, as well as a fish cleaning station with decking and work bench. The ground level has a sitting room / den with a half bath, and an insulated storage room with shelving and electrical service, which has been constructed within the past year or so. Overall condition of property is average to good for a home of this age, with short-lived components having been replaced over years as required.

Please refer to improvements sketch and subject property photos within the addenda for further understanding.

Upon the request of client, I inspected the subject property on September 25, 2024 to measure the property and evaluate its overall quality and condition to prepare a cost approach which would estimate the cost new to replace only the dwelling improvements, as well as estimate the accrued depreciation to be deducted from the replacement cost new, to develop the "actual cash value (ACV)" of the depreciated dwelling improvements, as referenced in the FEMA SI / SD Desk Reference 4.5.3. FEMA SI / SD Desk Reference 4.5.3 states "Actual cash value(ACV) is the cost to replace a building on the same parcel with a new building of like-kind and quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value simply due to outmoded design or location factors. The concept of ACV is used in both the insurance industry and the construction industry. In most situations, ACV is a reasonable approximation of market value." (Section 4.5.3, page 4-15 FEMA SI / SD Desk Reference).

Following is a detailed replacement cost estimate for the dwelling improvements, prepared using the Marshall and Swift Residential Cost Handbook, modified by locational multipliers which take into account local nuances of the Outer Banks, North Carolina market as well as ocean proximate coastal construction requirements dictated. In addition, a market survey was prepared in which local builders active within subject's market segment were interviewed to develop an opinion of per square foot costs locally to construct the subject dwelling improvements new as of effective time frame, given the past run-up in building materials and labor costs in past 24-36 months. The results of this research indicated that the subject dwelling improvements less any site improvements would cost between \$250.00 and \$350.00 per square foot to replace them today as constructed, taking into account current coastal requirements as well as the construction materials and labor run-up experienced in past 24-36 months. This research lends further support for the estimated replacement cost rate developed within the following detailed cost approach, which reflect an overall per square foot rate replacement cost of about \$305.37, before depreciation, for the subject dwelling improvements, not inclusive of any site improvements.

All utilities were activated and systems functioning as intended at inspection, and home was occupied with owners personal property and being utilized as a limited seasonal rental / second home.

In order to develop an estimate of accrued physical depreciation, which is the loss in value due to physical deterioration, the Marshall and Swift Residential Handbook was consulted for estimates of life expectancy as well as application of depreciation relative to age and condition of improvements. The "age-life" approach to depreciation was utilized to estimate the physical depreciation of the subject improvements. This concept relies on an estimated or "observed" age, based on overall condition of improvements, taking into account updated and remodeling, and dividing this "observed" age by the estimated life span of the improvements to develop a depreciation deduction. Marshall and Swift indicates that the subject is most similar with home represented by Good to Excellent quality. Typical expected building lives of dwellings of this quality range from 60 to 65 years, therefore a brand new dwelling of this type would be expected to last for 60-65 years in terms of the long-lived items of construction(the "bones" of the dwelling). Obviously, short-lived items such as roofing, floor covering, fixtures, etc. would require replacement well before this. The observed condition of the subject property overall, given the replacement/repair of short-lived items over its life span thus far is less than its actual age of 37 years, more in line with a home of 18 years.

Therefore, the physical depreciation would be developed as follows:

Observed condition age 18 years / Estimated life expectancy 65 years = 18 years /65 years = 0.277, or 27.7% accrued physical depreciation, rounded to 28% . No functional depreciation(loss in value due to lack of utility or desirability of part or all of the property, inherent to the improvement or equipment) or economic/external depreciation(loss in value due to causes outside of the property and independent of the property) of improvements was observed or noted.

A deduction of 28% will be applied to the estimated replacement cost new of the dwelling improvements in order to estimate the "actual cash value (ACV)" of the dwelling improvements as defined in FEMA SI / SD Desk Reference, section 4.5.3, page 4-15. This value is reflective of the depreciated value of the dwelling improvements only, and does not include any site improvements or land value, nor any personal property.

**Clarification of Intended Use and Intended User:**

The Intended User of this appraisal report is the Client. The Intended Use is to evaluate the property that is the subject of this appraisal for asset management purposes, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

Actual Cash Value(ACV)-FEMA SI / SD Desk Reference 4.5.3 states "Actual cash value(ACV) is the cost to replace a building on the same parcel with a new building of like-kind and quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value simply due to outmoded design or location factors. The concept of ACV is used in both the insurance industry and the construction industry. In most situations, ACV is a reasonable approximation of market value." (Section 4.5.3, page 4-15 FEMA SI / SD Desk Reference)

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the stated definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) research, verify, and analyze data from reliable public and/or private sources, and (4) report his or her analysis, opinions, and conclusions in this appraisal report.

**INTENDED USE:** The intended use of this appraisal report is for the client to evaluate the property that is the subject of this appraisal to determine actual cash value(ACV) of the dwelling improvements.

**INTENDED USER:** The intended user of this report is the client stated within this appraisal report.

IT SHOULD BE NOTED THAT THE APPRAISER IS NOT A HOME INSPECTOR, MOLD/MOISTURE INSPECTOR OR ENVIRONMENTAL INSPECTOR. THE SOLE RESPONSIBILITY OF THE APPRAISER IS TO PROVIDE AN OPINION OF VALUE RELATIVE TO THE CONDITION OF THE PROPERTY BEING APPRAISED. THE APPRAISER DOES NOT GUARANTEE THAT THE PROPERTY IS FREE OF DEFECTS, DAMAGES, OR ENVIRONMENTAL PROBLEMS. IT SHOULD ALSO BE NOTED THAT THIS APPRAISAL IS NOT A HOME INSPECTION AND THE APPRAISER IS NOT ACTING AS A HOME INSPECTOR WHEN PREPARING THIS REPORT.

IT IS HIGHLY RECOMMENDED THAT THE BORROWER(S) RECEIVE A PROFESSIONAL HOME INSPECTION, MOLD/MOISTURE INSPECTION OR ENVIRONMENTAL INSPECTION. THE APPRAISER IS NOT AN EXPERT IN THESE FIELDS NOR IS QUALIFIED TO ANSWER QUESTIONS REGARDING ENVIRONMENTAL, MOLD/MOISTURE OR HOME INSPECTION ISSUES. IF A HOME INSPECTION IS PERFORMED, IT IS POSSIBLE SOME DEFECTS MAY BE DISCOVERED. ANY REPAIRS FOUND TO BE NEEDED, UNKNOWN TO THE APPRAISER, MAY IMPACT THE VALUE OF THE PROPERTY.

PLEASE BE ADVISED THAT THE REFERENCED APPRAISAL REPORT WAS PREPARED IN COMPLIANCE WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE (USPAP) AND THE APPRAISAL ASSIGNMENT WAS NOT BASED ON A REQUESTED MINIMUM/SPECIFIC VALUATION, OR ON THE APPROVAL OF THE LOAN. MARKET DATA RESEARCH, TAX ASSESSMENT, AND OTHER ASSISTANCE HAS BEEN RENDERED BY OTHERS IN THE PREPARATION OF THIS REPORT. THE OPINION OF VALUE IS THE SOLE RESPONSIBILITY OF THE REPORT SIGNERS.

**MARKETING AND EXPOSURE PERIODS**

Exposure time is defined in the Uniform Standards of Professional Appraisal Practice (USPAP), Statement of Appraisal Standards No. 6 (SMT-6) as follows:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal, a retrospective estimate based upon an analysis of past events assuming a competitive and open market.

Marketing time is prospective. USPAP defines marketing time in Advisory Opinion 7 (AO-7) as follows:

... the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal.

Under more stabilized market conditions, the property may need to be marketed for up to 6 months to be sold, assuming it were correctly priced; however, under current market conditions we estimate a marketing time and an exposure time of 0 to 3 months.

This appraiser has not provided any services regarding the subject property within the past three years, as an appraiser or in any other capacity.



Kim B. Yarb, State of NC

NC Certified Real Estate Appraiser A3660

# Square Foot Cost Form

Case No.  
File No. 24-77

## SUBJECT PROPERTY

Appraised for Edward B. Scheuermann & Debra L. Scheuermann  
 Property Owner Edward B. Scheuermann & Debra L. Scheuermann  
 Property Address 116 Skimmer Way  
 City Duck State/Province NC Zip/Postal Code 27949 Date 09/30/2024  
 Appraiser KIMBERLY B TATE, SRA, RES

### PROPERTY INFORMATION

TYPE	QUALITY	STYLE	EXTERIOR WALLS	ROOF COVER	BALCONY AREA
Single Family <input checked="" type="checkbox"/>	Low <input checked="" type="checkbox"/>	No. Stories 3 <input type="checkbox"/>	Hardboard/Plywood <input type="checkbox"/>	Built-Up or Comp. Shingle <input checked="" type="checkbox"/>	Wood Deck 1370 sf <input checked="" type="checkbox"/>
Multiple <input type="checkbox"/>	Fair <input type="checkbox"/>	B-level <input type="checkbox"/>	Stucco <input type="checkbox"/>	Wood Shingle or Shake <input type="checkbox"/>	PORCH/BRZWY AREA
Town House <input type="checkbox"/>	Average <input type="checkbox"/>	Split Level <input type="checkbox"/>	Siding or Shingle <input type="checkbox"/>	Clay Tile <input checked="" type="checkbox"/>	(a) Scr Por 142sf <input checked="" type="checkbox"/>
Row House <input type="checkbox"/>	Good <input type="checkbox"/>	1-1/2 story - Fin. <input checked="" type="checkbox"/>	Masonry Veneer <input type="checkbox"/>	Concrete Tile <input type="checkbox"/>	(b) <input type="checkbox"/>
Manufactured <input type="checkbox"/>	Very Good <input type="checkbox"/>	1-1/2 story - Unif. <input type="checkbox"/>	Common Brick <input type="checkbox"/>	Slate <input type="checkbox"/>	GARAGE TYPE
	Excellent <input type="checkbox"/>	2-1/2 story - Fin. <input type="checkbox"/>	Face Brick or Stone <input type="checkbox"/>	Metal <input type="checkbox"/>	Detached <input type="checkbox"/>
Cabin, Dome, etc.		2-1/2 story - Unif. <input type="checkbox"/>	Concrete Block <input type="checkbox"/>	(Style or Type)	Attached <input type="checkbox"/>
FLOOR AREA	HIGH VALUE	End Row <input type="checkbox"/>	MANUFACTURED	NUMBER OF PLUMBING	Built-In <input type="checkbox"/>
1st 447.11	Class I <input type="checkbox"/>	Inside Row <input type="checkbox"/>	HOUSING WALLS	Fixtures 14	Subterranean <input type="checkbox"/>
2nd 1,094.84	Class II <input type="checkbox"/>	INTERIOR WALL	Alum, Ribbed <input type="checkbox"/>	Rough-In 2	Carport <input checked="" type="checkbox"/>
3rd 894.62	Class III <input type="checkbox"/>	HEIGHT 8-14 ft. <input type="checkbox"/>	Alum, Lap Siding <input type="checkbox"/>	BASEMENT	
Total 2,437.0	Class IV <input type="checkbox"/>	NUMBER OF MULTIPLE	Hardboard <input type="checkbox"/>	Unif. 0.0	(Gable, Shed or Flat)
		UNITS 0	Plywood <input type="checkbox"/>	Fin. 0.0	GARAGE AREA
					Storage 146 sf

AGE 37 act / 18 eff CONDITION Avg to Good CLIMATE: Mild  Moderate  Extreme  REGION: Western  Central  Eastern

### COMPUTATIONS

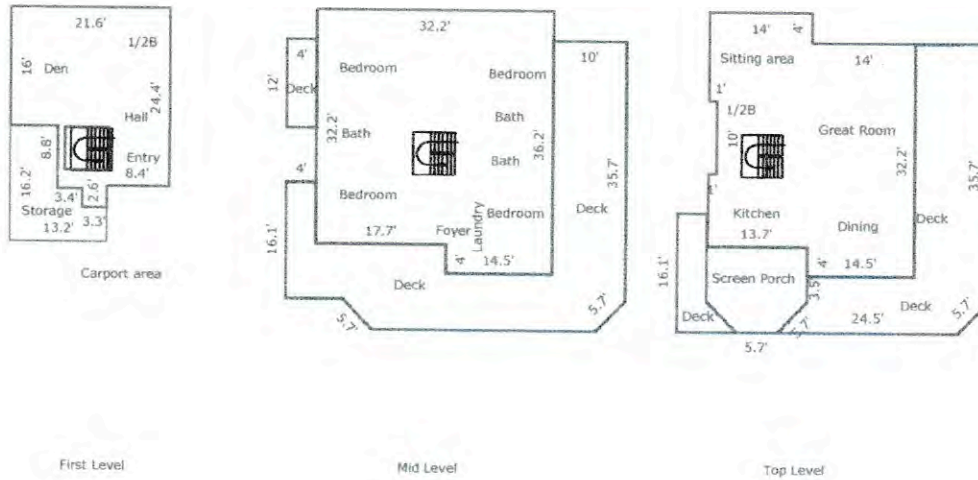
	Factor	Quantity	Cost	Extension
1. COMPUTE RESIDENCE BASIC COST: Wall Height Factor x Floor Area x Selected Sq. Ft. Cost	1.15	2,437.00	157.90	\$ 442,522.65
SQUARE FOOT ADJUSTMENTS: Specify type, quality, condition, age, etc.				
2. Roofing in base		2,437.00	0.00	0.00
3. Subfloor in base		2,437.00	0.00	0.00
4. Floor Cover Allowance		2,437.00	20.90	50,933.30
5. Plaster Interior Drywall in base		2,437.00	0.00	0.00
6. Heating/Cooling Heat Pump		2,437.00	4.52	11,015.24
7. Energy Adjustment Floor Insulation		2,437.00	1.92	4,679.04
8. Foundation in base		2,437.00	0.00	0.00
LUMP SUM ADJUSTMENTS: Specify type, quality, condition, age, etc.				
9. Plumbing 11 fixtures & 1 R/I in base, 14 fixtures & 2 R/I in home (3 more fixtures, 1 addl R-I)	1.00		10,375.00	10,375.00
10. Fireplaces 1 Prefabricated	1.00		4,825.00	4,825.00
11. Built-In Appliances Allowance	1.00		7,850.00	7,850.00
12. Miscellaneous (Dormers)				
13. SUBTOTAL ADJUSTED RESIDENCE COST: Line 1 plus or minus Lines 2-12				\$ 532,200.23
14. BASEMENT, UNFINISHED	0.00	0.00	0.00	0.00
15. Add for basement interior finish		0.00	0.00	0.00
16. Add for basement outside entrance		0.00	0.00	0.00
17. Add for basement garage: <input type="checkbox"/> Single <input type="checkbox"/> Double		0.00	0.00	0.00
18. PORCH/BREEZEWAY, describe Screen porch		142.00	105.00	14,910.00
19.				
20. SUBTOTAL RESIDENCE COST: Total of Lines 13-19				\$ 547,110.23
21. GARAGE OR CARPORT - sq. ft. area x selected sq. ft. cost insulated & electrified storage	146.00		75.00	10,950.00
22. Miscellaneous (roofing adjustment) Wood decking incl of additional stairs	1,370.00		65.00	89,050.00
23. SUBTOTAL GARAGE COST: Line 21 plus or minus Line 22				\$ 100,000.00
24. SUBTOTAL OF ALL BUILDING IMPROVEMENTS: Sum of Lines 20 and 23				\$ 647,110.23
25. Current Cost Multiplier 1.00 x Local Multiplier 1.15				1.15
26. TOTAL BUILDING COST NEW: Line 24 x 25				\$ 744,176.76
27. Depreciation: Physical/Functional Life Exp 65.00 Est. Age 18.00 Deduction 28.00 % of Line 26				208,369.49
28. Economic and/or Excessive Functional Obsolescence				0.00
29. Depreciated cost of building improvements: Line 26 less Lines 27 and 28				\$ 535,807.27
30. Yard improvements cost: List, total, apply multiplier and depreciate on page 2				0.00
31. Miscellaneous: (Landscaping) If local cost, do not apply any multipliers				0.00
32. Lot or Land Value				0.00
33. TOTAL INDICATED VALUE: Total of Lines 29-32				\$ 535,807

50%  
267,903



**FLOORPLAN SKETCH**

Borrower: Edward B. Scheuermann & Debra L. Scheuermann	File No.: 24-77
Property Address: 116 Skimmer Way	Case No.:
City: Duck	State: NC
Lender: Edward B. Scheuermann & Debra L. Scheuermann	Zip: 27949



Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	483.11		First Floor		
	First Floor	-36.00	447.11	16.0 x 21.6		344.71
GLA2	Second Floor	1094.84	1094.84	8.4 x 15.1		127.24
GLA3	Third Floor	894.62	894.62	0.5 x 6.5		0.08
P/P	Deck	505.96		2.6 x 3.3		8.58
	Screen Porch	141.55		0.4 x 6.7		2.50
	Deck	72.40		6.0 x 6.0		-36.00
	Deck	48.00		Second Floor		
	Deck	742.90	1510.81	32.2 x 32.2		1036.84
OTH	Storage	146.14	146.14	4.0 x 14.5		58.00
				Third Floor		
				0.5 x 10.2 x 0.2		1.02
				4.0 x 14.5		58.00
				4.0 x 14.0		56.00
				8.0 x 28.0		224.00
				10.0 x 27.0		270.00
				28.0 x 10.2		285.60
	Net LIVABLE Area	(rounded)	2437	14 Items	(rounded)	2437

Borrower: Edward B. Scheuermann & Debra L. Scheuermann	File No.: 24-77
Property Address: 116 Skimmer Way	Case No.:
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FRONT VIEW



REAR VIEW



LEFT ELEVATION



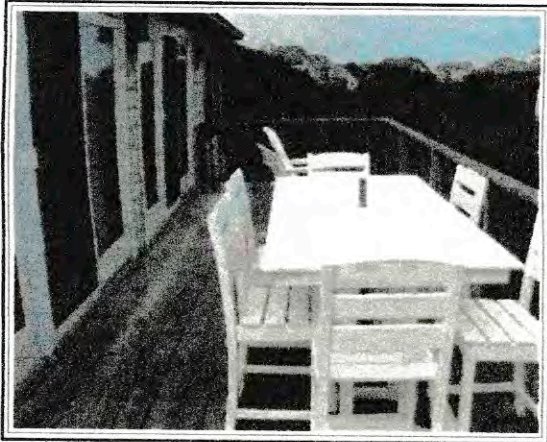
RIGHT ELEVATION



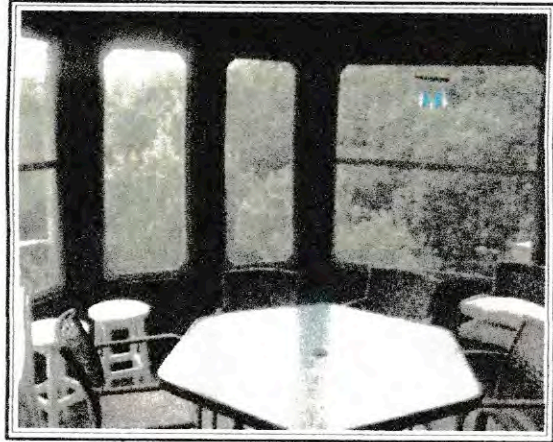
CARPORT AREA



OUTDOOR SHOWER / FISH CLEANING STATION



TYPICAL DECK AREA



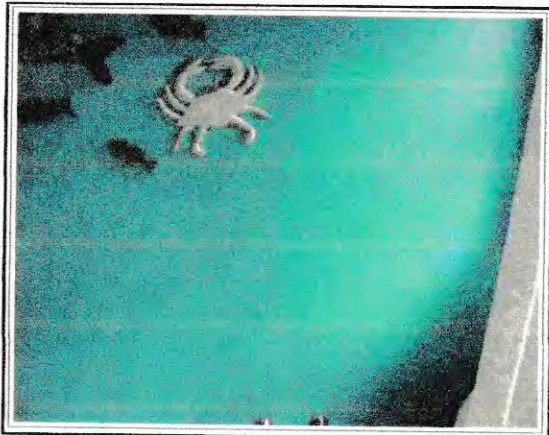
SCREENED PORCH



DINING AREA



GREAT ROOM



HALF BATH



KITCHEN

Borrower: Edward B. Scheuermann & Debra L. Scheuermann		File No.: 24-77
Property Address: 116 Skimmer Way		Case No.:
City: Duck	State: NC	Zip: 27949
Lender: Edward B. Scheuermann & Debra L. Scheuermann		



BEDROOM



HALLWAY MID LEVEL



LAUNDRY



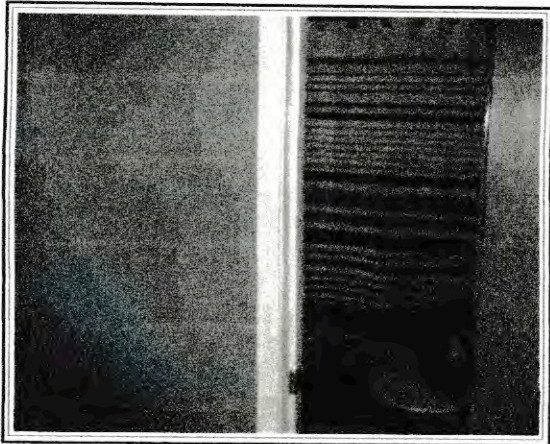
BEDROOM



BATH



BEDROOM



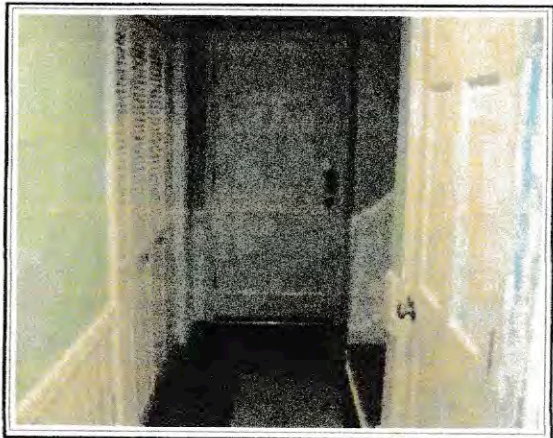
BATH



BEDROOM



BATH



GROUND LEVEL HALLWAY

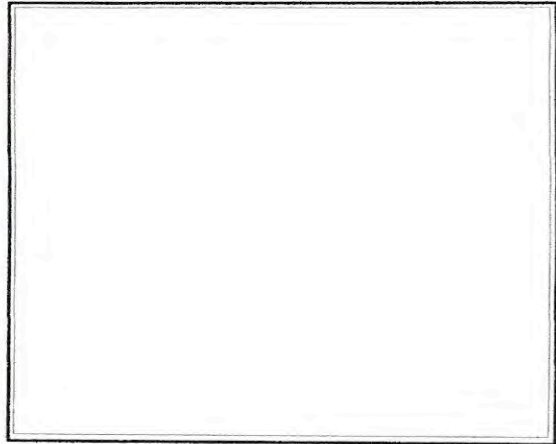
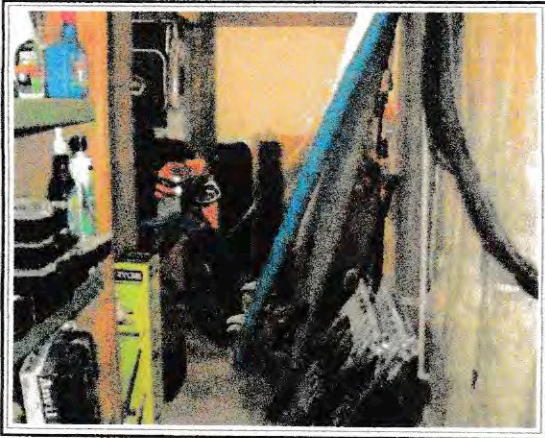


DEN / SITTING AREA

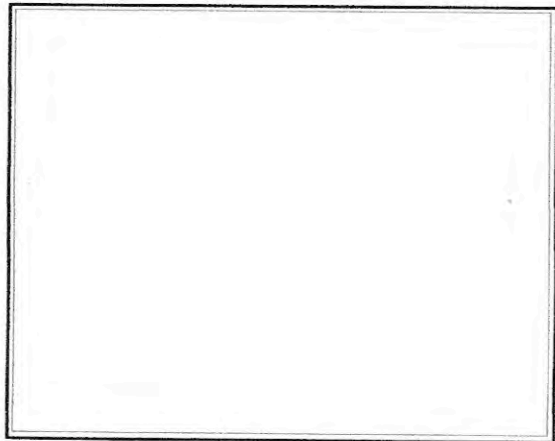
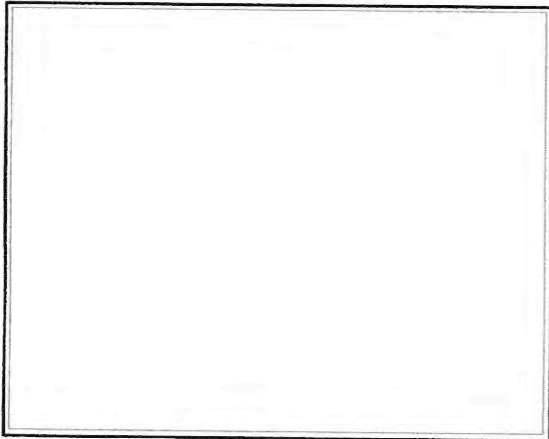


HALF BATH

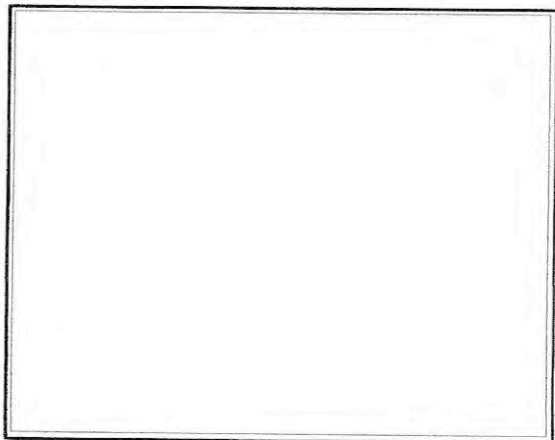
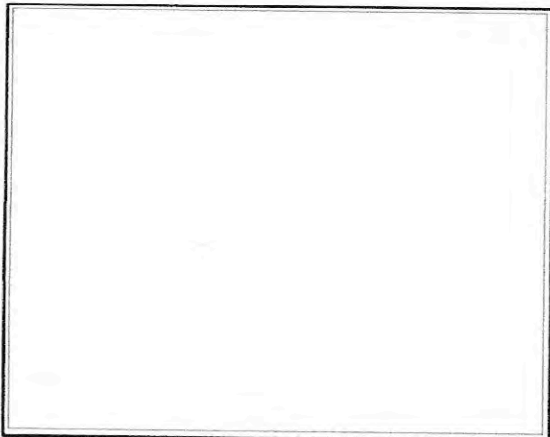
Borrower: Edward B. Scheuermann & Debra L. Scheuermann		File No.: 24-77
Property Address: 116 Skimmer Way		Case No.:
City: Duck	State: NC	Zip: 27949
Lender: Edward B. Scheuermann & Debra L. Scheuermann		



STORAGE ROOM



ADDITIONAL GREAT ROOM / KITCHEN VIEW



# Appraiser Independence Certification

File No.: 24-77

Borrower:	Edward B. Scheuermann & Debra L. Scheuermann		
Property Address:	166 Plover Drive		
City:	Dare	County:	Dare
Lender/Client:	Edward B. Scheuermann & Debra L. Scheuermann	State:	NC
		Zip Code:	27927

I do hereby certify, I have followed the appraiser independence safeguards in compliance with Appraisal Independence and any applicable state laws I may be required to comply with. This includes but is not limited to the following:



- I am currently licensed and/or certified by the state in which the property to be appraised is located. My license is the appropriate license for the appraisal assignment(s) and is reflected on the appraisal report.
- I certify that there have been no sanctions against me for any reason that would impair my ability to perform appraisals pursuant to the required guidelines.

I assert that no employee, director, officer, or agent of the Lender/Client, or any other third party acting as joint venture partner, independent contractor, appraisal company, appraisal management company, or partner on behalf of the Lender/Client, influenced or attempted to influence the development, reporting, result, or review of the appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or in any other manner.

I further assert that the Lender/Client has never participated in any of the following prohibited behavior in our business relationship:

1. Withholding or threatening to withhold timely payment or partial payment for the appraisal report;
2. Withholding or threatening to withhold future business, or demoting or terminating, or threatening to demote or terminate my services;
3. Expressly or implicitly promising future business, promotions, or increased compensation for my services;
4. Conditioning the ordering of the appraisal report or the payment of the appraisal fee or salary or bonus on my opinion, conclusion or valuation reached, or on a preliminary value estimate requested;
5. Requesting an estimated, predetermined, or desired valuation in the appraisal report, prior to the completion of the appraisal report, or requesting estimated values or comparable sales at any time prior to the completion of the appraisal report;
6. Providing an anticipated, estimated, encouraged or desired value for the subject property, or a proposed or target amount to be loaned to the Borrower, except that a copy of the sales contract may have been provided if the assignment was for a purchase transaction;
7. Providing stock or other financial or non-financial benefits to me or any entity or person related to me, my appraisal or appraisal management company, if applicable;
8. Any other act or practice that impairs or attempts to impair my independence, objectivity or impartiality, or violates law or regulation, including but not limited to, the Truth in Lending Act (TILA) and Regulation Z, or the Uniform Standards of Professional Appraisal Practice (USPAP).

**Additional Comments:** PLEASE NOTE THAT APPRAISER HAS BEEN ENGAGED ONLY TO PREPARE A COST APPROACH ON THE DWELLING IMPROVEMENTS, ALONG WITH AN ESTIMATE OF ACCRUED DEPRECIATION, TO ESTIMATE "ACTUAL CASH VALUE(ACV)" AS DEFINED BY THE FEMA SI / SD DESK REFERENCE, SECTION 4.5.3, PAGE 4-15. WHILE THE SALES COMPARISON APPROACH AND THE INCOME APPROACH TO VALUE MAY BE APPLICABLE IN ANALYSIS OF VALUE OF SUBJECT PROPERTY, THE CLIENT REQUESTED ONLY THE ACTUAL CASH VALUE(ACV) / COST APPROACH TO VALUE OF DWELLING IMPROVEMENTS WITHIN THE SCOPE OF THIS APPRAISAL ASSIGNMENT. THIS APPRAISER PHYSICALLY INSPECTED AND MEASURED THE SUBJECT PROPERTY, AND HAS PERFORMED MARKET PARTICIPANT INTERVIEWS AS WELL AS UTILIZING RECOGNIZED COST SERVICES IN THE DEVELOPMENT OF THE COST APPROACH OF DWELLING IMPROVEMENTS IN ORDER TO ESTIMATE "ACTUAL CASH VALUE(ACV)".

<p><b>APPRAISER:</b></p> <p>Signature: </p> <p>Name: <u>KIMBERLY B TATE, SRA, RES</u></p> <p>Date Signed: <u>09/30/2024</u></p> <p>State Certification #: <u>A3660</u></p> <p>or State License #: _____</p> <p>or Other (describe): _____ State #: _____</p> <p>State: <u>NC</u></p> <p>Expiration Date of Certification or License: <u>06/30/2025</u></p>	 <p><b>SUPERVISORY APPRAISER (only if required):</b></p> <p>Signature: _____</p> <p>Name: _____</p> <p>Date Signed: _____</p> <p>State Certification #: _____</p> <p>or State License #: _____</p> <p>State: _____</p> <p>Expiration Date of Certification or License: _____</p>
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**USPAP ADDENDUM**

File No. 24-77

Borrower: Edward B. Scheuermann & Debra L. Scheuermann			
Property Address: 116 Skimmer Way			
City: Duck	County: Dare	State: NC	Zip Code: 27949
Lender: Edward B. Scheuermann & Debra L. Scheuermann			

**APPRAISAL AND REPORT IDENTIFICATION**

This report was prepared under the following USPAP reporting option:

**Appraisal Report**                      A written report prepared under Standards Rule 2-2(a).

**Restricted Appraisal Report**        A written report prepared under Standards Rule 2-2(b).

**Reasonable Exposure Time**  
 My opinion of a reasonable exposure time for the subject property at the market value stated in this report is: 0-3 months

See Attached Addendum

**Additional Certifications**

I have performed **NO** services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

I **HAVE** performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.



**Additional Comments**

AS OF THE DATE OF THIS REPORT, I, KIMBERLY B. TATE, SRA, HAVE COMPLETED THE REQUIREMENTS UNDER THE CONTINUING EDUCATION PROGRAM OF THE APPRAISAL INSTITUTE.

THE REPORTED ANALYSES, OPINIONS, AND CONCLUSIONS WERE DEVELOPED, AND THIS REPORT HAS BEEN PREPARED, IN CONFORMITY WITH THE REQUIREMENTS OF THE CODE OF PROFESSIONAL ETHICS AND STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE OF THE APPRAISAL INSTITUTE.

THE USE OF THIS REPORT IS SUBJECT TO THE REQUIREMENTS OF THE APPRAISAL INSTITUTE RELATING TO REVIEW BY ITS DULY AUTHORIZED REPRESENTATIVES.

I HAVE PERFORMED NO SERVICES, AS AN APPRAISER OR IN ANY OTHER CAPACITY, REGARDING THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT WITHIN THE THREE-YEAR PERIOD IMMEDIATELY PRECEDING THE ACCEPTANCE OF THIS ASSIGNMENT.

<p><b>APPRAISER:</b></p> <p>Signature: </p> <p>Name: <u>KIMBERLY B TATE, SRA, RES</u></p> <p>Date Signed: <u>09/30/2024</u></p> <p>State Certification #: <u>A3660</u></p> <p>or State License #: _____</p> <p>or Other (describe): _____ State #: _____</p> <p>State: <u>NC</u></p> <p>Expiration Date of Certification or License: <u>06/30/2025</u></p> <p>Effective Date of Appraisal: <u>September 25, 2024</u></p>	<p align="center">  </p> <p><b>SUPERVISORY APPRAISER (only if required):</b></p> <p>Signature: _____</p> <p>Name: _____</p> <p>Date Signed: _____</p> <p>State Certification #: _____</p> <p>or State License #: _____</p> <p>State: _____</p> <p>Expiration Date of Certification or License: _____</p> <p>Supervisory Appraiser inspection of Subject Property:</p> <p><input type="checkbox"/> Did Not    <input type="checkbox"/> Exterior-only from street    <input type="checkbox"/> Interior and Exterior</p>
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**ADDENDUM**

Borrower: Edward B. Scheuermann & Debra L. Scheuermann	File No.: 24-77	
Property Address: 116 Skimmer Way	Case No.:	
City: Duck	State: NC	Zip: 27949
Lender: Edward B. Scheuermann & Debra L. Scheuermann		

**Reasonable Exposure Time Comments**

**MARKETING AND EXPOSURE PERIODS**

Exposure time is defined in the Uniform Standards of Professional Appraisal Practice (USPAP), Statement of Appraisal Standards No. 6 (SMT-6) as follows:

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Marketing time is prospective. USPAP defines marketing time in Advisory Opinion 7 (AO-7) as follows:

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Under more stabilized market conditions, the property may need to be marketed for up to 6 months to be sold, assuming it were correctly priced; however, under current market conditions we estimate a marketing time and an exposure time of 0 to 3 months.

## ASSUMPTIONS AND LIMITING CONDITIONS

### General Assumptions

- The owner of record is assumed to have a free and clear fee simple title with no encumbrances that cannot be cleared through normal channels.
- The information on which this appraisal is based has been obtained from sources normally used by Tate Appraisal and Consultation, Inc. and is considered to be reliable, but is in no sense guaranteed.
- The information furnished by others is believed to be reliable. No warranty is given for its accuracy.
- Tate Appraisal and Consultation, Inc. reserves the right to alter its opinion of value on the basis of information withheld or not discovered in the normal course of a diligent investigation.
- The appraisers assume no responsibility for the legal description or matters of a legal nature affecting the property or the title thereto. The appraisers do not render any opinion as to title, which is assumed to be good and marketable.
- Responsible ownership and competent property management are assumed.
- It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
- It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been stated, defined and considered in the appraisal report.
- It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
- The appraisers are not required to give testimony or appear in court because of having made this appraisal with reference to the property in question, unless arrangements have been previously made therefore. The fee charged for this appraisal does not include payment for court testimony or for further consultation.
- No opinion of an engineering nature is intentionally expressed or implied and no responsibility is assumed for matters of this nature.
- No survey was made especially for this appraisal. Property lines, area, etc., of record or otherwise provided, are assumed to be correct.
- No engineering survey has been made by the appraisers. Except as specifically stated, size and area were taken from sources considered reliable and no encroachment of real property improvements is assumed to exist.
- Maps, sketches, plats and exhibits are for illustration only as an aid in visualizing matters discussed within the report. They should not be considered as surveys or relied upon for any other purpose.
- It is assumed that there are no hidden or unapparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
- No opinion is expressed as to the value of subsurface oil, gas or mineral rights. The property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.
- Disclosure of the contents of the appraisal is governed by the Bylaws and Regulations of the professional organizations with which Tate Appraisal and Consultation, Inc. is affiliated.
- Acceptance of and/or use of this report constitutes acceptance of these assumptions and limiting conditions.
- This report is intended to comply with the Code of Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It is further intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) and the guidelines set forth by the Financial Institution's Reform, Recovery and Enforcement Act of 1989 (FIRREA).

### Limiting Conditions

- Possession of this report, or a copy, does not carry with it the right of publication.
- Neither all nor any part of the contents of this report (especially any conclusions as to value, identity of the appraisers or firm with which they are connected or any reference to the Appraisal Institute or the MAI or SRA designations) shall be disseminated to the public through the advertising media or any other public means of communication without the prior written consent and approval of Tate Appraisal and Consultation, Inc. and the signatories of the report. Acceptance of and/or use of this report constitutes acceptance of these restrictions.
- The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
- The forecasts, projections or operating estimates contained herein are based upon current market conditions, anticipated short term supply and demand factors and a continued stable economy. These forecasts are, therefore, subject to changes in future conditions.
- Load bearing capacity of subsoil is assumed to be adequate for the present utilization, but no borings or engineering studies have been made especially for this appraisal and the value conclusion could be affected by such information.
- The appraisers have not been supplied with occupancy permits. No responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained.
- The parties who visited the subject property found no obvious evidence of structural deficiencies except as stated in this report; however, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety or occupancy codes, can be assumed without provision of specific professional or governmental inspections.
- No termite inspection report was made available. The parties who visited the subject property found no significant evidence of termite damage or infestation.
- Unless otherwise stated in this report, the appraisers make no representation or warranties as to the adequacy or condition of appliances, electrical systems, plumbing and heating, air conditioning, presence of insulation, adequacy or condition of structural systems or any other subsystem within the property. The appraisers assume no responsibility for any costs incurred to discover or correct any deficiencies present in the property.
- Unless otherwise stated, no consideration in the valuation process has been given to mineral deposits (oil, gas, coal, gravel, etc.) or timber, if any, that may be found on the subject.
- Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraisers. The appraisers have no knowledge of the existence of such materials on or in the property. The appraisers are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
- Unless otherwise stated, this report has not considered the impact of the Americans With Disabilities Act (ADA) on the subject with respect to general compliance and renovation costs. Should a report be provided which indicates a required renovation, we reserve the right to amend this report.
- The appraisers have prepared this report in compliance with the Competency Provision explicitly detailed in the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisers are fully experienced in the appraisal of this product type (see Qualifications).
- The market conditions from which any prospective value opinion is estimated is based on available factual data and intended to reflect current expectations and perceptions of market participants. The appraiser(s) cannot be held responsible for any unforeseen events that alter market conditions prior to the effective date of the appraisal. We were provided with limited plans and specifications. Should there be significant variations from the data we have been provided, we reserve the right to amend this report.
- This report and any associated work files may be subject to evaluation by Tate Appraisal and Consultation, Inc., or its affiliates, for quality control purposes.

**CERTIFICATION**

We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as well as the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. As of the date of this report, Kim B. Tate, SRA, RES has completed the continuing education program of the Appraisal Institute.
10. Kim B. Tate, SRA, RES has personally visited the property that is the subject of this report.
11. Tate Appraisal and Consultation, Inc. has not appraised the subject property or portions thereof within the three-year period immediately preceding acceptance of this assignment. Tate Appraisal and Consultation, Inc. has not performed any other professional services within the three-year period immediately preceding acceptance of this assignment.
12. No one other than the undersigned provided significant professional assistance for this appraisal.
13. The appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.

**CERTIFICATION (continued)**

14. The undersigned hereby certifies 1) that this appraisal conforms to the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal recovery and Enforcement Act of 1989, 12 USC 3310, 3331-3351, and to the regulations of the Federal Reserve System, 12 CFR Parts 208 and 225 and 2) the undersigned holds the requisite license issued by the North Carolina Real Estate Appraiser Board to be able to perform this appraisal in compliance with North Carolina law and regulation.

Thank you for this opportunity to be of service. If we can be of any further assistance, please contact us.

Respectfully submitted,

Tate Appraisal and Consultation, Inc. I

09/30/2024

By: Kimberly B.

Certified Real Estate Appraiser

North Carolina State Certification #A3660



Borrower: Edward B. Scheuermann & Debra L. Scheuermann

File No.: 24-77

Property Address: 116 Skimmer Way

Case No.:

City: Duck

State: NC

Zip: 27949

Lender: Edward B. Scheuermann & Debra L. Scheuermann

QUALIFICATIONS IN REAL ESTATE APPRAISING  
FOR

KIM B. TATE, SRA, RES

1093 Waterlily Road Coinjock, NC 27923

Phone: 252-453-9804

E-mail: [kimbinate@earthlink.net](mailto:kimbinate@earthlink.net)

Virginia State Certified Residential Real Estate Appraiser #4001 001194

North Carolina State Certified Real Estate Appraiser #A3660

EDUCATIONAL BACKGROUND: BA, Urban Planning & Design

Virginia Polytechnic Institute and State University  
Blacksburg, Virginia 1987

WORK EXPERIENCE:

2004-Present: Associate appraiser Valbridge Property Advisors /Axial Advisory Group, LLC

1998-Present: Principal appraiser, Tate Appraisal & Consultation, Inc., Coinjock, NC

1991-1999: Independent fee appraiser with Franklyn L. Stanfield & Associates, Norfolk, VA

12/1994-Present: Federal Housing Administration (FHA) Fee Panel

1990-1991: Staff Appraiser, City Assessor's Office, City of Chesapeake, VA

1984-1990: Staff Appraiser, David F. Vermilya & Associates, Virginia Beach, VA

1983-1984: Staff Appraiser, City Assessor's Office, City of Portsmouth, VA

PROFESSIONAL TRAINING:

Basic and advanced appraisal courses through Appraisal Institute, IAAD, as well as proprietary educational schools to obtain state certification within states of North Carolina and Virginia. Yearly continuing education to maintain state certification / professional designations as well as increase knowledge and expertise.

Qualified expert witness in local and state judicial systems of Virginia and North Carolina, and the federal judicial system.

SCOPE OF APPRAISAL EXPERIENCE:

Appraisal of residential and commercial vacant and improved properties of various types for determination of values related to:

-Market value	-Leasehold value	-Rent levels	-Relocation compensation
-Insurable value	-Leased fee interest	-Eminent domain	-Damages/Loss in value

PROFESSIONAL AFFILIATIONS:

North Carolina Licensed Real Estate Broker

Member, Appraisal Institute (SRA)-Past president/officer of the Hampton Roads Chapter and former regional board member as well as involvement in peer review committees.

Member, International Association of Assessing Officers (RES)

Member of the Albemarle Board of Realtors/MLS and the Outer Banks Board of

Realtors/MLS, affiliate Hampton Roads Realtors Association (HRRRA)

Member of the Currituck Chamber of Commerce

Borrower: Edward B. Scheuermann & Debra L. Scheuermann

File No.: 24-77

Property Address: 116 Skimmer Way

Case No.:

City: Duck

State: NC

Zip: 27949

Lender: Edward B. Scheuermann & Debra L. Scheuermann





**Exhibit T5**

	A	B	C	D	E	F	G	H	I	J	K	L
4					Type	Date	Num	Name	Source Name	Memo	Amount	Balance
5					Other Charges							
6					Site Work							
7					Bill	09/30/24	SCHEUE	SCHEUERMANN	TATE APPRAISAL	APPRAISAL	1,500.00	1,500.00
8					Total Site Work						1,500.00	1,500.00
9					Professional Fees							
10					Bill	10/03/24	SCHEUE	SCHEUERMANN	BW DESIGNS LLC	SITE VISIT, FLOOR PLANS, EL	1,300.00	1,300.00
11					Bill	11/21/24	SCHEUE	SCHEUERMANN	BW DESIGNS LLC	SITE PLAN	75.00	1,375.00
12					Bill	11/26/24	22663	SCHEUERMANN	OSTEEN	STRUCTURAL CERT BEAM	600.00	1,975.00
13					Total Professional Fees						1,975.00	1,975.00
14					Plans & Copies							
15					Bill	11/25/24	145701	SCHEUERMANN	PRINT PLUS	COPIES	2.67	2.67
16					Total Plans & Copies						2.67	2.67
17					Windows/Doors							
18					Check	11/26/24	ONLINE	SCHEUERMANN	PELLA WINDOW	SCHEUERMANN 249820	17,828.69	17,828.69
19					Bill	12/03/24	960792	SCHEUERMANN	KELLOGGS	TAPE AND SEALANT	201.71	18,030.40
20					Bill	12/05/24	960947	SCHEUERMANN	KELLOGGS	TAPE AND SEALANT	205.05	18,235.45
21					Bill	12/05/24	960908	SCHEUERMANN	KELLOGGS	SILL PAN	37.35	18,272.80
22					Bill	12/05/24	960923	SCHEUERMANN	KELLOGGS	SEALANT	23.55	18,296.35
23					Bill	01/10/25	963095	SCHEUERMANN	KELLOGGS	FLASHING	103.93	18,400.28
24					Bill	01/16/25	963655	SCHEUERMANN	KELLOGGS	CAULK	118.67	18,518.95
25					Bill	01/16/25	963301	SCHEUERMANN	KELLOGGS	FLASHING	74.46	18,593.41
26					Bill	01/16/25	963532	SCHEUERMANN	KELLOGGS	FLASHING	6.93	18,600.34
27					Bill	01/17/25	963766	SCHEUERMANN	KELLOGGS	FLASHING	44.68	18,645.02
28					Bill	01/24/25	964136	SCHEUERMANN	KELLOGGS	WEATHERMASTER CAULK	118.67	18,763.69
29					Bill	01/28/25	964375	SCHEUERMANN	KELLOGGS	FLASHING	167.30	18,930.99
30					Check	01/30/25	PHONE	SCHEUERMANN	PELLA WINDOW	SCHEUERMANN 251927	1,626.51	20,557.50
31					Bill	02/04/25	965134	SCHEUERMANN	KELLOGGS	FLASHING	14.89	20,572.39
32					Bill	02/11/25	252881	SCHEUERMANN	PELLA WINDOW	WINDOWS	443.17	21,015.56
33					Bill	03/18/25	254543	SCHEUERMANN	PELLA WINDOW	WINDOWS	436.18	21,451.74
34					Bill	04/04/25	26056	SCHEUERMANN	KELLOGGS	DOOR	758.66	22,210.40

	A	B	C	D	E	F	G	H	I	J	K	L
35					Bill	04/18/25	972268	SCHEUERMANN	KELLOGGS	SEALANT	31.03	22,241.43
36					Bill	05/16/25	14-1090	SCHEUERMANN	Guy C. Lee	SCREEN DOOR	486.12	22,727.55
37					Bill	05/21/25	27245	SCHEUERMANN	KELLOGGS	BARN DOOR	1,482.90	24,210.45
38					Bill	06/02/25	976421	SCHEUERMANN	KELLOGGS	SCRENEEZE AND BLADE	2,691.16	26,901.61
39					Credit	06/02/25	976422	SCHEUERMANN	KELLOGGS	SCRENEEZE	-2,139.27	24,762.34
40					Bill	06/04/25	976605	SCHEUERMANN	KELLOGGS	SCREEN DOOR HARDWARE	42.68	24,805.02
41					Total Windows/Doors						24,805.02	24,805.02
42					Permits							
43					Check	11/21/24	DCKG	SCHEUERMANN	Dare County Health	PERMITS/INSPECTIONS	128.69	128.69
44					Check	11/22/24	DCKG	SCHEUERMANN	LIENS NC	LEIN AGENTS	30.00	158.69
45					Bill	11/27/24	B24-000	SCHEUERMANN	Town of Duck	PERMIT	341.40	500.09
46					Total Permits						500.09	500.09
47					Labor							
48					Bill	08/14/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	8/13 MET W HOMEOWNERS. H	200.00	200.00
49					Bill	08/14/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	8/9 MET W HOMEOWNERS. ST	160.00	360.00
50					Bill	08/14/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	8/12 MET W HOMEOWNERS. M	140.00	500.00
51					Bill	08/14/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	8/6 HELP FOR NEW WINDOWS	80.00	580.00
52					Bill	08/14/24	SCHEUE	SCHEUERMANN	ROBERT PILAND	MEASURE OPENINGS	80.00	660.00
53					Bill	09/11/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	9/4 WENT OVER ADDITION	40.00	700.00
54					Bill	09/25/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	MET W HOMEOWNER. HELPE	80.00	780.00
55					Bill	11/20/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	11/19 GOT PLANS FROM OTHE	80.00	860.00
56					Bill	11/20/24	SCHEUE	SCHEUERMANN	ROBERT PILAND	11/14 UNLOAD WINDOWS	40.00	900.00
57					Bill	11/20/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	11/15 CHECKED ON WINDOWS	40.00	940.00
58					Bill	11/20/24	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	11/14 UNLOADED WINDOWS A	35.00	975.00
59					Bill	12/04/24	SCHEUE	SCHEUERMANN	JOE JUSTICE	REPLACE 23 WINDOWS. 1 SLI	11,650.00	12,625.00
60					Bill	12/04/24	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	392.98	13,017.98
61					Bill	12/04/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	11/26 PICKED UP MATERIALS	240.00	13,257.98
62					Bill	12/04/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	MGMT FEE	200.00	13,457.98
63					Bill	12/04/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/2 WENT OVER PILING LAY	80.00	13,537.98
64					Bill	12/04/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/3 CALLED FOR INSPECTION	60.00	13,597.98
65					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	MGMT FEE	130.00	13,727.98

	A	B	C	D	E	F	G	H	I	J	K	L
66					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/5 PICKED UP MATERIALS M	100.00	13,827.98
67					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/6 MET W INSPECTOR FOR	100.00	13,927.98
68					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/12 TOOK WINDOW TO CRA	80.00	14,007.98
69					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/13 PICKED UP MATERIALS	80.00	14,087.98
70					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/16 MET W ELECTRICIAN BF	80.00	14,167.98
71					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/17 MGMT FEE	80.00	14,247.98
72					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/4 PICKED UP MATERIALS M	80.00	14,327.98
73					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/10 CHECKED ON JOB	60.00	14,387.98
74					Bill	12/18/24	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/9 CHECKED ON JOB	40.00	14,427.98
75					Bill	12/19/24	SCHEUE	SCHEUERMANN	JOE JUSTICE	DEMO FRAMING	8,800.00	23,227.98
76					Bill	01/02/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/18-12/31 MGMT FEE	460.00	23,687.98
77					Bill	01/02/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/19 MET W CABINET GUY LC	100.00	23,787.98
78					Bill	01/02/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/20 MET W INSPECTOR FOR	100.00	23,887.98
79					Bill	01/02/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/23 TALKED TO HOMEOWNE	100.00	23,987.98
80					Bill	01/02/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	12/20 TOOK PHOTOS OF PRO	60.00	24,047.98
81					Bill	01/02/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	12/31 MET W HVAC TECH	35.00	24,082.98
82					Bill	01/03/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	FRAMING AND SIDING	4,500.00	28,582.98
83					Bill	01/09/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	1,244.07	29,827.05
84					Bill	01/14/25	1	SCHEUERMANN	SPENCER	REPAIR PATCH AND REFINSH	2,000.00	31,827.05
85					Bill	01/16/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	SIDING TRIM AND DECK BAND	7,700.00	39,527.05
86					Bill	01/16/25	1383	SCHEUERMANN	NORTHEASTERN	3 POLES HAND DIG	1,000.00	40,527.05
87					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/10 WENT OVER CABINET DR	200.00	40,727.05
88					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/13 CHECKED ON FLOORING	160.00	40,887.05
89					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/6 MEASURE FOR HVAC GUY	120.00	41,007.05
90					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/3 MET W GAS GUY ABOUT R	100.00	41,107.05
91					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/8 TALL TO HOMEOWNERS. T	100.00	41,207.05
92					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/9 CHECKD ON JOB	80.00	41,287.05
93					Bill	01/16/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/2 CHECKD ON JOB MGMT FE	40.00	41,327.05
94					Bill	01/29/25	964520	SCHEUERMANN	KELLOGGS	LUMBER	167.30	41,494.35
95					Bill	01/29/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/15 CHECKED ON JOB - MGM	160.00	41,654.35
96					Bill	01/29/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/28 HELPED RUN GAS LINES	160.00	41,814.35

	A	B	C	D	E	F	G	H	I	J	K	L
97					Bill	01/30/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	SIDING EXT TRIM	6,800.00	48,614.35
98					Bill	01/30/25	2	SCHEUERMANN	SPENCER	BALANCE DUE	1,300.00	49,914.35
99					Bill	01/30/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	ROT REPAIR AT FIREPLACE	200.00	50,114.35
100					Bill	01/30/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	GAS LINE PREP	150.00	50,264.35
101					Bill	02/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/11 MET W HOMEOWNERS O	300.00	50,564.35
102					Bill	02/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	1/30 MET WITH HOMEOWNER	200.00	50,764.35
103					Bill	02/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/10 CLEANED UP FOR HOME	120.00	50,884.35
104					Bill	02/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/6 CHECKED ON JOB AND CL	100.00	50,984.35
105					Bill	02/13/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	SIDING, EXT TRIM, ROT REPA	6,400.00	57,384.35
106					Bill	02/19/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	1,230.35	58,614.70
107					Bill	02/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/12-2/13 MGMT FEE	120.00	58,734.70
108					Bill	02/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/24 WENT OVER FRAMINF ON	120.00	58,854.70
109					Bill	02/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/14 WENT OVER CABINETS V	100.00	58,954.70
110					Bill	02/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/21 CHECKED ON JOB	40.00	58,994.70
111					Bill	02/26/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	2/25 PULL UNDERPINNING AN	40.00	59,034.70
112					Bill	02/26/25	612035	SCHEUERMANN	JAMES FORBES	2/25 REMOVE UNDERPINNING	25.00	59,059.70
113					Bill	02/27/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	SIDING DOFFIT WINDOW	4,475.00	63,534.70
114					Bill	02/27/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	REPLACE BROKEN SCREEN J	300.00	63,834.70
115					Bill	02/27/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	ROT REPAIR AT SCREEN POR	275.00	64,109.70
116					Bill	02/27/25	SCHEUE	SCHEUERMANN	JAMES MISIAK	2/24 FRAME UP NEW FIRE BO	206.25	64,315.95
117					Bill	03/12/25	612036	SCHEUERMANN	JAMES FORBES	3/3 HOOD RANGE AND DRYER	212.50	64,528.45
118					Bill	03/12/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	3/3 INSTALL BATH VENT AND	180.00	64,708.45
119					Bill	03/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/26 MADE LIST TO DO BEFOR	120.00	64,828.45
120					Bill	03/12/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	3/4 PATCH FLOOR. BLOW OUT	120.00	64,948.45
121					Bill	03/12/25	612036	SCHEUERMANN	JAMES FORBES	3/4 REPAIR SUB FLOOR	62.50	65,010.95
122					Bill	03/12/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	2/28 CHECKED ON JOB AND C	40.00	65,050.95
123					Bill	03/13/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	410.53	65,461.48
124					Bill	03/13/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	AC STAND	375.00	65,836.48
125					Bill	03/13/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/3 RAN RANGE VENT AND BA	297.50	66,133.98
126					Bill	03/13/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/5 ADDED FRAMING TO SHO	175.00	66,308.98
127					Bill	03/13/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/4 SECURED VENTING. CLEA	140.00	66,448.98

	A	B	C	D	E	F	G	H	I	J	K	L
128					Bill	03/13/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	2/26 MET W LARRY ABOUT VE	70.00	66,518.98
129					Bill	03/13/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	2/27 PICKED UP DUCT MATER	70.00	66,588.98
130					Bill	03/26/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	DEMO WEST DECK. FRAME N	1,800.00	68,388.98
131					Bill	03/26/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	REMAINING DUE	500.00	68,888.98
132					Bill	03/26/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	REMOVE BENCHES AND RAIL	400.00	69,288.98
133					Bill	03/26/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	TRIM AT ROOF LINE	300.00	69,588.98
134					Bill	03/26/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/12 MET W STEVE FOR INSP	175.00	69,763.98
135					Bill	03/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	3/19 MET W INSPECTOR FOR	160.00	69,923.98
136					Bill	03/26/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/13 NAILED OFF SCAB PLATE	140.00	70,063.98
137					Bill	03/26/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	3/17 PULL NAILS AND SCREW	140.00	70,203.98
138					Bill	03/26/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/17 FUR IN WALLS IN BATH. C	105.00	70,308.98
139					Bill	03/26/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/18 INSTALLED NAILERS FOR	105.00	70,413.98
140					Bill	03/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	3/17 MAD MATERIALS LIST FO	100.00	70,513.98
141					Bill	03/26/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/19 PUT SHEETROCK IN HOU	70.00	70,583.98
142					Bill	03/26/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	3/19 UNLOAD SHEETROCK	40.00	70,623.98
143					Bill	03/26/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	3/25 LOOKED AND CALLED TO	40.00	70,663.98
144					Bill	03/26/25	612038	SCHEUERMANN	JAMES FORBES	3/19 UNLOAD DRYWALL	25.00	70,688.98
145					Bill	03/27/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	476.12	71,165.10
146					Bill	03/27/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	410.52	71,575.62
147					Bill	04/09/25	612040	SCHEUERMANN	JAMES FORBES	3/31-4/1 CLEAN UP AND PUNC	412.50	71,988.12
148					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/3 WENT OVER JOB WITH HC	180.00	72,168.12
149					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/1 PICKED UP MATERIALS. M	160.00	72,328.12
150					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/4 OPEN WINDOWS SO SHEE	120.00	72,448.12
151					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	3/31 HELP CLEAN UP. HOME	80.00	72,528.12
152					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/2 CHECKED ON SHEETROCK	80.00	72,608.12
153					Bill	04/09/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/26 CELANED UP MESS AND	70.00	72,678.12
154					Bill	04/09/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	4/1 CHECKED JOB SITE	70.00	72,748.12
155					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/7 PICKED UP AND DELIVERE	60.00	72,808.12
156					Bill	04/09/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	3/27 CHECKED ON JOB	40.00	72,848.12
157					Bill	04/09/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	3/28 CHECKED JOB AND DOO	35.00	72,883.12
158					Bill	04/10/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	UNDERPINNING. REMOVE WA	850.00	73,733.12

	A	B	C	D	E	F	G	H	I	J	K	L
159					Bill	04/11/25	1066	SCHEUERMANN	JAMES MISIAK	4/7 WINDOW TRIM	281.25	74,014.37
160					Bill	04/11/25	1066	SCHEUERMANN	JAMES MISIAK	4/8 WINDOW TRIM AND CASE	168.75	74,183.12
161					Bill	04/11/25	1066	SCHEUERMANN	JAMES MISIAK	4/9 BATHROOM SHEET ROCK	37.50	74,220.62
162					Bill	04/23/25	SCHEUE	SCHEUERMANN	FLORES	DROP AND DUMP	406.32	74,626.94
163					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/17 CUT FLOOR UP IN KITCHI	240.00	74,866.94
164					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/21 MET W CABINTE GUY. WE	230.00	75,096.94
165					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/18 INSTALLED MANTLE	180.00	75,276.94
166					Bill	04/23/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	*EXTRA* 4/17 RAN ICEMKAER	175.00	75,451.94
167					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/14 WENT OVER JOB WITH E	100.00	75,551.94
168					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/16 PICKED UP MATERIALS. M	80.00	75,631.94
169					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/9 TOOK PHOTOS OF OUTSID	80.00	75,711.94
170					Bill	04/23/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	*EXTRA* 4/14 MET W LARRY A	70.00	75,781.94
171					Bill	04/23/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	4/22 CHECEKD JOB MET W CA	70.00	75,851.94
172					Bill	04/23/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/10 DELIVERED MATERIALS M	40.00	75,891.94
173					Bill	04/24/25	75	SCHEUERMANN	JAMES MISIAK	4/18 REMOVE AND REPLACE T	281.25	76,173.19
174					Bill	04/24/25	75	SCHEUERMANN	JAMES MISIAK	4/21 FOAM DOOR AND FINISH	206.25	76,379.44
175					Bill	05/06/25	612042	SCHEUERMANN	JAMES FORBES	4/24 BUILD WALL	175.00	76,554.44
176					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4.24 PICKED UP MATERIALS. E	280.00	76,834.44
177					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5.2 MET W HOMEOWNER. HEL	200.00	77,034.44
178					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4.25 MET W HOMEOWNER TU	160.00	77,194.44
179					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	4/23 MET W HOMEOWNERS. T	160.00	77,354.44
180					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/5 MADE MATERIALS LIST FO	120.00	77,474.44
181					Bill	05/07/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	JOB MGMT FEE	80.00	77,554.44
182					Bill	05/07/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	4/25 LOADED MATERIALS	35.00	77,589.44
183					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/9 WORKED ON BAR WALL. F	320.00	77,909.44
184					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/12 FINISHED UP BAR WALL.	280.00	78,189.44
185					Bill	05/21/25	612043	SCHEUERMANN	JAMES FORBES	5/12 TRIM GROUND COUNTER	200.00	78,389.44
186					Bill	05/21/25	612043	SCHEUERMANN	JAMES FORBES	5/9 INSTALL FLOORING IN KIT	200.00	78,589.44
187					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/13 PICKED UP WINDOW SAS	140.00	78,729.44
188					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/15 PATCHED HOLES IN CEIL	140.00	78,869.44
189					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/16 PICKED UP MATERIALS M	100.00	78,969.44

	A	B	C	D	E	F	G	H	I	J	K	L
190					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/19 MGMT FEE	100.00	79,069.44
191					Bill	05/21/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	5/15 CHANGED WINDOW SAS	70.00	79,139.44
192					Bill	05/21/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/20 MGMT FEE	40.00	79,179.44
193					Bill	05/21/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	5/8 MOVED FURN	35.00	79,214.44
194					Bill	05/22/25	377647	SCHEUERMANN	WILLIAM K DEHU	INT PAINT	300.00	79,514.44
195					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	6/3 PICKED UP MATERIALS. W	275.00	79,789.44
196					Bill	06/04/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	6/3 PICK UP MATERIALS. CUT	220.00	80,009.44
197					Bill	06/04/25	612044	SCHEUERMANN	JAMES FORBES	6/3 CUT PLY FOR WINDOWS	200.00	80,209.44
198					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/30 WENT OVER PUNCH LIST	175.00	80,384.44
199					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/22 MET W HOMEOWNERS W	150.00	80,534.44
200					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/27 WENT OVER TILE AT FIRE	125.00	80,659.44
201					Bill	06/04/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	6/3 INSTALLED DISHWASHER.	105.00	80,764.44
202					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	5/23 CHECKED ON JOB. MGMT	100.00	80,864.44
203					Bill	06/05/25	SCHEUE	SCHEUERMANN	JOE JUSTICE	REMOVE AND INSTALL SCREE	2,000.00	82,864.44
204					Bill	06/05/25	845052	SCHEUERMANN	WILLIAM K DEHU	INT PAINT	375.00	83,239.44
205					Bill	06/05/25	56294	SCHEUERMANN	GARRIS, SCOTT	PUNCH LIST SHOEMOLD AND	240.00	83,479.44
206					Bill	06/18/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	6/5 PUT BARN DOOR HANDLE	175.00	83,654.44
207					Bill	06/18/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	6/10 MET W FEMA AND SANDY	100.00	83,754.44
208					Bill	06/18/25	SCHEUE	SCHEUERMANN	TRUEBLOOD	6/4 PICKED UP MATERIALS	50.00	83,804.44
209					Bill	06/18/25	SCHEUE	SCHEUERMANN	WILLIAM D PILAN	6/17 PICKED UP MATERIALS	35.00	83,839.44
210					Bill	06/19/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	6/5 WINDOW COVERS CLEAN	160.00	83,999.44
211					Bill	06/19/25	612045	SCHEUERMANN	JAMES FORBES	6/5 CUT PLY FOR FLOORS	75.00	84,074.44
212					Bill	06/19/25	SCHEUE	SCHEUERMANN	ROBERT PILAND	6/9 PICK UP EXTRA MATERIAL	60.00	84,134.44
213					Total Labor						84,134.44	84,134.44
214					Job Materials							
215					Bill	12/02/24	5E+10	SCHEUERMANN	GRIGGS	LUMBER	716.29	716.29
216					Bill	12/03/24	14-98425	SCHEUERMANN	Guy C. Lee	LUMBER	380.02	1,096.31
217					Bill	12/05/24	960923	SCHEUERMANN	KELLOGGS	FASTENERS	14.40	1,110.71
218					Bill	12/09/24	961335	SCHEUERMANN	KELLOGGS	LUMBER	1,391.29	2,502.00
219					Bill	12/09/24	322671	SCHEUERMANN	BAYCO, INC	FASTENERS	827.31	3,329.31
220					Bill	12/09/24	961335	SCHEUERMANN	KELLOGGS	FASTENERS	777.64	4,106.95

	A	B	C	D	E	F	G	H	I	J	K	L
221					Bill	12/09/24	961333	SCHEUERMANN	KELLOGGS	FASTENERS	86.21	4,193.16
222					Bill	12/09/24	961281	SCHEUERMANN	KELLOGGS	LUMBER	66.66	4,259.82
223					Bill	12/09/24	961281	SCHEUERMANN	KELLOGGS	FASTENERS	20.33	4,280.15
224					Bill	12/10/24	961446	SCHEUERMANN	KELLOGGS	LUMBER	369.50	4,649.65
225					Bill	12/13/24	150475	SCHEUERMANN	KELLOGGS	LUMBER	320.76	4,970.41
226					Bill	12/13/24	961612	SCHEUERMANN	KELLOGGS	TARP	51.23	5,021.64
227					Bill	12/16/24	961737	SCHEUERMANN	KELLOGGS	LUMBER	824.95	5,846.59
228					Bill	12/17/24	961832	SCHEUERMANN	KELLOGGS	LUMBER	109.47	5,956.06
229					Bill	12/17/24	961832	SCHEUERMANN	KELLOGGS	FASTENERS	85.21	6,041.27
230					Bill	12/17/24	961878	SCHEUERMANN	KELLOGGS	FASTENERS	80.44	6,121.71
231					Bill	12/17/24	961879	SCHEUERMANN	KELLOGGS	LUMBER	51.18	6,172.89
232					Bill	12/18/24	961956	SCHEUERMANN	KELLOGGS	FASTENERS	203.99	6,376.88
233					Bill	12/18/24	961956	SCHEUERMANN	KELLOGGS	SEALANT	80.63	6,457.51
234					Bill	12/19/24	962054	SCHEUERMANN	KELLOGGS	LUMBER	116.68	6,574.19
235					Bill	12/20/24	962160	SCHEUERMANN	KELLOGGS	LUMBER	332.93	6,907.12
236					Bill	12/23/24	962265	SCHEUERMANN	KELLOGGS	LUMBER	145.25	7,052.37
237					Bill	12/23/24	962265	SCHEUERMANN	KELLOGGS	FASTENERS	142.94	7,195.31
238					Bill	12/23/24	962294	SCHEUERMANN	KELLOGGS	FASTENERS	89.00	7,284.31
239					Bill	12/23/24	962294	SCHEUERMANN	KELLOGGS	LUMBER	18.13	7,302.44
240					Bill	12/30/24	962511	SCHEUERMANN	KELLOGGS	LUMBER	81.69	7,384.13
241					Bill	12/30/24	962511	SCHEUERMANN	KELLOGGS	FASTENERS	49.50	7,433.63
242					Bill	01/03/25	962747	SCHEUERMANN	KELLOGGS	LUMBER	156.86	7,590.49
243					Bill	01/03/25	962747	SCHEUERMANN	KELLOGGS	FASTENERS	91.71	7,682.20
244					Bill	01/06/25	962869	SCHEUERMANN	KELLOGGS	FASTENERS	304.76	7,986.96
245					Bill	01/06/25	962869	SCHEUERMANN	KELLOGGS	LUMBER	182.28	8,169.24
246					Bill	01/08/25	963001	SCHEUERMANN	KELLOGGS	LUMBER	361.72	8,530.96
247					Bill	01/10/25	963216	SCHEUERMANN	KELLOGGS	LUMBER	113.95	8,644.91
248					Bill	01/10/25	963216	SCHEUERMANN	KELLOGGS	FASTENERS	88.00	8,732.91
249					Bill	01/10/25	963095	SCHEUERMANN	KELLOGGS	TAPE	77.30	8,810.21
250					Bill	01/16/25	963354	SCHEUERMANN	KELLOGGS	SEALANT	163.43	8,973.64
251					Bill	01/16/25	963532	SCHEUERMANN	KELLOGGS	LUMBER	109.10	9,082.74

	A	B	C	D	E	F	G	H	I	J	K	L
252					Bill	01/16/25	963301	SCHEUERMANN	KELLOGGS	FASTENERS	96.03	9,178.77
253					Bill	01/17/25	963766	SCHEUERMANN	KELLOGGS	FASTENERS	14.39	9,193.16
254					Bill	01/28/25	964375	SCHEUERMANN	KELLOGGS	LUMBER	148.91	9,342.07
255					Bill	01/28/25	964375	SCHEUERMANN	KELLOGGS	FELT	52.29	9,394.36
256					Bill	01/29/25	964520	SCHEUERMANN	KELLOGGS	FASTENERS	12.80	9,407.16
257					Bill	01/29/25	964470	SCHEUERMANN	KELLOGGS	FASTENERS	5.86	9,413.02
258					Bill	02/04/25	964994	SCHEUERMANN	KELLOGGS	LUMBER	170.01	9,583.03
259					Bill	02/04/25	964994	SCHEUERMANN	KELLOGGS	FASTENERS	147.99	9,731.02
260					Bill	02/04/25	14-1018	SCHEUERMANN	Guy C. Lee	SEALANT	105.72	9,836.74
261					Bill	02/06/25	965235	SCHEUERMANN	KELLOGGS	LUMBER	11.20	9,847.94
262					Bill	02/19/25	14-1028	SCHEUERMANN	Guy C. Lee	LUMBER	181.25	10,029.19
263					Bill	02/19/25	14-1028	SCHEUERMANN	Guy C. Lee	FASTENERS	99.20	10,128.39
264					Bill	02/24/25	966484	SCHEUERMANN	KELLOGGS	FASTENERS	128.10	10,256.49
265					Bill	02/24/25	966485	SCHEUERMANN	KELLOGGS	LUMBER	77.91	10,334.40
266					Bill	02/24/25	966575	SCHEUERMANN	KELLOGGS	LUMBER	64.02	10,398.42
267					Bill	02/24/25	966575	SCHEUERMANN	KELLOGGS	FASTENERS	6.93	10,405.35
268					Bill	03/03/25	967470	SCHEUERMANN	KELLOGGS	LUMBER	152.83	10,558.18
269					Bill	03/03/25	967539	SCHEUERMANN	KELLOGGS	MANDREL	22.93	10,581.11
270					Bill	03/03/25	967470	SCHEUERMANN	KELLOGGS	FASTENERS	19.02	10,600.13
271					Bill	03/03/25	967539	SCHEUERMANN	KELLOGGS	ADHESIVE	5.43	10,605.56
272					Bill	03/07/25	967952	SCHEUERMANN	KELLOGGS	FASTENERS	125.48	10,731.04
273					Bill	03/13/25	SCHEUE	SCHEUERMANN	W. David Piland	GALV PIPE AND WALLSTACK	71.49	10,802.53
274					Bill	03/13/25	SCHEUE	SCHEUERMANN	W. David Piland	ROUND ELBOW, ROUND REDU	60.05	10,862.58
275					Bill	03/13/25	SCHEUE	SCHEUERMANN	W. David Piland	GALV VENT PIPE, DUCT PIPE	24.79	10,887.37
276					Bill	03/17/25	968884	SCHEUERMANN	KELLOGGS	LUMBER	111.93	10,999.30
277					Bill	03/17/25	968884	SCHEUERMANN	KELLOGGS	FASTENERS	59.95	11,059.25
278					Bill	03/19/25	969179	SCHEUERMANN	KELLOGGS	LUMBER	685.45	11,744.70
279					Bill	03/19/25	969179	SCHEUERMANN	KELLOGGS	FASTENERS	130.07	11,874.77
280					Bill	03/21/25	968284	SCHEUERMANN	KELLOGGS	FASTENERS	191.99	12,066.76
281					Bill	03/21/25	968284	SCHEUERMANN	KELLOGGS	LUMBER	32.86	12,099.62
282					Bill	03/21/25	969357	SCHEUERMANN	KELLOGGS	FASTENERS	28.61	12,128.23

	A	B	C	D	E	F	G	H	I	J	K	L
283					Bill	03/21/25	969236	SCHEUERMANN	KELLOGGS	STUD GUARD	2.11	12,130.34
284					Bill	04/01/25	970373	SCHEUERMANN	KELLOGGS	LUMBER	104.57	12,234.91
285					Bill	04/01/25	970443	SCHEUERMANN	KELLOGGS	VENT HOOD	42.68	12,277.59
286					Bill	04/01/25	970373	SCHEUERMANN	KELLOGGS	FASTENERS	25.62	12,303.21
287					Credit	04/01/25	970372	SCHEUERMANN	KELLOGGS	LUMBER	-91.24	12,211.97
288					Bill	04/07/25	5E+10	SCHEUERMANN	GRIGGS	LUMBER	257.88	12,469.85
289					Bill	04/09/25	SCHEUE	SCHEUERMANN	W. David Piland	RIGID FILTER	37.33	12,507.18
290					Bill	04/10/25	5E+10	SCHEUERMANN	GRIGGS	LUMBER	21.82	12,529.00
291					Bill	04/17/25	972065	SCHEUERMANN	KELLOGGS	PVC PIE CEMENT ELBOW COU	47.00	12,576.00
292					Bill	04/18/25	972291	SCHEUERMANN	KELLOGGS	FASTENERS	39.42	12,615.42
293					Bill	04/18/25	972268	SCHEUERMANN	KELLOGGS	TAPE	38.66	12,654.08
294					Bill	04/18/25	972354	SCHEUERMANN	KELLOGGS	FASTENERS	32.47	12,686.55
295					Bill	04/18/25	972168	SCHEUERMANN	KELLOGGS	ELBOW COUPLING	4.25	12,690.80
296					Bill	04/24/25	972871	SCHEUERMANN	KELLOGGS	LUMBER	46.92	12,737.72
297					Bill	04/24/25	972871	SCHEUERMANN	KELLOGGS	FASTENERS	21.25	12,758.97
298					Bill	05/02/25	DMB918	SCHEUERMANN	FERGUSON	LIGHT	153.71	12,912.68
299					Bill	05/02/25	DMB918	SCHEUERMANN	FERGUSON	LIGHT BULB	4.76	12,917.44
300					Bill	05/07/25	48729	SCHEUERMANN	TRI-H MOLDING C	TRIM LUMBER	252.10	13,169.54
301					Bill	05/08/25	5E+10	SCHEUERMANN	GRIGGS	LUMBER	130.51	13,300.05
302					Bill	05/12/25	SCHEUE	SCHEUERMANN	HOME DEPOT	QUARTER MOLDING	23.44	13,323.49
303					Bill	05/16/25	5E+10	SCHEUERMANN	GRIGGS	LUMBER	47.82	13,371.31
304					Bill	05/22/25	96558	SCHEUERMANN	KELLOGGS	FASTENERS	95.00	13,466.31
305					Bill	05/27/25	SCHEUE	SCHEUERMANN	J. JUSTICE	SCREEN	173.60	13,639.91
306					Bill	05/29/25	14-1097	SCHEUERMANN	Guy C. Lee	LUMBER	188.19	13,828.10
307					Bill	05/29/25	14-1097	SCHEUERMANN	Guy C. Lee	FASTENERS	79.16	13,907.26
308					Bill	06/03/25	976510	SCHEUERMANN	KELLOGGS	LUMBER	563.40	14,470.66
309					Bill	06/03/25	976510	SCHEUERMANN	KELLOGGS	MARKERS	1.70	14,472.36
310					Bill	06/04/25	976698	SCHEUERMANN	KELLOGGS	LUMBER	51.22	14,523.58
311					Bill	06/04/25	SCHEUE	SCHEUERMANN	TRUEBLOOD L	QTR MOLDING	38.37	14,561.95
312					Bill	06/05/25	976741	SCHEUERMANN	KELLOGGS	LUMBER	298.69	14,860.64
313					Bill	06/05/25	976741	SCHEUERMANN	KELLOGGS	FASTENERS	68.94	14,929.58

	A	B	C	D	E	F	G	H	I	J	K	L
314					Credit	06/05/25	976740	SCHEUERMANN	KELLOGGS	LUMBER	-112.58	14,817.00
315					Total Job Materials						14,817.00	14,817.00
316					Job Site Utilities							
317					Bill	12/23/24	29873	SCHEUERMANN	ATLANTIC OBX, I	PORT-A-JOHN	128.10	128.10
318					Bill	01/21/25	30903	SCHEUERMANN	ATLANTIC OBX, I	PORT-A-JOHN	128.10	256.20
319					Bill	02/18/25	32167	SCHEUERMANN	ATLANTIC OBX, I	PORT-A-JOHN	128.10	384.30
320					Bill	03/13/25	33491	SCHEUERMANN	ATLANTIC OBX, I	PORT-A-JOHN	128.10	512.40
321					Bill	05/09/25	36248	SCHEUERMANN	ATLANTIC OBX, I	PORTAJOHN	128.10	640.50
322					Bill	06/11/25	37439	SCHEUERMANN	ATLANTIC OBX, I	PORTAJOHN	114.39	754.89
323					Total Job Site Utilities						754.89	754.89
324					Siding							
325					Bill	12/05/24	960923	SCHEUERMANN	KELLOGGS	FELT	78.43	78.43
326					Bill	01/06/25	14-1002	SCHEUERMANN	Guy C. Lee	SIDING	3,826.55	3,904.98
327					Bill	01/07/25	14-1002	SCHEUERMANN	Guy C. Lee	SIDING	549.24	4,454.22
328					Bill	01/15/25	14-1008	SCHEUERMANN	Guy C. Lee	SIDING	253.26	4,707.48
329					Bill	01/17/25	963766	SCHEUERMANN	KELLOGGS	FELT	104.58	4,812.06
330					Bill	01/29/25	14-1015	SCHEUERMANN	Guy C. Lee	SIDING	715.14	5,527.20
331					Bill	02/04/25	14-1018	SCHEUERMANN	Guy C. Lee	SIDING	267.60	5,794.80
332					Bill	02/13/25	14-1023	SCHEUERMANN	Guy C. Lee	LP	654.34	6,449.14
333					Bill	02/19/25	14-1028	SCHEUERMANN	Guy C. Lee	SIDING	150.27	6,599.41
334					Bill	02/19/25	966265	SCHEUERMANN	KELLOGGS	TRIM	34.54	6,633.95
335					Bill	02/24/25	966484	SCHEUERMANN	KELLOGGS	SIDING	485.03	7,118.98
336					Bill	02/25/25	966644	SCHEUERMANN	KELLOGGS	SIDING	611.07	7,730.05
337					Bill	04/01/25	970443	SCHEUERMANN	KELLOGGS	SIDING	53.73	7,783.78
338					Credit	05/29/25	14-2097	SCHEUERMANN	Guy C. Lee	SIDING	-26.49	7,757.29
339					Total Siding						7,757.29	7,757.29
340					Insulation							
341					Bill	02/18/25	1E+06	SCHEUERMANN	ALL STAR BY CO	INSULATION	1,602.65	1,602.65
342					Bill	03/03/25	967539	SCHEUERMANN	KELLOGGS	INSULATION	74.32	1,676.97
343					Total Insulation						1,676.97	1,676.97
344					Roofing							

	A	B	C	D	E	F	G	H	I	J	K	L
345					Bill	01/15/25	14-1008	SCHEUERMANN	Guy C. Lee	SOFFITS	525.06	525.06
346					Bill	01/29/25	14-1015	SCHEUERMANN	Guy C. Lee	SOFFIT	367.19	892.25
347					Bill	01/30/25	964767	SCHEUERMANN	KELLOGGS	FELT	26.14	918.39
348					Bill	02/27/25	1950	SCHEUERMANN	XTREME ROOFING	FORTIFIED ROOF	15,800.00	16,718.39
349					Credit	05/29/25	14-2097	SCHEUERMANN	Guy C. Lee	SOFFIT	-224.02	16,494.37
350					Total Roofing						16,494.37	16,494.37
351					HVAC							
352					Bill	01/16/25	963301	SCHEUERMANN	KELLOGGS	VENT HOOD	42.67	42.67
353					Bill	02/07/25	92086	SCHEUERMANN	NORRIS MECHANICAL	REPLACE FLEX LINES INCLUD	3,975.00	4,017.67
354					Bill	03/28/25	92490	SCHEUERMANN	NORRIS MECHANICAL	FIRST DRAW ON REMODEL	7,000.00	11,017.67
355					Bill	04/29/25	93398	SCHEUERMANN	NORRIS MECHANICAL	BALANCE DUE	4,700.00	15,717.67
356					Total HVAC						15,717.67	15,717.67
357					Light Fixtures							
358					Bill	04/01/25	970476	SCHEUERMANN	KELLOGGS	LIGHT FIXTURE	67.24	67.24
359					Total Light Fixtures						67.24	67.24
360					Drywall							
361					Bill	03/19/25	14-1047	SCHEUERMANN	Guy C. Lee	DRYWALL	1,049.00	1,049.00
362					Bill	04/04/25	189	SCHEUERMANN	CASE LANDING	SHANG FINISH AND SAND	2,520.00	3,569.00
363					Total Drywall						3,569.00	3,569.00
364					Painting							
365					Bill	12/15/24	5210-1	SCHEUERMANN	Sherwin-Williams	PAINT	33.18	33.18
366					Bill	12/19/24	377618	SCHEUERMANN	WILLIAM K DEHURST	INT PAINT	3,500.00	3,533.18
367					Bill	03/26/25	29	SCHEUERMANN	HD PAINTING	OB EXT PAINT DEPOSIT	4,155.00	7,688.18
368					Bill	04/18/25	972163	SCHEUERMANN	KELLOGGS	PAINT	181.28	7,869.46
369					Bill	04/18/25	9023-4	SCHEUERMANN	Sherwin-Williams	PAINT	100.91	7,970.37
370					Bill	04/23/25	83 SCHE	SCHEUERMANN	HD PAINTING	OB BALANCE DUE FOR CAULK EX	9,695.00	17,665.37
371					Bill	04/23/25	88 SCHE	SCHEUERMANN	HD PAINTING	OB *EXTRA* CAUL, RECAULK, PR	1,800.00	19,465.37
372					Bill	04/23/25	377641	SCHEUERMANN	WILLIAM K DEHURST	INT PAINT	1,500.00	20,965.37
373					Bill	05/08/25	377643	SCHEUERMANN	WILLIAM K DEHURST	INT PAINT	2,000.00	22,965.37
374					Bill	05/08/25	974326	SCHEUERMANN	KELLOGGS	PAINT	87.48	23,052.85
375					Bill	06/02/25	976365	SCHEUERMANN	KELLOGGS	PAINT AND CAULK	85.62	23,138.47

	A	B	C	D	E	F	G	H	I	J	K	L
376					Total Painting						23,138.47	23,138.47
377					Cabinetry & Countertops							
378					Check	11/11/24	DCKG	SCHEUERMANN	COZY KITCHENS	CABINET DEPOSIT	800.00	800.00
379					Bill	02/13/25	54102	SCHEUERMANN	COZY KITCHENS	DEPOSIT FOR CABINETS, COU	31,160.22	31,960.22
380					Bill	05/28/25	9482	SCHEUERMANN	COZY KITCHENS	BALANCE DUE FOR CABINETS	31,450.49	63,410.71
381					Total Cabinetry & Countertops						63,410.71	63,410.71
382					Fireplace							
383					Bill	02/18/25	1025	SCHEUERMANN	ISLAND GAS SE	FIREPLACE AND INSTALL	3,235.00	3,235.00
384					Check	04/10/25	DCKG	SCHEUERMANN	DAKOTA TIMBER	FIREPLACE MANTEL AND BRA	755.00	3,990.00
385					Bill	05/29/25	1040	SCHEUERMANN	ISLAND GAS SE	FIREPLACE	4,262.00	8,252.00
386					Total Fireplace						8,252.00	8,252.00
387					Floor Coverings							
388					Bill	05/08/25	SCHEUE	SCHEUERMANN	KITTY HAWK CA	DEPOSIT	3,035.50	3,035.50
389					Bill	06/02/25	6202	SCHEUERMANN	KITTY HAWK CA	BALANCE DUE	3,035.50	6,071.00
390					Total Floor Coverings						6,071.00	6,071.00
391					Plumbing							
392					Bill	02/24/25	2191	SCHEUERMANN	GRAY'S PLUMBING	KITCHEN AND BATH ADDITION	3,000.00	3,000.00
393					Bill	05/15/25	8E+06	SCHEUERMANN	FERGUSON	FAUCET	226.28	3,226.28
394					Bill	06/23/25	2251	SCHEUERMANN	GRAY'S PLUMBING	PLUMBING REMODEL FINAL	3,200.00	6,426.28
395					Total Plumbing						6,426.28	6,426.28
396					Total Other Charges						281,070.11	281,070.11
397					TOTAL						281,070.11	281,070.11





Department of Community Development  
 PO Box 8369  
 1200 Duck Road  
 Town of Duck, North Carolina 27949  
 (252) 255-1234

**Date Issued:**  
**3/3/2023**  
**Permit #:**  
 B23-000051

**Building/Floodplain Development Permit**

**Project Address:** 116 SKIMMER WAY  
**Property Owner:** SCHEUERMANN, EDWARD

**PIN #:** 995118403280  
**Mailing Address:** 116 SKIMMER WAY  
 DUCK, NC 27949

**Contractor:**

**Company Name:** Ken Green & Associates  
**Phone:** (252) 491-8127  
**Email:** kgreen@kg-a.com

**Contact Name:** Ken Green  
**Address:** P.O. Box 372  
 Harbinger, NC 27941

**Classification:** General Contractor  
**NC State License #:** 68343  
**Expiration Date:**

**Description of Work:** Build new ground level storage area, including bathroom in NE corner. Pour 4" concrete floor, 2x4 pressure treated walls. Framed b/n existing 8x8 pilings. No change to footprint.

**Use:**  
 Single Family

**Structure/Work Type:**  
 Primary Structure: **2.Addition**  
 Pool/Hot Tub:  
 Deck:  
 Demo:

Accessory Building:   
 Bukhead (L.F.):  
 Pier (L.F.):  
 House Moving:

**Permit Amount:**  
 \$ 165.90

**Proposed Area Schedule (Sq.Ft.):**      Heated:      Unheated: 374      Accessory Heated:      Accessory Unheated:

**Proposed Finished Grade (ft.):**      N/A:       House:      Pool:      Driveway:      Parking:      Other:

**Floodplain Development:**      Flood Zone: Unshaded Existing      Structure Value:      Storage Below Existing Elevation:  
 X      Elevation: 6      \$237,400.00        
 RFPE: 10

**Vegetation Management (Sq.Ft.):**      N/A:       Required Coverage: N/A      Area Preserved: N/A      Required Plantings: N/A

Project Cost Estimate:	Building	Electrical	Mechanical	Plumbing	Gas	Other	Total
	\$38,900.00	\$2,000.00	\$0.00	\$2,600.00	\$0.00	\$0.00	\$43,500.00

**Permit Conditions:**

- Any change or changes in the plans for development, construction or land use activities will require a re-evaluation and modification of this permit.
- The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 am and 6 pm, Monday through Saturday is prohibited.
- No change to coverage or footprint.
- Typical trade inspections required.
- Original Construction compliant with 1987 Regulatory Flood Protection Elevation (RFPE) requirements. AE-7 flood zone; ground floor enclosure for storage previously permitted at 7.6'. New enclosure and associated bathroom are not substantial improvements and therefore permitted under 1987 RFPE.
- Call for final inspection.

This permit is issued on the expressed condition that all information is correct and all work will comply with the State Building Code and all other applicable State and Local laws, ordinances and regulations. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. **Please be advised that the permit is not valid until the signed permit along with payment have been received by our office.**

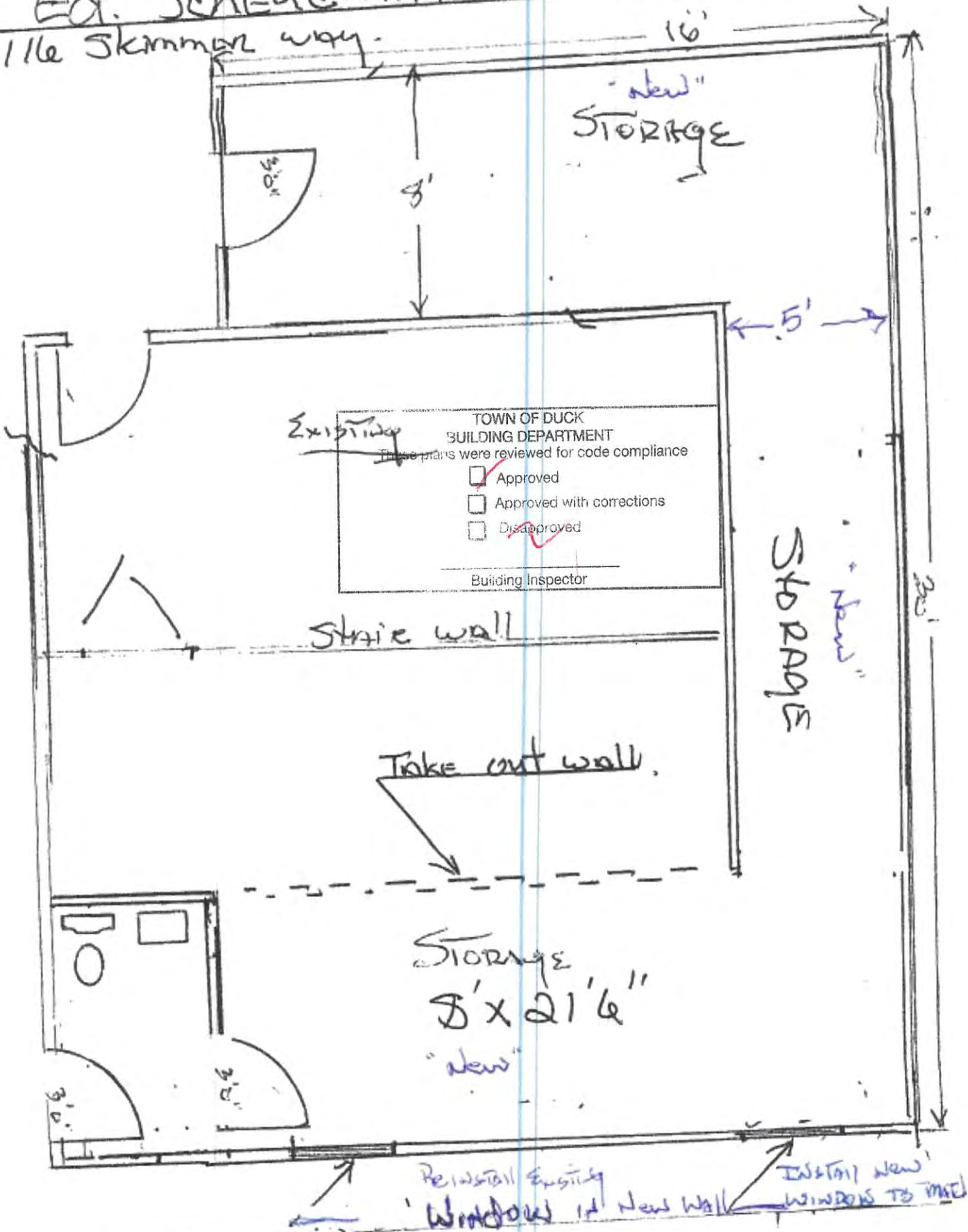
Applicant Signature

Date

I have read and understand the permit conditions listed above.

# Ed. Scheuermann Job

116 Skimmer way.



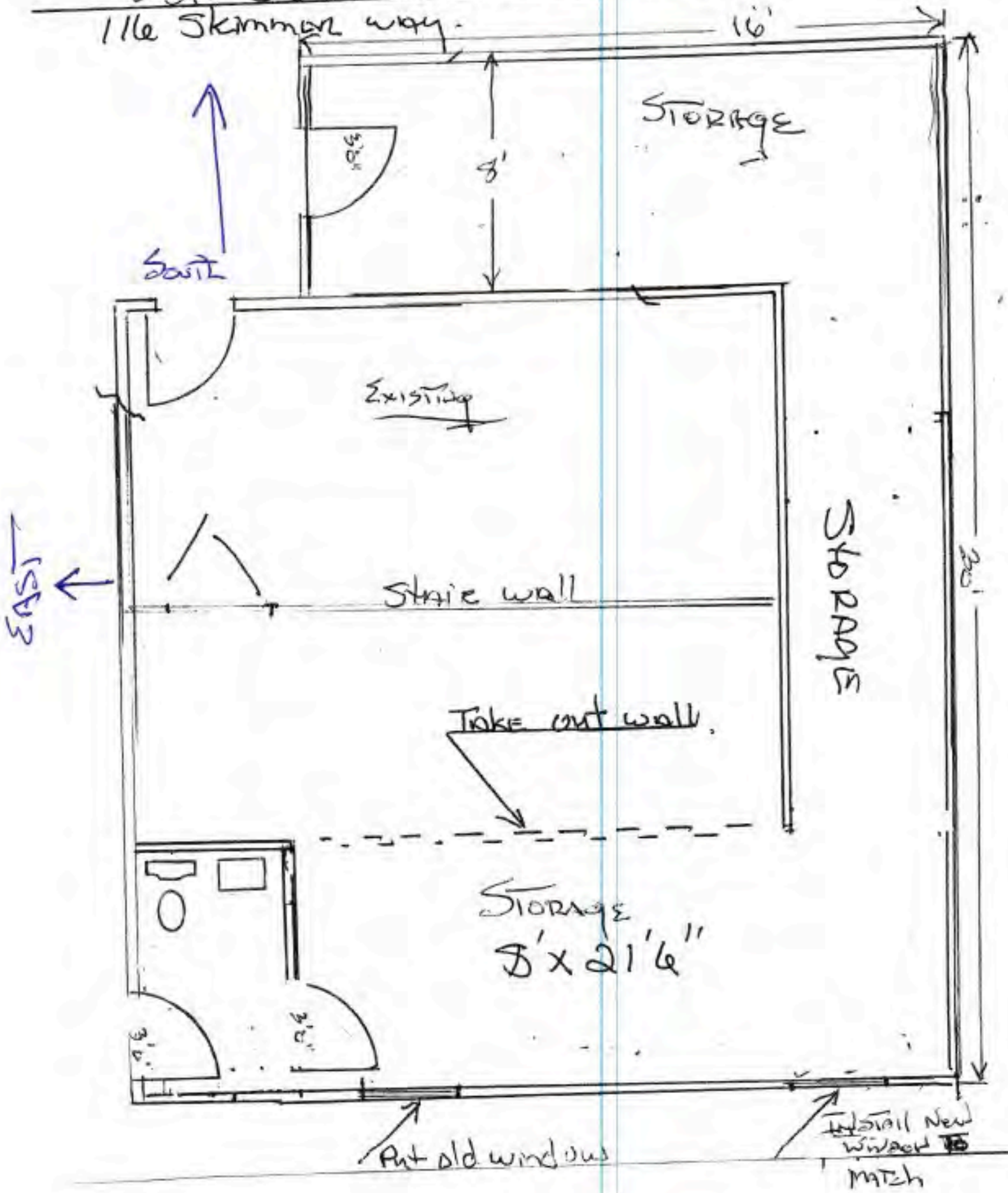
TOWN OF DUCK  
BUILDING DEPARTMENT  
These plans were reviewed for code compliance

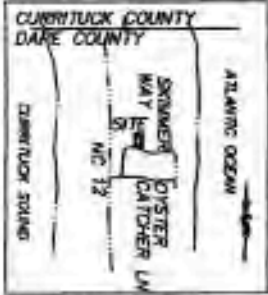
- Approved
- Approved with corrections
- Disapproved

Building Inspector

# Ed. Schiemermann Job

116 Skimmer way.



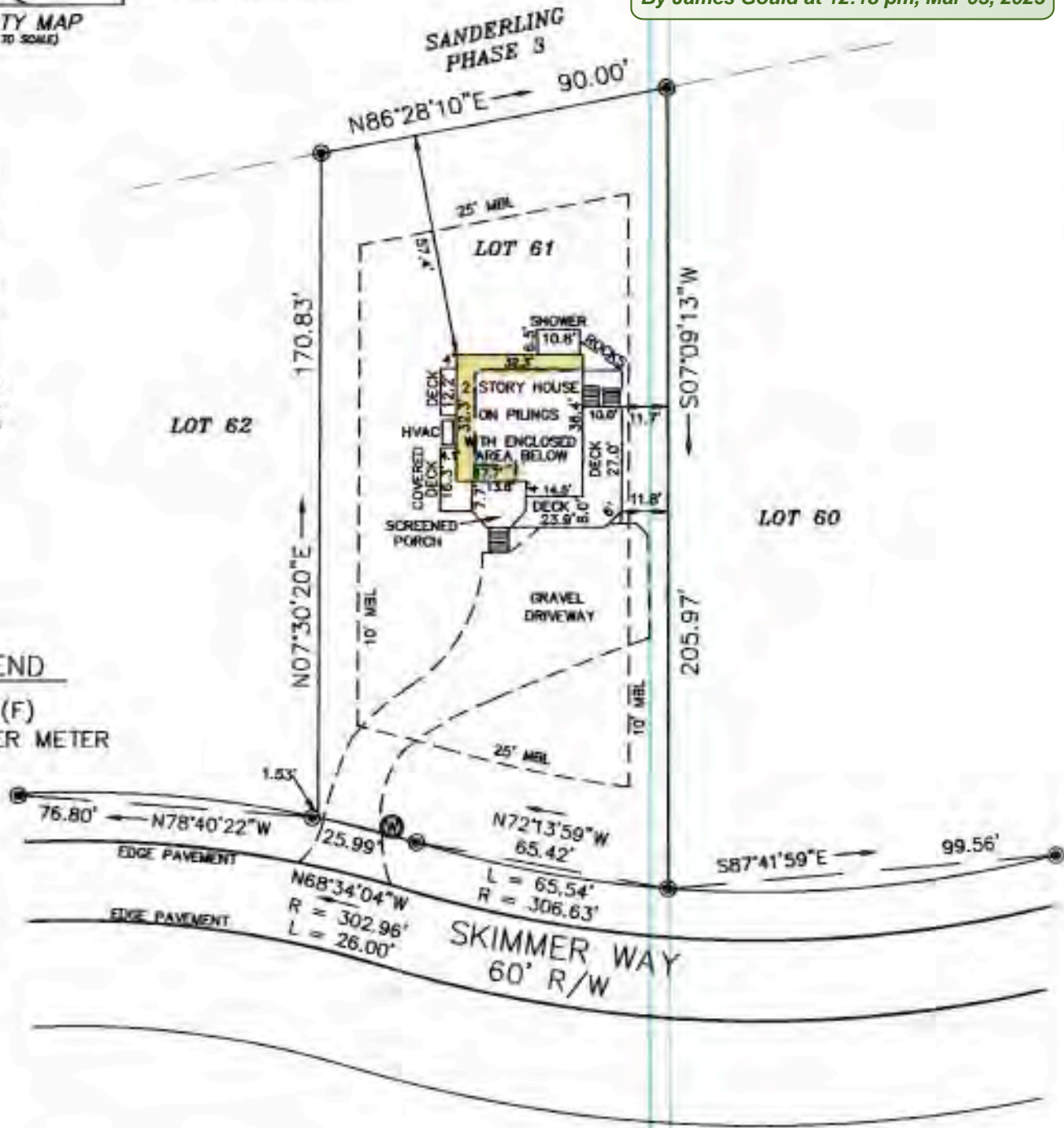


VICINITY MAP  
(NOT TO SCALE)

**NOTES**

- 1.) AREA = 16,887 sq. ft. / 0.39 acres (coord.meth.)
- 2.) AS RECORDED IN PLAT CAB A, SL. 91; D.C.R.
- 3.) PROPERTY IS LOCATED IN F.I.R.M. ZONE X.
- 4.) THIS PROPERTY IS SUBJECT TO ANY EASEMENTS THAT A MORE THOROUGH TITLE SEARCH MAY UNCOVER.
- 5.) THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION AND RECORDED INFORMATION.
- 6.) ADDRESS : 116 SKIMMER WAY
- 7.) PIN # 995118403280

**APPROVED**  
By James Gould at 12:18 pm, Mar 03, 2023

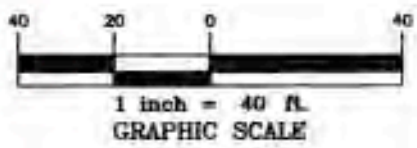


**LEGEND**

- PIN (F)
- ⊙ WATER METER



TOTAL AREA = 16,887 SQ. FT.  
 TOTAL IMPERVIOUS AREA = 1,492 SQ. FT.  
 HOUSE = 1,105 SQ. FT.  
 DECK OVER CONC AND PORCH = 387 SQ. FT.  
 (DOES NOT INCLUDED DECK OVER GRAVEL AND SAND OR GRAVEL DRIVEWAY)  
 LOT COVERAGE = 8.8%



I, GLORIA J. ROGERS, P.L.S., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE BOUNDARIES NOT ACTUALLY SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN EXISTING RECORDS AND THAT THIS MAP MEETS THE REQUIREMENTS OF NCAC TITLE 21, CHAPTER 56, SECTION .1600 AS AMENDED. WITNESS MY HAND AND SEAL THIS THE 28th DAY OF NOV. 2022.

FILE NO.  
2022-108  
SURVEY DATE  
11/28/22  
CADD FILE  
2022-108  
SCALE  
1" = 40'  
DRAWN  
GJR

PHYSICAL SURVEY FOR  
**EDWARD B. SCHEUERMANN AND DEBRA L. SCHEUERMANN**

**LOT 61, PHASE 2 SANDERLING**

DARE COUNTY      DUCK      NORTH CAROLINA

*Gloria J. Rogers*  
P.L.S.      L-3531

**GLORIA J. ROGERS**  
PROFESSIONAL LAND SURVEYOR

215 B STREET  
CAMDEN, N.C. 27921  
(252) 338-1415 Phone  
(252) 333-8781 Cell



**Certificate of Occupancy/Compliance**

This document is issued pursuant to NCGS 160A-423 and section 307.4 of the NC Administration and Enforcement Requirement Code. This certificate is issued after the completion of all work authorized under a permit is certified compliant with applicable building codes and any other laws, rules, and regulations that apply.

**116 SKIMMER WAY  
DUCK NC, 27949**

Subdivision: Sanderling  
Zoning: RS-1 Single Family Residential  
Permit Number: B23-000051  
Structure Type: Single Family

Flood Zone: Unshaded X  
PIN Number: 995118403280  
Issue Date: 03/03/2023  
Number of Units/Bedrooms:  
Number of Occupants:

Approved Uses: Build new ground level storage area, including bathroom in NE corner. Pour 4" concrete floor, 2x4 pressure treated walls. Framed b/n existing 8x8 pilings. No change to footprint.

**CONTRACTOR INFORMATION**

Name: Ken Green & Associates  
Address: P.O. Box 372  
Harbinger, NC 27941

License: 68343

**OWNER INFORMATION**

Name: SCHEUERMANN, EDWARD  
Address: 116 SKIMMER WAY  
DUCK, NC 27949

Building Inspector son 11/6/23  
Date

CAMA LPO/ CFM ross 11/7/23  
Date

Zoning Administrator ross 11/7/23  
Date



2187E - - 2 - 61

PERMIT No. 12053

0091119-000

Dare County Building Inspection Department

Exhibit T7

APPLICATION FOR CONSTRUCTION IN FLOOD ZONE

Please Type or Print:

Applicant: Joseph Tomkins Proposed Lowest Elevation 14' M.S.L. (as required by (a), (b), or (c) below)

Construction Address: Phase I Lot 61 Skimmer Way City: Duck Zip: 27949

Description of Work: [X] New Residence [ ] Addition [ ] Commercial [ ] Mobile Home [ ] Excavation [ ] Fill [ ] Grading [ ] Other (Specify)

Lot 61 Block - Subdivision Sawdustling Sect. 7 TWP RGE

I certify, together with plans and specifications, this application shows a true representation of construction to be accomplished under this permit. It is understood that any deviations from the original documents will render this permit null and void, unless approved by the Building Inspector. The permit issued under this application is invalid after 180 days. I agree to conform to the provisions of Dare County Ordinance.

Date: 2-24-97 Signed: [Signature] Applicant

Applicant to Complete Upper Portion of Form

REQUIREMENTS OF DARE CO. FLOOD ORDINANCE AND THE F.E.M.A. FLOOD ZONE:

- (a) - V Required elevation of the bottom of the lowest horizontal structural member as built: MSL (NGVD)
(b) - A [X] Required elevation of lowest floor as built: 7' MSL (NGVD)
(c) - Other Required elevation of lowest floor as built: MSL (NGVD)

Do Not Write In This Space - FOR OFFICE USE ONLY

If A is checked, this form and the plans showing piling design, anchoring, and bracing must be sealed by an engineer or an architect.

Prior to final inspection, certification by an engineer or architect must be submitted. Certificate must state: "I certify that the structure is securely anchored to piles or columns in order to withstand velocity waters and hurricane wave wash of the base flood flow."

REMARKS: Elev. 6.7'

Date: Signed:



FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

OMB 3067-0077
Expires: Feb. 1987

ELEVATION CERTIFICATE

This form is to be used for: 1) New/Emergency Program construction in Special Flood Hazard Areas; 2) Pre-FIRM construction after September 30, 1982; 3) Post-FIRM construction; and, 4) Other buildings rated as Post-FIRM rules.

Joseph B. Tompkins, Jr. & Stewart H. Gamage
BUILDING OWNER'S NAME ADDRESS

Lot 61, Sanderling
PROPERTY LOCATION (Lot and Block numbers and address if available)

Duck, Dare County, North Carolina

I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. code, Section 1001.

SECTION I ELIGIBILITY CERTIFICATION (Completed by Local Community Permit Official or a Registered Professional Engineer, Architect, or Surveyor)

Table with 7 columns: COMMUNITY NO., PANEL NO., SUFFIX, DATE OF FIRM, FIRM ZONE, DATE OF CONSTR., BASE FLOOD ELEV. (In AO Zone, use depth), BUILDING IS. Values include 375348, 0009, C, 2/19/86, A-4, 6/87, 7.0, and checked Post-FIRM Reg.

YES NO It is intended that the building described above will be constructed in compliance with the community's flood plain ordinance. The certifier may rely on community records. The lowest floor (including basement) will be at an elevation of \_\_\_\_\_ ft, NGVD. Failure to construct the building at this elevation may place the building in violation of the community's flood plain management ordinance.

YES NO The building described above has been constructed in compliance with the community's flood plain management ordinance based on elevation data and visual inspection or other reasonable means. If NO is checked, attach copy of variance issued by the community.

YES NO The mobile home located at the address described above has been tied down (anchored) in compliance with the community's flood plain management ordinance, or in compliance with the NFIP Specifications.

Table with 5 columns: MOBILE HOME MAKE, MODEL, YR. OF MANUFACTURE, SERIAL NO., DIMENSIONS X

(Community Permit Official or Registered Professional Engineer, Architect, or Surveyor)

NAME Donald E. Wood ADDRESS P.O. Box 1334

TITLE Registered Land Surveyor CITY Kill Devil Hills STATE NC ZIP 27948

SIGNATURE [Signature] DATE 6/5/87 PHONE (919) 26123266

SECTION II ELEVATION CERTIFICATION (Certified by a Local Community Permit Official or a Registered Professional Engineer, Architect, or Surveyor.)

FIRM ZONE A1-A30: I certify that the building at the property location described above has the lowest floor (including basement) at an elevation of 7.60 feet, NGVD (mean sea level) and the average grade at the building site is at an elevation of 6.97 feet, NGVD.

FIRM ZONES V, V1-V30: I certify that the building at the property location described above has the bottom of the lowest floor beam at an elevation of \_\_\_\_\_ feet, NGVD (mean sea level), and the average grade at the building site is at an elevation of \_\_\_\_\_ feet, NGVD.

FIRM ZONES A, A99, AH and EMERGENCY PROGRAM: I certify that the building at the property location described above has the lowest floor elevation of \_\_\_\_\_ feet, NGVD. The elevation of the highest adjacent grade next to the building is \_\_\_\_\_ feet, NGVD.

FIRM ZONE AO: I certify that the building at the property location described above has the lowest floor elevation of \_\_\_\_\_ feet, NGVD. The elevation of the highest adjacent grade next to the building is \_\_\_\_\_ feet, NGVD.

SECTION III FLOODPROOFING CERTIFICATION (Certification by a Registered Professional Engineer or Architect)

I certify to the best of my knowledge, information, and belief, that the building is designed so that the building is watertight, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy that would be caused by the flood depths, pressures velocities, impact and uplift forces associated with the base flood.

YES NO In the event of flooding, will this degree of floodproofing be achieved with human intervention? (Human intervention means that water will enter the building when floods up to the base flood level occur unless measures are taken prior to the flood to prevent entry of water (e.g., bolting metal shields over doors and windows).

YES NO Will the building be occupied as a residence?

If the answer to both questions is YES, the floodproofing cannot be credited for rating purposes and the actual lowest floor must be completed and certified instead. Complete both the elevation and floodproofing certificates

FIRM ZONES A, A1,-A30, V1-V30, AO and AH; Certified Floodproofed Elevation is \_\_\_\_\_ feet, (NGVD).

THIS CERTIFICATION IS FOR SECTION II BOTH SECTIONS II AND III (Check One)

CERTIFIER'S NAME COMPANY NAME LICENSE NO. (or Affix Seal)

Donald E. Wood Bissell Associates Engineers L-1324

TITLE ADDRESS ZIP

Registered Land Surveyor P.O. Box 1334 27948

SIGNATURE DATE CITY STATE PHONE

[Signature] 6/5/87 Kill Devil Hills NC (919) 26123266

The insurance agent should attach the original copy of the completed form to the flood insurance policy application, the second copy should be supplied to the policyholder and the third copy retained by the agent

INSURANCE AGENTS MAY ORDER THIS FORM

**New/Emergency Program Construction:**

For the purposes of determining insurance rates, buildings for which the start of construction or substantial improvement commenced after September 30, 1982, are New/Emergency buildings.

**Pre-FIRM Construction:**

For the purposes of determining insurance rates, buildings for which the start of construction or substantial improvement was on or before December 31, 1974 or the effective date of the Initial Flood Insurance Rate Map (date printed on community FIRM), whichever is later. *Special Note:* If an approved building permit is dated prior to December 31, 1974, construction must have commenced not later than 180 days after the date of the approved building permit. "Existing Construction" and "Pre-FIRM Construction" have identical meanings for the purposes of the National Flood Insurance Program.

**Post-FIRM Construction:**

For insurance rating purposes buildings for which the start of construction or substantial improvement commenced after December 31, 1974 or the effective date of the initial Flood Insurance Rate Map (date printed on community FIRM), whichever is later. "New Construction" and "Post-FIRM Construction" have identical meanings for the purposes of the National Flood Insurance Program.

**Substantial Improvement:**

Any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building either (a) before the improvement or repair is started, or (b) if the building has been damaged, and is being restored the market value before the damage occurred. For Flood Insurance Program purposes substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, the term does not include either any project for health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Lowest Floor** – The lowest floor is the lowest floor (including basement) of the enclosed area. The following modifications of the lowest floor definition are permitted in order to meet community permit practices:

(1) In Zones A, AO, AH, A1-A30, B, C, D, and Emergency Program areas which are not oceanside building sites.

(a) The floor of an unfinished enclosed area at ground level or above, which is a crawl space, or space within the foundation walls, usable as areas for building maintenance, access, parking vehicles, or storing of articles and maintenance equipment (not attached to the building) used in connection with the premises is not considered the building's lowest floor if the walls of the unfinished enclosed areas are constructed with openings (such as with parallel sheer walls, open lattice walls, discontinuous foundation walls, and combinations thereof) to facilitate the unimpeded movement of flood waters or the walls are breakaway walls.

(b) The floor of an attached unfinished garage used for parking vehicles and storing articles and maintenance equipment used in connection with the premises and not attached to the building is not considered the building's lowest floor if the walls of the unfinished enclosed areas are constructed with openings (such as with parallel sheer walls, open lattice walls, discontinuous foundation walls, or combinations thereof) to facilitate the unimpeded movement of flood waters or the walls are breakaway walls.

(2) In Zones V and V1-V30; and Emergency Program areas which are oceanside building lots, the following exceptions apply:

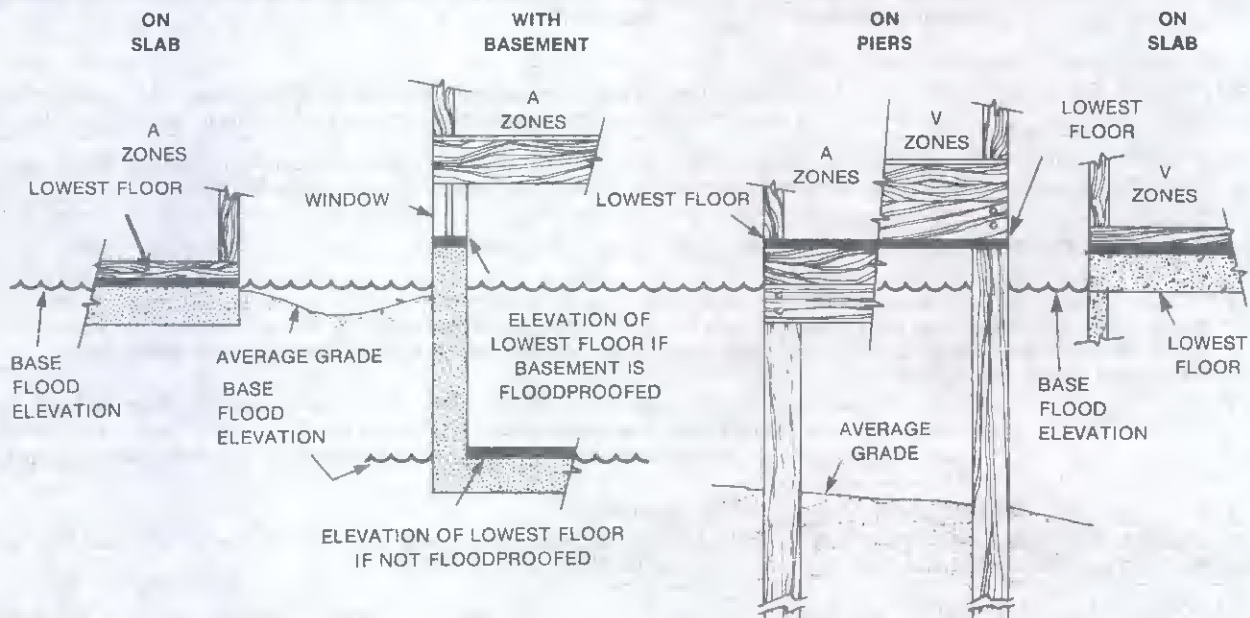
(a) For flood plain management purposes, the floor of an unfinished enclosed area is not considered the building's lowest floor if the area's walls are constructed as breakaway walls. However, for insurance rating purposes:

(i) The floor of an unfinished enclosed area less than 300 square feet is not considered the building's lowest floor if the walls are breakaway walls.

(ii) The floor of an unfinished enclosed area equal to or greater than 300 square feet is considered the building's lowest floor even if the walls are breakaway walls.

(b) The floor of an unfinished enclosed area with walls made of insect screening or open wood constructed breakaway lattice work (regardless of the size of the area enclosed) is not considered the building's lowest floor.

**Lowest Floor Elevation** – The lowest floor elevation is the elevation of the bottom of the floor beam of the lowest floor in Zones V, V1-V30. In all other zones, the lowest floor elevation is the elevation of the top of the lowest floor.



**NOTE:**

A Zones – A, AO, AH, A1-A30, A99, Emergency Program other than Oceanside Building Sites

V Zones – V, V1-V30, Emergency Program Oceanside Building Sites (beach areas subject to wave action during severe storms)

Base Flood Elevation – Flood plain management requirements including the Base Flood Elevation are shown on the FIRM for Zones AH, A1-A30, V1-V30. For FIRM Zone A, V, and Emergency Program Special Flood Hazard Areas the community permit official or the builder has estimated this elevation by the reasonable interpretation of available data. Enter that estimated elevation in the space provided in Section I of the Elevation Certification for Base Flood Elevation. If this community permit official or the builder has not selected an estimated Base Flood Elevation, enter N.A.





October 10, 2025

***VIA CERTIFIED MAIL, U.S. MAIL AND ELECTRONIC MAIL:***

Edward B. and Debra L. Scheuermann

PO Box 8074

Duck, NC 27949

908-238-9156

[ed.scheuermann@comcast.net](mailto:ed.scheuermann@comcast.net)

**RE: NOTICE OF VIOLATION – 116 Skimmer Way  
Chapter 150- Flood Damage Prevention**

Dear Mr. and Mrs. Scheuermann,

You are the owners of 116 Skimmer Way in Duck, NC 27949 (the “Property”). Ken Green & Associates (the “Contractor”) obtained a building permit from the Town of Duck (“Town”) on December 2, 2024, to construct an addition to the Property (the “Project”), pursuant to permit B24-0343 (the “Permit”). At that time, your Contractor provided a project cost estimate of \$266,000.00 (Exhibit 1).

Section 150.05 of the Town Code of Ordinances (“Town Code”) defines a “substantial improvement” to property as “any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the ‘start of construction’ of the improvement.” (Exhibit 2).

Upon receipt of the permit application from the Contractor, and prior to the issuance of the Permit, Town staff alerted the Contractor to the potential implications related to a “substantial improvement” on September 22, 2024, and again on November 12, 2024 (Exhibit 3).

As a result of Town staff concerns, and in order for the Town to determine whether the proposed Project would be classified as a “substantial improvement”, the Property was appraised by Kimberly B. Tate, SRA, RES, Tate Appraisal & Consultation, Inc on September 24, 2024 (Exhibit 4). The Market Value of the Property was \$535,807.27. This Market Value is multiplied by 50% to determine the substantial improvement, as set forth in Chapter 150.05 of the Town Code. The 50% threshold of \$535,807.27 is \$267,903.64. Therefore, based upon the original Project estimate cost of \$266,000.00, the Project would not have constituted a “substantial improvement”.

However, upon completion of the Project, the Town requested a budget accounting detail from the Contractor. The Contractor's final budget accounting detail showed a total cost of \$281,070.11 for the Project. Town staff determined that \$4,998.88 could be deducted from the actual cost of construction under Section 4.4.2 of FEMA P-758 (Substantial Improvement/ Substantial Damage Desk Reference). But even with the adjustment, the total cost of the Project amounts to \$276,071.23, which exceeds the 50% threshold discussed above, and renders the Project as a "substantial improvement" (Exhibit 5).

Chapter 150.41(E)(2) of the Town Code provides that, whenever a property owner makes a "substantial improvement" to property, both the existing structure and/or improvements must comply with the standards for new construction.

Furthermore, if an owner makes a "substantial improvement", the owner must comply with the following:

- Section 150.40(B) requires all new construction and "substantial improvements" to be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
- Section 150.40(C) requires all new construction and "substantial improvements" to be constructed by methods and practices that minimize flood damage.
- Section 150.40(D) requires all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
- Section 150.41(D)(1) requires that areas located below the regulatory flood protection elevation—such as the ground level of the Property—may *only* be used for parking, access and storage.
- Section 150.41(D)(2) requires all "substantial improvements" must be constructed entirely of flood resistant materials at least to the RFPE.
- Section 150.41(D)(3) requires all "substantially improved" structures shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. A minimum of two flood openings on different sides of each enclosed area is required equivalent to a net area of all flood openings equal to one square inch for each square foot of enclosed area.

In addition to the foregoing, once a "substantial improvement" to property is made, Section 150.41(D)(5) of the Town Code requires that the owner(s) sign and record a non-conversion agreement, prior to the Town's issuance of a Certificate of Completion, which declares that the area below the regulatory flood protection elevation of the property shall not be used for any other purpose than parking, access and storage. The owner must record the non-conversion agreement with the Dare County Register of Deeds, which will run with the land. Under the non-conversion agreement, the Town will have the right to inspect the enclosed area by coordinating the same with the owner(s).

As you know, the Town approved a separate project under permit B23-0051 on March 3, 2023, which consisted of a new ground level unheated storage enclosure, and the addition of a bathroom in the NE Corner of the Property (Exhibit 6). During an inspection by the Town Building Inspector on August 21, 2023, the Town discovered that the ground level storage enclosure was converted to conditioned space and was being used for habitable living space (Exhibit 7). The Contractor submitted an application for unheated improvements. Since no expansion to living space was proposed, approval from Dare County Environmental Health (“DCEHD”) for permit B23-0051 was not required. The discovery of and conversion from unheated storage space to heated living space associated with permit B23-0051 should have required updated project costs, additional development fees and approval from DCEHD.

The Property was “grandfathered” under the previous A-7 flood zone with a Base Flood Elevation of seven feet (7’). Town records demonstrate that the ground level of the Property has an elevation of 7.6 feet (Exhibit 8); and Chapter 150 of the Town Code requires that all new construction and substantial improvements meet a ten-foot (10’) RFPE. As such, the ground level habitable space would only be permissible if no substantial improvement was made to the Property.

Unfortunately, your Property lost its “grandfathering” status upon the completion of the Project associated with Permit B24-0343, which was deemed to be a “substantial improvement”, as referenced above. The substantial improvement, as well as the now non-compliant ground level habitable living space of the Property, cannot be used or occupied by any person until the Town issues a Certificate of Completion. The Town cannot issue a Certificate of Completion for the Project unless the lower enclosure of the Property is retrofitted, consistent with the requirements of Chapter 150.

Therefore, in order to qualify for a Certificate of Completion for the Project, each of the following requirements must be met:

1. You must retrofit the ground floor lower enclosure with water resistant material, elevate any non-compliant attendant utilities to RFPE, add flood vents and remove all habitable items from the ground level of the Property.
  - a. The ground level enclosure may continue as conditioned space; however, it may only be used for parking, access and storage.
  - b. Should the ground level enclosure continue as conditioned space, you must obtain approval from DCEHD.
2. The additional work will require a development permit (see Exhibit 9) and must successfully pass all required Town inspections (i.e. framing, insulation, and vents).
3. You must sign and record a non-conversion agreement with the Dare County Register of Deeds, pursuant to Section 150.41(D)(5) of the Town Code.
4. You must provide the Town with an updated elevation certificate from a NC-licensed surveyor to verify your compliance with the additional work discussed above, pursuant to Section 150.26(C)(1)(c) of the Town Code.

Upon completion of all of the above-noted items, the Town will issue a Certificate of Completion for the Project, provided that all other building code and zoning inspections have been satisfactorily completed.

Your Contractor was first made aware of this matter on June 4, 2025, during a meeting at the Town office. The Town also emailed your Contractor on June 17, 2025, detailing the issue (Exhibit 5).

Following that notice, you indicated to Town staff that you would bring the Property into compliance with the Town Code.

Based upon this representation, Town staff consulted with legal counsel, prepared and delivered a Memorandum of Understanding (the “MOU”) to you in an attempt resolve this dispute on July 3, 2025 (Exhibit 10). Unfortunately, despite your representation that you would sign the MOU and bring the Property into compliance, you have apparently refused to sign the MOU or take any other action to bring your Property into compliance with Town Code.

Accordingly, please accept this correspondence as the Town’s official **Notice of Violation** based on your violations of Chapter 150 of the Town Code, as set forth above. A hearing will be held on Monday, October 20, 2025 at the Paul F. Keller Meeting Hall located at 1200 Duck Road at 2 pm. At this time, you are entitled to be heard in person or by counsel and present arguments and evidence pertaining to this matter. Following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the noncompliant substantial improvements made during the Project as needed to bring the Property into compliance.

If the Floodplain Administrator finds that the Property is in violation of the Flood Damage Prevention Ordinance, a written order will be issued to you, requiring you to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 days.

If you receive an order to take corrective action, you may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. An appeal application has been attached for your convenience (Exhibit 11). Application for same will need to include payment in the amount of \$500.00 as prescribed in the Town of Duck Fee Schedule (Exhibit 12). The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. In the absence of an appeal, the order of the Floodplain Administrator shall be final.

If you fail to comply with an order to take corrective action for which no appeal has been made, or fail to comply with an order of the governing body following an appeal, you will be subject to the civil penalty per violation, set forth in Section 10.99 of the Town Code (Exhibit 13). If cited for the violation, you must pay the civil penalty within five days of the citation date. If you do not pay the penalty within the prescribed time, the Town may bring a civil action to recover the penalty and the associated court costs.

Alternatively, you may request a variance pursuant to Town Code Section 150.29(A) (Variance Procedures). A variance application is attached hereto as Exhibit 14 for your ease of reference. Town staff would encourage you to review all items that the Board of Adjustment will consider in determining the outcome of a variance as stated in Section 150.29(D). A written report addressing each of the items in Section 150.29(D) shall be submitted with your application.

You should also review the conditions which must be met pursuant to Section 150.29(I) for the Board of Adjustment to approve your variance request.

Please contact our office should you have any questions regarding this Notice of Violation or any of the associated attachments. We will look forward to seeing you on October 20, 2025 at 2 pm.

Sincerely,

*Sandy Cross*

Sandy M. Cross

Planning and Permits Manager

Certified Floodplain Manager/Floodplain Administrator/CZO

Enclosure

cc: Town Manager, Drew Havens  
Town Attorney, Robert Hobbs  
Town Attorney, Johny Hallow  
Town Building Inspector, Steve McMurray  
Eryn K. Futral, NFIP Planner, NC Department of Public Safety  
Ken Green, Ken Green & Associates



## 116 Skimmer Way Notice of Violation

### Table of Contents:

Exhibit 1.....	B24-0343 Permit
Exhibit 2.....	Town Code Section 150
Exhibit 3.....	116 Skimmer Way Permit Timeline
Exhibit 4.....	116 Skimmer Way Appraisal 9/24/24
Exhibit 5.....	1 <sup>st</sup> Notice to GC/Budget Issue
Exhibit 6.....	B23-0051 Permit
Exhibit 7.....	Inspection Report – habitable space
Exhibit 8.....	116 Skimmer Way 1987 Permit
Exhibit 9.....	Development Permit Application
Exhibit 10.....	Email to GC with MOU
Exhibit 11.....	Appeal Application
Exhibit 12.....	Town of Duck Fee Schedule
Exhibit 13.....	Town Code Section 10.99
Exhibit 14.....	Variance Application



STATE OF NORTH CAROLINA

FLOODPLAIN DAMAGE PREVENTION

TOWN OF DUCK

CHAPTER 150

IN RE:

EDWARD B. SCHEUERMANN

DEBRA L. SCHEUERMANN

:  
:  
:  
:  
:

ORDER TO TAKE CORRECTIVE ACTION

THIS MATTER was heard before the Town of Duck Floodplain Administrator, Sandy Cross (the “Administrator”), on November 17, 2025, arising out of an appeal filed by Edward B. Schuermann and wife, Debra L. Schuermann (collectively, the “Owners”), of the Floodplain Administrator’s issuance of a Notice of Violation against the Owners arising out of the Zoning Administrator’s determination that the Owners’ property located at 116 Skimmer Way (the “Property”) was in violation of Chapter 150 Town’s Code of Ordinances (“Town Code”). Attorney Louis J. “Johny” Hallow, III, was present to advise and consult with the Floodplain Administrator prior to and during the hearing on appeal. The Owners’ appeared *pro se* along with their contractor, Ken Green (the “Contractor”).

Based on a review of the record and the evidence presented, the Administrator makes the following:

**FINDINGS OF FACT**

1. The Owners are the record owners of the Property.
2. The Owners received the Notice of Violation dated October 10, 2025, and the Notice was entered into the record.
3. On or about September 24, 2024, the Property was appraised by Kimberly B. Tate, SRA, RES, Tate Appraisal & Consultation, Inc. and had a market value of \$545,807.27.

4. Town Code § 150.05 defines a “substantial improvement” to property as “any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period, for which the cost equals or exceed 50% of the market value of the structure before the start of construction of the improvement.”

5. In December 2024, the Owners and Contractor applied for a building permit to complete certain construction services on the Property (the “Project”). At that time, the Contractor provided a cost estimate of \$266,000.00 for the Project.

6. Upon completion of the Project, the Contractor submitted a final accounting detail to the Town, which demonstrated that the total cost of the project was \$281,070.11.

7. The amount of \$4,998.88 can be deducted from the total cost of the Project pursuant to Section 4.4.2 of FEMA P-758.

8. Even with this subtraction of \$4,998.88, however, the total cost of the Project was \$276,071.23, which is greater than 50% of the market value (\$545,807.27) of the structure as set forth above.

9. The Project was a “substantial improvement” as that term is defined in the Town Code.

10. A property that has been substantially improved must meet the requirements of § 150.40 and § 150.41 of the Town Code.

11. Town Code § 150.40 requires that all new construction and substantial improvements be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and by methods and practices that minimize flood damage.

12. The Owners' substantial improvement was not constructed with materials and utility equipment resistant to flood damage or by methods or practice that minimize the same.

13. Town Code § 150.40(D) requires that all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the regulatory flood protection elevation ("RFPE") or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood.

14. The electrical, hearing, ventilation, plumbing, air conditioning equipment and other service equipment installed on the Property during the Project are below RFPE.

15. Town Code § 150.41(D) requires that substantial improvements located below the RFPE be used only for parking, access and storage.

16. The lower-level (ground floor) of the Owners' Property is located below the RFPE; and the Owners' have used it for things other than parking, access or storage, as evidenced by their own testimony.

17. Town Code § 150.41(D) requires that all "substantially improved" structures include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters.

18. Plaintiffs' property lacks the required flood openings under § 150.41(D).

19. Town Code § 150.41(D)(5) requires that, once a substantial improvement is made, the owners must sign and record a non-conversion agreement with the Dare County Register of Deeds.

20. To date, the Owners have failed to execute and record any non-conversion agreement with the Dare County Register of Deeds.

21. A medical note from Hunterdon Neurology, Dr. Manis Baradia dated July 10, 2025 submitted by the Owners suggested that Mr. Schuerman needs unrestricted and safe access to the lower-level (ground floor) of the Property.

22. The Owner and Contractors acknowledged that, while it might be expensive, the Owners could have unrestricted access to the lower-level (ground floor) of the Property by installing an elevator.

23. During the hearing, the Contractor acknowledged that the Administrator put him on notice of concerns relating to the 50% threshold prior to the start of the 2024 project, and confirmed the Owners were made aware of the implications if the project were to be considered a substantial improvement.

24. Neither the Owners nor the Contractor disputed any parts of the Notice of Violation.

Based on the foregoing Findings of Fact, the Administrator makes the following

### **CONCLUSIONS OF LAW**

1. Pursuant to §150.25 the Administrator has the authority to interpret, administer and enforce the standards in Chapter 150 of the Code.

2. The Findings of Fact are incorporated by reference herein to the extent that they also represent conclusions of law.

3. The Project was a “substantial improvement” as that term is defined in the Town Code.

4. The Owners failure to construct the substantially improved structure with water resistant materials constitutes a violation of Town Code § 150.40(B).

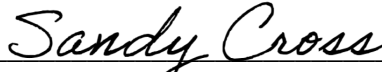
5. The Owners' use of the lower-level (ground floor) of the Property for means other than access, parking and storage constitutes a violation of §150.41(D)(1).

6. The Owners' failure to execute and record a non-conversion agreement with the Dare County Register of Deeds constitutes a violation of §150.41(D)(5).

7. The presence of Owners' electrical, heating, ventilation, plumbing, air conditioning equipment and other service equipment below the RFPE in a substantially improved structure constitutes a violation of §150.40(D).

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law IT IS ORDERED, that the Zoning Administrator's October 10, 2025 Notice of Violation is AFFIRMED. IT IS FURTHER ORDERED that the Owners shall have 180 days to bring the Property into compliance with the Town Code.

Entered in this 17<sup>th</sup> day of November, 2025 and signed this 12<sup>th</sup> day of December, 2025.

  
Sandy Cross, Certified Floodplain Administrator  
Planning and Permits Manager  
Town of Duck

NOTE: If you are dissatisfied with this decision, you may file an appeal to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following the issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

If the Owner fails to comply with an order to take corrective action for which no appeal has been made, or fails to comply with an order of the governing body following an appeal, the owner shall be subject to the civil penalty per violation set forth in § 10.99. The person cited for the violation must pay the civil penalty within five days of being cited for the violation. In the event the person cited for the violation does not pay the penalty within the prescribed time, the town may bring a civil action to recover the penalty and the associated court costs.





1322 Route 31 North  
Annandale NJ 08801  
Tel: (908)-894-7222  
Fax: (908)-894-7128

July 10, 2025

Edward Scheuermann  
20 Wedgewood Drive Annandale NJ 08801

**To Whom It May Concern,**

I am writing on behalf of my patient, **Edward Benjamin Scheuermann**, date of birth **December 7, 1960**, who is currently under my care for **Parkinson's disease**.

As a result of his condition, Mr. Scheuermann experiences **significant mobility challenges**, including impaired balance and difficulty with ambulation. These limitations substantially affect his ability to safely navigate stairs and other obstacles commonly found in multi-level homes.

It is medically necessary for Mr. Scheuermann to have **unrestricted and safe access to the lower level of his home**, where he is best able to manage his day-to-day needs and reduce the risk of falls or injury. Any accommodations or modifications that can facilitate such access — including stair lifts, ramps, or relocation of essential living functions to the lower floor — would be highly beneficial for his safety and quality of life.

Please feel free to contact my office should you require any additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Manish Viradia".

Manish Viradia, MD

VIRADIA,MANISH B 7/10/2025 6:21:05 AM EDT





Town of Duck  
Department of Community Development  
PO Box 8369  
1200 Duck Road  
Duck, NC 27949  
(252) 255-1234

Date Issued:

5-5-26

Permit #:

B26-000165

Check 18933

**Building/Floodplain Development Permit**

**Project Address:** 116 SKIMMER WAY

**Property Owner:** SCHEUERMANN, EDWARD B

**Property Owner Phone:** 252-491-8127

**PIN:** 995118403280

**Property Owner Mailing Address:** 116 SKIMMER WAY  
DUCK, NC 27949

**Property Owner Email Address:** kgreen@kg-a.com

**Contractor:**

**Company Name:** Ken Green & Associates ✓

**Phone:** 2524918127

**Email:** kgreen@kg-a.com; dana@kg-a.com

**Contact Name:** Ken Green

**Address:** P.O. Box 372

Harbinger, NC 27941

**Classification:** General Contractor

**NC State License #:** 68343

**Expiration Date:**

**Description of Work:** Remove sheetrock, insulation and peg board below 10' elevation. Move any electrical outlets that are below 10', up 10'1" in storage room. Bathroom will be left as is for now.

**Use:**  
Single Family

**Structure/Work Type:**  
Primary Structure: 3.Remodel

**Number of Bedrooms:**

**Maximum Number of Occupants:**

**Deck:**

**Demo:**

**Pool/Hot Tub:**

**Accessory Building:**

**Bukhead (L.F.):**

**Pier (L.F.):**

**House Moving:**

**Permit Amount:**

\$222.00 ✓

**Proposed Area Schedule (Sq.Ft.):** Heated: Unheated: Renovate Heated: 374 Renovate Unheated:

**Proposed Finished Grade (ft.):** N/A:  House: Pool: Driveway: Parking: Other:

**Floodplain Development:** Flood Zone: Unshaded X Existing Elevation: 6 Structure Value: \$470,400.00 Storage Below Existing Elevation:

RFPE: 10

**Vegetation Management (Sq.Ft.):** N/A:  Required Coverage: n/a Area Preserved: n/a Required Paintings: n/a

Project Cost Estimate:	Building	Electrical	Mechanical	Plumbing	Gas	Other	Total
	\$2,000.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.00

**Permit Conditions:**

- Any change or changes in the plans for development, construction or land use activities will require a re-evaluation and modification of this permit.
- The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 am and 6 pm, Monday through Saturday is prohibited.
- No change to coverage or footprint.
- Typical trade inspections required.
- A Non-conversion agreement must be recorded with the register of deeds prior to the issuance of a Certificate of Completion, and pending outcome of Variance request BOV2026-002.
- Elevation Certificate required prior to CO.
- All attendant utilities and/or appliances must be located at or above the 10 RFPE, excluding the ground level bathroom, pending outcome of Variance request BOV2026-002.

This permit is issued on the expressed condition that all information is correct and all work will comply with the State Building Code and all other applicable State and Local laws, ordinances and regulations. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. **Please be advised that the permit is not valid until the signed permit along with payment has been received by our office.**

Applicant Signature

5-5-26

Date

I have read and understand the permit conditions listed above.



*§ 150.29 VARIANCE PROCEDURES.*

(A) The Town of Duck Board of Adjustment as established by the Town of Duck, hereinafter referred to as the “appeal board,” shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in G.S. Ch. 7A.

(C) Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) Functionally dependent facilities if determined to meet the definition as stated in § 150.05 of this chapter, provided provisions of § 150.29(I)(2) and (4) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(3) Any other type of development provided it meets the requirements of this section.

(D) In reviewing variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under § 150.05 of this ordinance as a functionally dependent facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this chapter.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the RFPE and the elevation to which the structure is to be built and that such construction below the RFPE increases risks to life and property, and that the issuance of a variance to construct a structure below the RFPE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

(I) Conditions for variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued prior to development permit approval.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(J) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located at elevations below the RFPE in the SFHA and Shaded X and X zones provided all of the following conditions are met:

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use at elevations at or above the RFPE in the SFHA and Shaded X and X zones.

(3) The reference level of any structure is elevated or floodproofed to at least the RFPE.

(4) The use complies with all other applicable Federal, state and local laws.

(5) The Town of Duck has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Ord. 20-01, passed 5-20-2020)



DOCUMENT PREPARED BY:  
**Town Of Duck**  
**PO Box 8369**  
**Duck, NC 27949**

**TOWN OF DUCK BOARD OF ADJUSTMENT  
ORDER GRANTING A VARIANCE  
116 Skimmer Way, Duck, NC**

This matter came before the Town of Duck Board of Adjustment for a public hearing on May 26, 2026 to consider application BOV-2026-001 submitted by Edward and Debra Scheuermann, owners of 116 Skimmer Way, Duck NC, for a variance from Chapter 150, Flood Damage Prevention as permitted by Section 150.029(C)(3) to keep a ground level bathroom in an area that is located below the Town of Duck Regulatory Flood Protection Elevation (RFPE) of 10 feet. Town Code Section 150.40(D) requires that all new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment to be located at or above the RFPE.

The Town of Duck Board of Adjustment, having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

1. The subject property is 17,034 square feet (0.39 acre) in size and is zoned Single Family Residential (RS-1).
2. The subject property presently contains a five (5) bedroom, 2,512 square foot single-family residence that was permitted and completed in 1987 under the jurisdiction and standards of Dare County

3. The Property is valued at \$470,400 according to Dare County Tax Records, and a recent September 24, 2024 appraisal values the property structure at \$535,807.
4. The structure is not located in a Special Flood Hazard Area (SFHA) per the Flood Insurance Rate Maps (FIRM) adopted 6/19/2020.
5. The Town of Duck adopted higher standards for floodplain management and requires that the finished floor elevation for new construction and substantial improvements be at or above the Regulatory Flood Protection Elevation (RFPE) of 10 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than ten feet NAVD 1988.
6. The subject property was grandfathered under the A-7 flood zone and a recent ground level habitable enclosure was completed in 2023.
7. The subject property constructed an addition/renovation under Building Permit B24-0343 which exceeded the 50% substantial improvement threshold.
8. The substantial improvement project in 2024, caused the subject property to lose its grandfather status relating to flood damage prevention and the ground level habitable enclosure is required to meet the standards of Chapter 150.
9. The subject property has no history of flooding since its construction in 1987.
10. The applicant and current owner of the property has been diagnosed with Parkinson's Disease, subject to significant mobility issues and ambulatory deficiencies.
11. The structure currently complies with FEMA's standard, therefore, the variance request is only to the Town of Duck's higher standards.
12. Applicant agrees to retrofit the ground level enclosure to meet the Town of Duck RFPE to include
  - All areas below the 10' elevation will be replaced with water resistant material;
  - All mechanicals, except for the bathroom toilet, will be elevated at or above 10';
  - Flood vents will be added;
  - All habitable items from the ground level of the property will be removed;
  - A non-conversion agreement will be recorded stating that all areas, except for the bathroom, will be utilized for parking, access and storage only.
  - Submission of a finished construction elevation certificate.

### **CONCLUSIONS**

Based upon the above **FINDINGS OF FACT**, The Town of Duck Board of Adjustment concludes that the applicant is entitled to a variance as required by Town of Duck Chapter 150, Flood Damage Prevention Code, Section 150.029 Variance Procedures. The Board also concludes that the applicant has successfully addressed the eleven (11) criteria necessary to grant a variance from the requirements of the Town's floodplain regulations, those criteria being:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location as defined under § 150.05 of this ordinance as a functionally dependent facility, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**AND**, the Board further concludes that the applicant has successfully addressed the Four (4) conditions for a Variance necessary to grant a variance from the requirements of the Town's floodplain regulations, those conditions being:

- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Variances shall only be issued prior to development permit approval.
- (4) Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship; and
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

THEREFORE, IT IS ORDERED that a variance from Chapter 150 Flood Damage Prevention permitted by Section 150.029(C)(3), is granted for the property located at 116 Skimmer Way, based on the submitted application, Findings of Fact and Conclusions.

# Attachment T13

AND, IT IS ORDERED that the application to allow the ground level bathroom remain in its current location below RFPE be **APPROVED** subject to the conditions set forth hereinabove.

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Olin Finch, Chair  
Board of Adjustment for the Town of Duck

North Carolina, Dare County

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_, Chair of the Board of Adjustment for the Town of Duck.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



Affix Notary Seal Inside This Box

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
typed or printed name of Notary Public

My commission expires:\_\_\_\_\_

***NOTE: Each decision of the Board is subject to review by the superior court by proceedings in the nature of certiorari. If an aggrieved party is dissatisfied with the decision of this Board, a petition may be filed with the clerk of superior court within thirty days after the date this order is filed in the Planning and Zoning Office or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to said aggrieved party by personal service or by registered or certified mail return receipt requested.***

DRAFT





**TO:** Chairman Finch and Members of the Duck Board of Adjustment  
**FROM:** Jim Gould, Community Planner  
**DATE:** May 26, 2026  
**RE:** BOV 26-001, Wishner Family Partners LLC, 109 Settlers Lane

**Application Information**

Application #: BOV-2026-002  
Project Location: 109 Settlers Lane  
Dare County PIN: 985920911780  
Existing Use: Single-Family Residence  
Zoning: Single-Family Residential (RS-1)  
Property Owners/Applicants: Wishner Family Partners, LLC

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**Public Hearing Notice**

Public Hearing Advertised: May 3 & 17, 2026 (Coastland Times)  
Public Hearing Notices Sent: May 4, 2026  
Public Hearing Sign Posted: May 4, 2026  
Public Hearing Town Website: May 4, 2026  
Public Hearing Town Hall Posted: May 4, 2026

**Application Summary**

Subsection 156.030(D)(3) of the Town Code requires a minimum rear yard setback of twenty-five feet (25') for structures (including accessory structures such as pools, decks, and sheds). The property owners are seeking a variance from this setback standard to allow for an existing concrete extension of the pool deck to remain on the property at 109 Settlers Lane. The existing concrete extension of the pool deck is 19.26 feet (19.26') from the rear property line (encroaching 5.79 feet into the rear setback). A focused view of the survey showing the location of the concrete pool deck extension is included as Exhibit C.

**Property Information**

Located in the Founders Ridge Subdivision, the property at 109 Settlers Lane is zoned Single-Family Residential (RS-1). The subject property is 15,781 square feet in size as indicated in the survey dated September 8, 2025, drafted by Michael W. Robinson P.E., P.L.S., and is in full conformance with the minimum lot size requirement of 15,000 square feet. The property lies at



*Agenda Item 5b*

the southern border of the cul-de-sac located at the western end of Settlers Lane. The property line follows the curve of the cul-de-sac and is approximately 119 feet in width at the road, 119 feet (119') at the rear (south), 151 feet (151') in depth along the eastern side of the property, and 91 feet (91') along the western property line. The subject property presently contains a five-bedroom, 3,851 square-foot single-family residence that was constructed in 2025 by its current owners.

- The adjoining property to the west at 111 Settlers Lane is zoned RS-1 and contains a three-bedroom, 5,140 square foot single-family residence constructed in 2002 under the jurisdiction and standards of The Town of Duck and the Coastal Area Management Act. This lot is 44,500 square feet in size.
- The adjoining property to the east at 107 Settlers Lane is zoned RS-1, is approximately 16,000 square feet as indicated in Dare County tax records and is currently undeveloped.
- The abutting property to the rear (south) at 116 Osprey Ridge Road is zoned RS-1 and contains a six-bedroom, 7,160 square foot single-family residence constructed in 2004 under the jurisdiction and standards of The Town of Duck and the Coastal Area Management Act. This lot is 49,500 square feet in size.
- The abutting property to the rear (southeast) at 114 Osprey Ridge is zoned RS-1, is approximately 15,000 square feet as indicated in Dare County tax records and is currently undeveloped.
- Across Settlers Lane to the north at 107 Nash Road is zoned RS-1, is approximately 15,000 square feet as indicated in Dare County tax records and is currently undeveloped.
- Across Settlers Lane to the northeast at 105 Nash Road is zoned RS-1 and contains a three-bedroom, 1,000 square foot single-family residence constructed in 1973 under the jurisdiction and standards of Dare County. This lot is 15,000 square feet in size.

**Applicable Ordinance Standards**

***Section 156.030 RS-1 Single-Family Residential District***

*(D) Dimensional Requirements*

- (5) Minimum rear yard: 25 feet.

***Section 156.012 Yard Requirements***

Unless otherwise provided in this chapter, no principal structure or principal use, structure intended for outdoor recreational use, such as pools and tennis courts, or other accessory buildings or structures shall be located within the front, side or rear yards (setback areas).

§ 156.002 DEFINITIONS.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.



**Background Information**

On June 5, 2024, Town Council approved an unrelated special use permit (SUP 24-005) arising out of the applicant's request for an exception to the fill limits set forth under Town Code § 156.128(A)(4)(d), and the bulkhead/retaining wall fill limits set forth under §156.128(A)(6). The special use permit granted the installation of two retaining walls, both designed to retain fill at amounts 13 feet in depth and 7 feet in depth. Otherwise, the proposed improvements to the vacant lot complied with the Town's current development standards such as building setbacks, lot coverage and parking. The site plan and stormwater plan failed to identify the outdoor shower and did not reflect any pool deck encroachment both ultimately located within the rear setback of the Property.

On July 17, 2024 a Development Permit was issued to LDS Building and Design, LLC (LDS), allowing for lot clearing of the vacant lot and the construction of retaining walls as approved in the special use permit.

On October 24, 2024, a Development Permit was issued to LDS for the construction of a 5-bedroom single-family residence on concrete slab and piling foundation with an attached garage with concrete and paver driveway. The development also included a swimming pool located east of the home with concrete deck surround. That permit and the approved site plan are attached hereto collectively as Exhibit E. The site plan associated with this permit approval did not reflect any encroachment by a pool deck.

On June 13, 2025, an email request for the addition of a pile supported deck and a relocation of the pool equipment was submitted to the Town of Duck. A subsequent permit application was submitted online June 30, 2025. The email and online application included a site plan dated June 3, 2025. On July 7, 2025, a separate permit (B25-0209) was issued for the pile supported deck addition to the east side of the pool (Exhibit F). It should be noted that the review for this permit approval was solely for the pile supported deck addition and relocation of the pool equipment.

Upon final zoning inspection, Planning and Permits Manager Sandy Cross noted the concrete pool deck had been expanded along the southern boundary and appeared to encroach into the 25-foot rear yard setback. On September 15, 2025 LDS was notified of the encroachment and informed that "This will need to be removed."

All inspections associated with construction permits B24-0222 and B25-0209 were completed, and a Certificate of Completion was issued on October 10, 2025, as required by the North Carolina Building Code. However, the Property became subject to a Town Code zoning violation arising out of the impermissible encroachment of the pool deck.



On December 12, 2025, the Town of Duck issued a Notice of Violation pertaining to the concrete pool deck encroachment which was impermissibly located in the rear setback of the Property, as evidenced by the As-Built survey dated September 8, 2025, and certified by Michael W. Robinson, P.L.S. The property owner was given 90 days from the date of the letter to remove the pool deck encroachments from the rear setback or submit a development application consistent with § 156.128(B)(1) to relocate the structure to an approvable location. The Notice of Violation also provided the option of applying for a variance through the Town of Duck Board of Adjustment.

### **Variance Criteria/Staff Analysis**

Section 156.167 of the Duck Town Code states that when unnecessary hardships will result from carrying out the strict standards of the zoning ordinance, the Board of Adjustment may grant a variance from provisions of the zoning ordinance consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved. As part of its decision, the Board of Adjustment members may impose conditions on the approval of a variance, as long as the conditions are reasonably related to the variance. Such conditions are often intended to mitigate potential impacts resulting from granting the variance.

During its evaluation of the variance application, the Board of Adjustment is required to consider and make findings concerning the following six criteria. If the Board finds that all six of the criteria have been met, then the Board should vote to grant the requested variance. If the Board finds that one or more of the criteria have not been met, then the Board should deny the requested variance.

#### **1. Sec. 156.167(A)(1) - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

- Section 156.030(D)(5) of the Town Code establishes a 25-foot (25') minimum setback for structures from the rear property line. The existing location of concrete pool deck is 19.26 feet (19.26') from the rear property line; encroaching 5.79 feet (5.79') into the required 25-foot (25') rear setback.
- Enforcement of the rear setback requirement and required removal of the encroaching concrete pool deck would allow for 6.56 feet (6.56') of remaining concrete pool deck along the southern border of the pool.
- It is staff's opinion that it would not be a substantial hardship on the property owner to comply with the Town's current setback standards, as it would not result in substantial loss of useable concrete pool deck area. While the concrete currently connects to the nearby outdoor shower located on the southeast corner of the home, it is not necessary to provide adequate access to the outdoor shower.



On December 12, 2025, the Town of Duck issued a Notice of Violation pertaining to the concrete pool deck encroachment which was impermissibly located in the rear setback of the Property, as evidenced by the As-Built survey dated September 8, 2025, and certified by Michael W. Robinson, P.L.S. The property owner was given 90 days from the date of the letter to remove the pool deck encroachments from the rear setback or submit a development application consistent with § 156.128(B)(1) to relocate the structure to an approvable location. The Notice of Violation also provided the option of applying for a variance through the Town of Duck Board of Adjustment.

### **Variance Criteria/Staff Analysis**

Section 156.167 of the Duck Town Code states that when unnecessary hardships will result from carrying out the strict standards of the zoning ordinance, the Board of Adjustment may grant a variance from provisions of the zoning ordinance consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved. As part of its decision, the Board of Adjustment members may impose conditions on the approval of a variance, as long as the conditions are reasonably related to the variance. Such conditions are often intended to mitigate potential impacts resulting from granting the variance.

During its evaluation of the variance application, the Board of Adjustment is required to consider and make findings concerning the following six criteria. If the Board finds that all six of the criteria have been met, then the Board should vote to grant the requested variance. If the Board finds that one or more of the criteria have not been met, then the Board should deny the requested variance.

#### **1. Sec. 156.167(A)(1) - Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

- Section 156.030(D)(5) of the Town Code establishes a 25-foot (25') minimum setback for structures from the rear property line. The existing location of concrete pool deck is 19.26 feet (19.26') from the rear property line; encroaching 5.79 feet (5.79') into the required 25-foot (25') rear setback.
- Enforcement of the rear setback requirement and required removal of the encroaching concrete pool deck would allow for 6.56 feet (6.56') of remaining concrete pool deck along the southern border of the pool.
- It is staff's opinion that it would not be a substantial hardship on the property owner to comply with the Town's current setback standards, as it would not result in substantial loss of useable concrete pool deck area. While the concrete currently connects to the nearby outdoor shower located on the southeast corner of the home, it is not necessary to provide adequate access to the outdoor shower.



**2. Sec. 156.167(A)(2) - The hardship results from conditions that are peculiar to the subject property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

- The undeveloped lot presented significant topographic challenges which were alleviated by the use of retaining walls and fill approved in SUP 24-005. Consequently, the proximity and height of the retaining walls created a relatively level grade in the area of focus now covered by concrete pool decking.
- The location of the existing residence, swimming pool, pool deck, and septic system are not unique characteristics of the subject property and do not contribute to the difficulty of removing the concrete pool deck from within the rear yard setback.
- It is staff's opinion that the subject property does not have unique conditions peculiar to the property and therefore does not contribute to the hardship of removing the area of concrete pool deck.

**3. Sec. 156.167(A)(3) - The hardship resulted from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

- The specific need for the variance was created by the applicants and their contractor by failing to propose, or apply for a Development Permit, to add the southern extension of the concrete pool deck. While a Development Permit was issued in a similar time frame for the eastern expansion of a piling supported deck, the concrete extension to the south was not proposed.
- It is staff's opinion that the hardships related to the expansion of the concrete pool deck have resulted from actions of the applicant and their contractor.

**4. Sec. 156.167(A)(4) - The requested variance is consistent with the spirit, purpose, and intent of the regulation.**

- The Town of Duck has adopted minimum structure setbacks as shown in Sec. 156.030(D)(3) in accordance with our comprehensive plan to help ensure safety from fire, prevent the overcrowding of land and give reasonable consideration to the expansion and development within the town so as to provide for its orderly growth and development.
- The concrete pool deck expansion is located approximately 125 feet from the residence to the southwest, 220 feet (220') to the residence to the west. The lots to the east and southeast currently remain undeveloped. Fire related risks resulting from the installation of the concrete pool deck appear minimal and fire separation appears adequate between structures at this time.



*Agenda Item 5b*

- The concrete pool deck extension is inconsistent with Sec. 156.012 Yard Requirements, as it encroaches on the rear yard setback. The intent of section is to prohibit structures from within the setback areas.
  - It is staff's opinion that the requested variance does not comply with the purpose and intent of the Town's minimum setback standards.
- 5. Sec. 156.167(D) – The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**
- Staff finds that the requested variance is not the minimum necessary to permit reasonable use of the property, as the absence of the concrete pool deck extension does not create a significant hardship or prevent adequate use of the pool area, residence, or property, and other reasonable, code-compliant alternatives exist that would provide suitable pool surround width and foundational stability without requiring a variance.
- 6. Sec. 156.167(E) - Granting the variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**
- The elevated location of the concrete pool deck extension located in the rear of the residence make it minimally visible from one developed adjoining property.
  - The undeveloped lot to the east and the orientation of current structures to the west and southwest make it difficult to gauge the current impacts of the concrete pool deck extension. However, the existing vegetative buffers and feet of separation between developed lots lead staff to determine impacts will be minimal.
  - It is staff's opinion that granting the variance will not negatively impact the neighboring properties or be detrimental to the public welfare.

**Staff Recommendation**

As outlined in detail above, it is staff's opinion that the applicant has not satisfied the conditions of Findings 1, 2, 3, 4, and 5.

However, it is staff's opinion that the applicant has satisfied the conditions of Findings 6.

As all the findings have not been met in staff's evaluation of the requested variance, staff recommends **DENIAL** of this variance application.



**ATTACHMENTS**

**Applicant Exhibits:**

- A. Variance Application
- B. Existing Survey (prepared by Michael W. Robinson P.E., P.L.S)
- C. Survey Focus Area (prepared by Michael W. Robinson P.E., P.L.S)

**Staff Exhibits:**

- D. Location Map and Property Information
- E. Images of concrete pool deck expansion (by Planning and Permits Manager Sandy Cross)
- F. Development Permit for construction of new single-family dwelling with Site Plan
- G. Development Permit for construction of pile supported deck addition with Site Plan
- H. Draft Order Denying Variance

Attachment A



Department of Community Development RECEIVED  
PO Box 8369  
1200 Duck Road  
Town of Duck, North Carolina 27949  
(252) 255-1234  
FEB 12 2026  
TOWN OF DUCK, NC

ZONING VARIANCE APPLICATION

Applicant: Wishner Family Partners LLC Date: Feb. 6 2026

Mailing Address: 2407 Oakton Hill Dr Oakton, VA 22124

Telephone #: 571 213 -- 706 Email: mjwish1@gmail.com

Representative (if different from applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Representative Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Information:**

Property Address/Location: 109 Settlers Lane

Dare County PIN #: 985920-91-1780

Zoning District: RS-1 Use of Property: Residential

**Variance Request:**

Applicable Ordinance Section: 156.030 (D)

Ordinance Requirement: 25 foot rear setback

Variance Requested: To extend a concrete extension of a completed pool deck into the set back

*The Duck Board of Adjustment, with a vote of four-fifths of the membership, may grant a variance from specific provisions of the Zoning Ordinance. Consistent with the N.C. General Statutes, Section 156-167 of the Zoning Ordinance states that the Board of Adjustment is required to make certain findings as a prerequisite to granting a variance. The following questions are intended to offer the applicant an opportunity to address these criteria for the Board members. Please answer each question as thoroughly as possible.*

1. Describe the hardship created by strict application of standards in the Zoning Ordinance?

See attached

2. Describe any special conditions or circumstances (such as property dimensions, location, or topography) contributing to the hardship that are peculiar to the subject land or structure and not applicable to other properties in the same area.

3. Explain why the hardship is not the result of actions taken by the applicant or property owner.

4. Explain how the requested variance is the minimum possible to make reasonable use of the land, building, or structure.

5. Explain how the requested variance is consistent with the spirit, purpose, and intent of the standards in the zoning ordinance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. State if the variance would be injurious to the surrounding neighborhood or detrimental to the public welfare. Describe any potential impacts.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Wendy Fisher*  
Applicant Signature *Member of Applicant*

\_\_\_\_\_  
Property Owner Signature (if different from applicant)

A complete application can be submitted in person to the Town of Duck Community Development Department at Duck Town Hall, 1200 Duck Road or mailed to Town of Duck, P.O. Box 8369, Duck, NC 27949. Checks should be made payable to the *Town of Duck*. A complete application consists of:

- Complete, signed zoning variance application form
- Zoning variance application fee (\$500)
- Plat, site plan, or building plans drawn to scale showing the existing and proposed improvements
- Other exhibits or information necessary to describe the proposal
- Any other information in support of the variance request

FOR OFFICE USE ONLY	
Application Received <u>February 12, 2026</u>	Received By <u>Sandy Cross</u>
Fee Paid <u>\$ 500.00</u>	Receipt # <u>106</u>

1. Describe the hardship created by strict application of standards in the Zoning Ordinance?

The hardship results from the possible need to eliminate the extension of a concrete pool deck which terminates at a retaining wall that was constructed pursuant to a proper permit within the 25 foot rear set back. The area in issue is shown on the attached photograph with the black lines through it and on the attached as built survey. Although the Planning and Permits Manager in the Notice of Violation deems the extension as a walkway, it is assumed it is irrelevant whether the concrete is deemed a structure or a walkway. The area is not a walkway since it is not used as a path.

2. Describe any special conditions or circumstances (such as property dimensions, location, or topography) contributing to the hardship that are peculiar to the subject land or structure and not applicable to other properties in the same area.

The subject property backs up to the commencement of the cul de sac on Osprey Ridge Road. See the attached photograph. There is no structure or residence directly on the opposite side of the setback nor can there be. There is insufficient space to construct a residence or for that matter any structure on the opposite side of the set back. Moreover, the topography consists of a steep ravine which forecloses any conceivable use. The set back line is perpendicular to the residence constructed on the lot which shares the set back line. This lot borders the sound and wraps around the rear end of the cul de sac most likely initially done to provide greater privacy for the residence. The town's zoning map evidences the unique configuration of the lot. The subject property's development required an SUP for the retaining walls in order to establish a buildable area. This resulted in in a small area within the setback that should be allowed to be an extension of the pool deck as it is separated from the remainder of the lot and any other material used in this area would be nonsensical.

3. Explain within the setback plain why the hardship is not the result of actions taken by the applicant or property owner,

The property owner took no actions contributing to the hardship. It was assumed by others that the concrete deck could extend to the retaining wall constructed within the setback area.

4. Explain how the requested variance is the minimum possible to make reasonable use of the land, building or structure.

The variance seeks to make use of a pool deck extension constructed with concrete. If the concrete is removed and replaced with an acceptable surface such as sod, gravel or mulch, the use of the area will not change. Because of the retaining wall that exists in the setback and the small area in issue (less than 75 sq. ft), the most sensical material for this area would be for the concrete to remain. Removal of the concrete and the additional maintenance costs that may be incurred means the property owner will bear an unnecessary expense that serves no practical purpose especially since no adjoining property will be adversely affected by the variance.

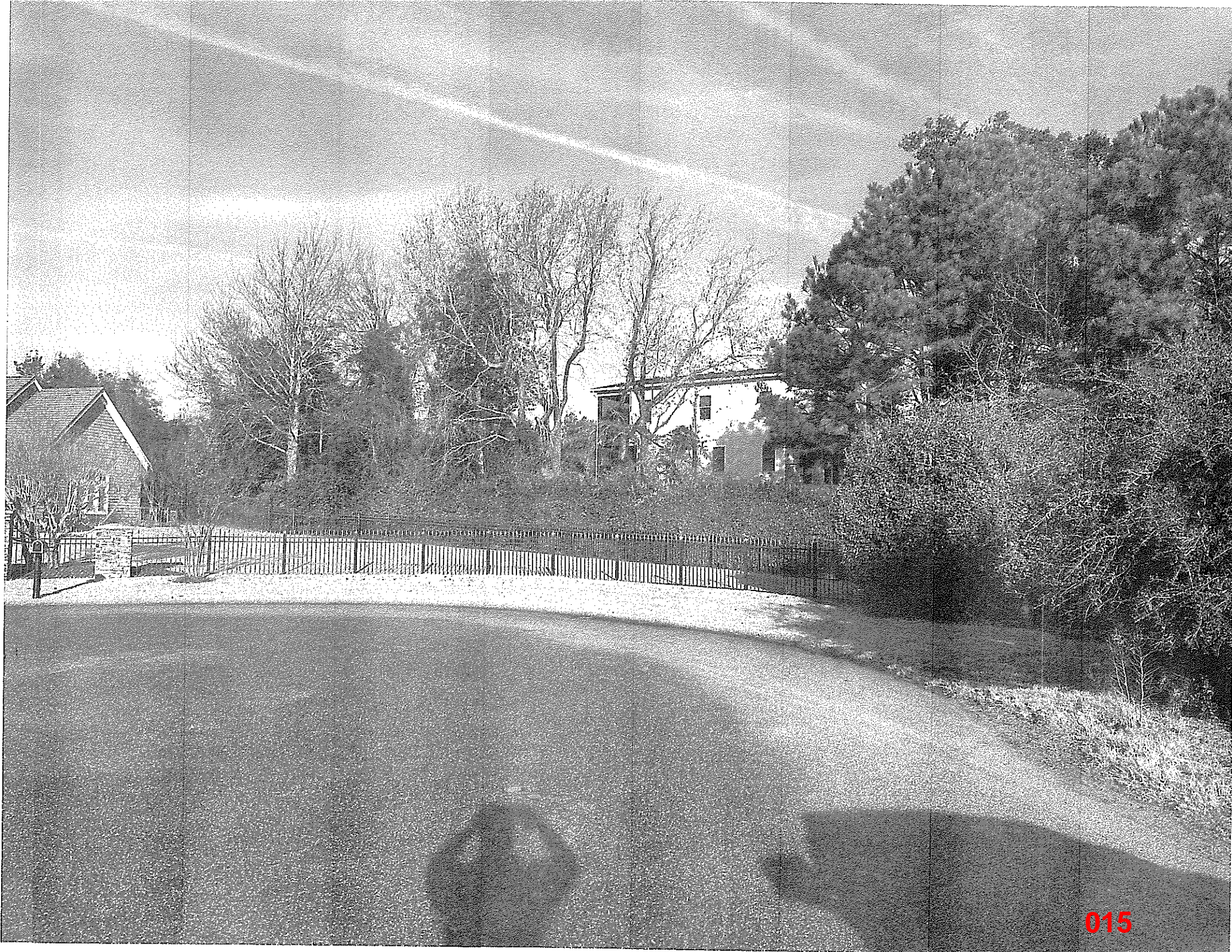
5. Explain how the requested variance is consistent with the spirit, purpose and intent of the standards in the zoning ordinance.

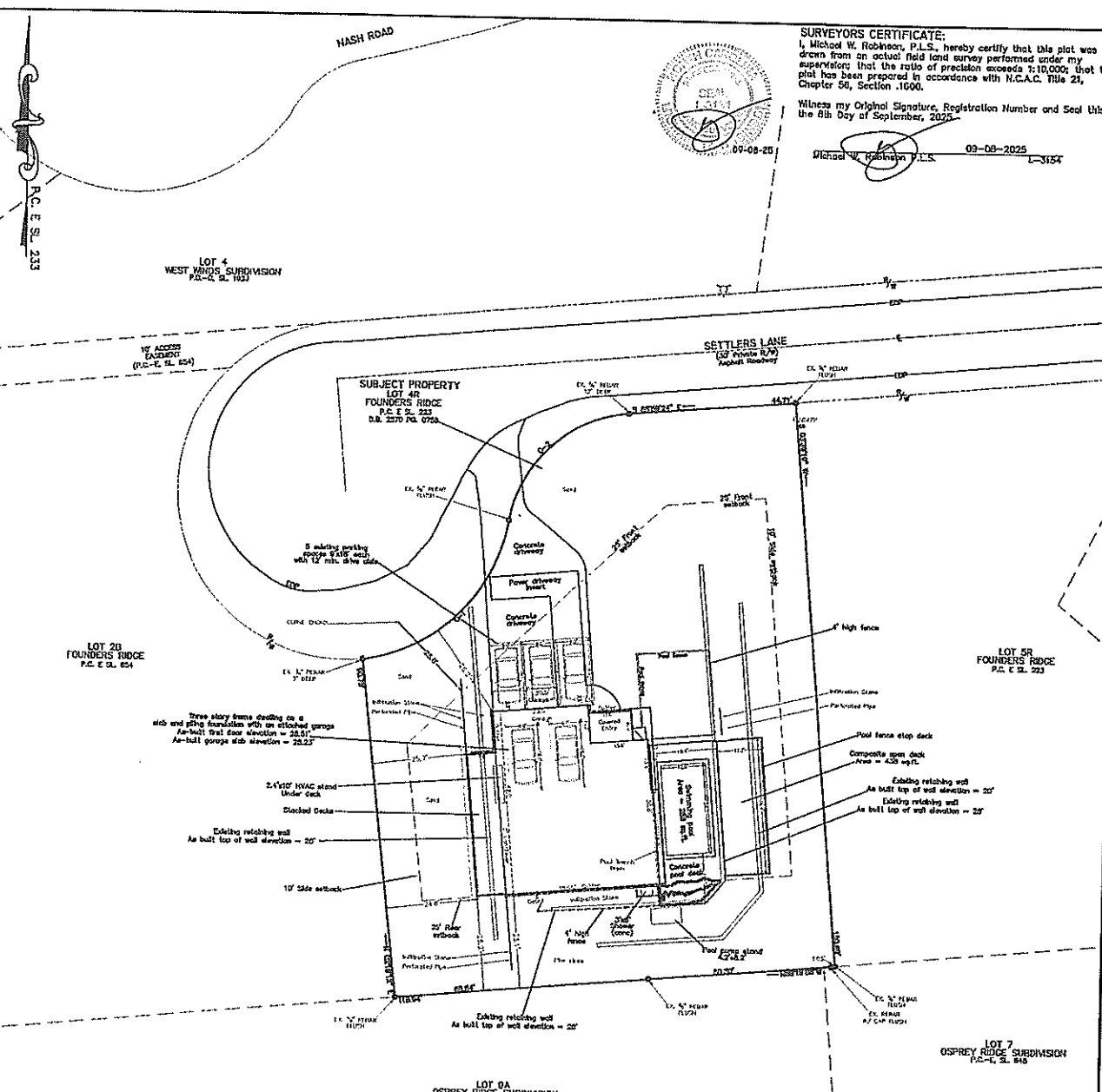
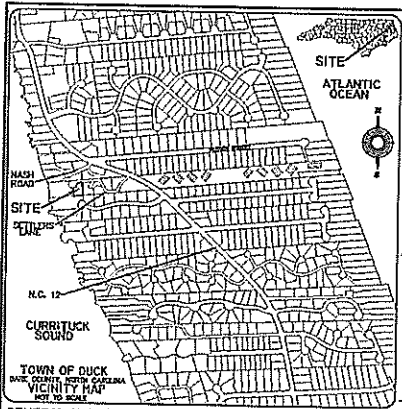
Setbacks are intended to, among other things, result in neighbors not adversely impacting other neighbors by preventing overcrowding, maintaining consistent spacing and visual harmony, and perhaps most importantly reducing noise and privacy intrusions. The variance being requested does not run contrary to the purposes of any setback limitation. The setback area is far removed from the residence on the lot that shares the setback line. The area is heavily wooded and such residence cannot readily be seen from the setback area nor from the property having the setback line. The attached photograph taken from Osprey Ridge Road supports these contentions.

6. State if the variance would be injurious to the surrounding neighborhood or detrimental to the public welfare. Describe any potential impacts.

The variance would not be injurious in any respect to the surrounding neighborhood or public welfare. The requested variance would not have any precedential value to other properties given the unique configuration and the terrain of the lot opposite the rear setback line. One cannot foresee any negative potential impacts.





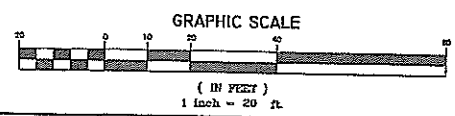


**SURVEYORS CERTIFICATE:**  
 I, Michael W. Robinson, P.E., P.L.S., hereby certify that this plot was drawn from an actual field land survey performed under my supervision that the ratio of precision exceeds 1:10,000; that the plot has been prepared in accordance with N.C.A.C. Title 21, Chapter 56, Section 1000.  
 Witness my Original Signature, Registration Number and Seal this 8th Day of September, 2025.  
 Michael W. Robinson P.L.S. 09-09-2025 L-3154

**GENERAL NOTES:**  
 Subject property:  
 Lot 4R, Founders Ridge  
 Town of Duck, Dare County, NC  
 Street address: 109 Settlers Lane, Duck, NC 27949  
 Recorded reference: P.C. E. SL. 223, O.B. 2570 PG. 0750  
 LOT AREA : 15,781 sq.ft.  
 Parcel: 028900002 PIN:9859 20 01 1780  
 FEMA Data: Community - Town of Duck, Dare County, NC  
 CD 370632 Panel- 9859 Suffix- K  
 Map Number 3740055056  
 Effective date - 6/19/2020  
 RRM Zone - X  
 Flood zone subject to change by FEMA  
 Town of Duck RFFE = 10.0' NAVD 1988  
 Notes from Town Chapter 150: Flood Damage Prevention:  
 1. The proposed dwelling depicted hereon lies in a X FIRM Zone.  
 2. The Regulatory Flood Protection Elevation in a Shaded X or X FIRM zone is 10' (NAVD 1988) or the natural grade elevation if the natural grade is greater than 10'.  
 3. The reference level for structures within Shaded X or X is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower with only flood resistant materials located below the reference level.  
 Subject Property zoning: RS1 (Single Family Residential District)  
 Building Setbacks:  
 Front - 25'  
 Side - 10'  
 Rear - 25'  
 Maximum Building Height: 35'

Notes from Town Chapter 150.002: Building Height:  
 Building Height - The vertical distance measured from the lowest rooftop of a building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present. Finished grade below the slab shall be established in accordance with the town's land-disturbing activities regulations. In cases where the regulatory flood protection elevation is higher than the average finished grade in AE, AD or X flood zones, the height measurement shall begin at the top of the slab at grade for enclosures, or from the top of the lowest floor above the regulatory flood protection elevation when no portion of the structure is located at grade, whichever is applicable, provided that the top of the lowest floor does not exceed two feet (2') above the regulatory flood protection elevation.  
 Existing Development:  
 Three story single family residential dwelling, wood frame on a concrete slab and pile foundation (5 bedrooms with 10 person wastewater occupancy) with an attached garage and swimming pool.  
 Proposed Lot Coverage:  
 Building - 2,288 sq.ft. (includes west covered deck)  
 Concrete driveway - 863 sq.ft.  
 Paver Driveway - 443 sq.ft. (No reduction taken)  
 Swimming pool concrete deck - 434 sq.ft.  
 Outdoor Shower (zone) = 18 sq.ft.  
 Total coverage = 4,050 sq.ft.  
 Lot area = 15,781 sq. ft.  
 Percent lot coverage = 25.7  
 Maximum lot coverage = 30%  
 Coverage exclusions:  
 Open composite deck east of pool deck = 438 sq.ft.  
 Pool pump stand = 34 sq.ft.  
 Swimming pool surface = 288 sq.ft.  
 Total area of exclusions = 760 sq.ft.  
 Paver Note: The perforated pavers in the driveway were installed to intercept water running down the drive to the roadway. The pavers were installed with stone base in accordance with the approved site plan however no coverage credit has been taken on this site-plan.

**STORMWATER CERTIFICATE:**  
 The already approved Stormwater Management plan was modified in the field to include roof gutters, a road slab drain and perforated pipe in gravel trenches and beds. The revisions have been verified to capture the 1.5" design storm with no off-site impacts to adjacent properties.  
 Witness my Original Signature, Registration Number and Seal this 8th Day of September, 2025.  
 Michael W. Robinson P.L.S. 09-09-2025 L-3154



**BUILDING HEIGHT CERTIFICATION:**  
**BUILDING HEIGHT NOTES:**  
 Building Height - The vertical distance measured from the lowest rooftop of the building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure.  
 Maximum Roof Height above garage slab = 34.2'  
 Maximum Building Height = 35.0'

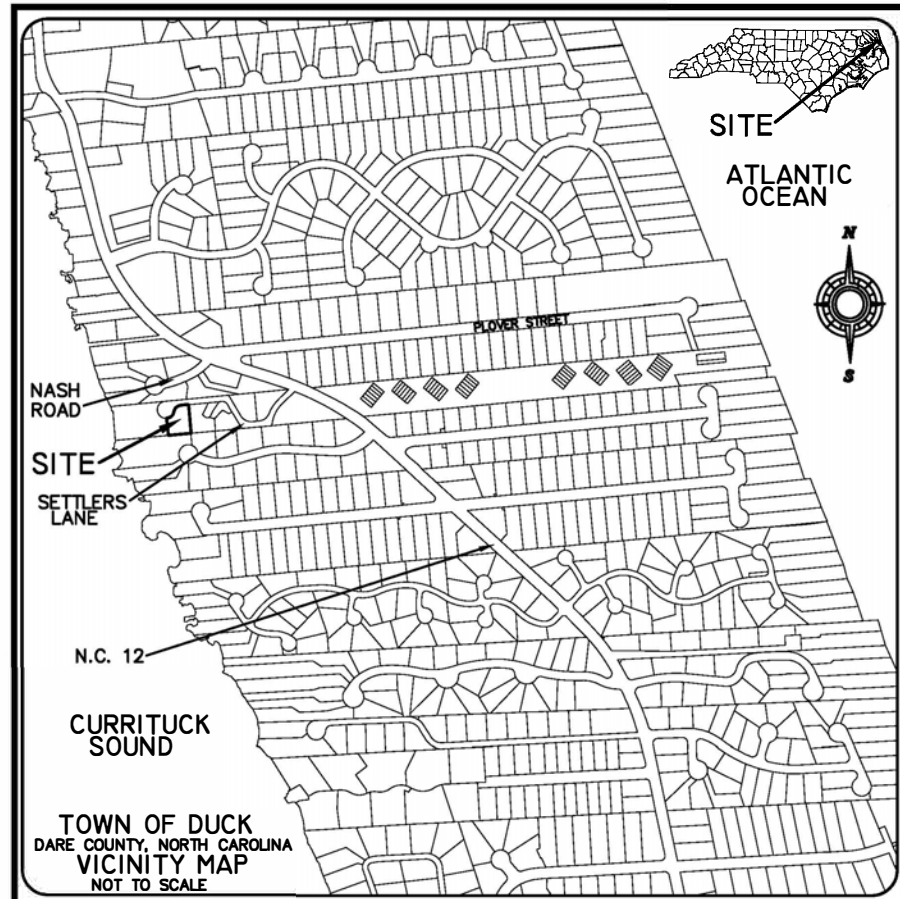
**MICHAEL W. ROBINSON, P.E., P.L.S.**  
 ENGINEERING AND SURVEYING  
 P.O. BOX 2852  
 KILL DEVIL HILLS, NC 27948  
 PHONE: 252-235-8026  
 EMAIL: mrobinson@mskengineering.com

NO.	DATE	DESCRIPTION	BY

PROJECT: **WISHNER FAMILY PARTNERS, LLC**  
**LOT 4R, FOUNDERS RIDGE REVISED**  
 NORTH CAROLINA  
 DARE COUNTY  
 TOWN OF DUCK  
**FINAL AS BUILT SURVEY**

DATE: 09-08-25  
 SCALE: 1"=20'  
 TOLERANCE: MHR  
 SHEET: 1 OF 1  
 CAD FILE:  
 PROJECT NO: 10220-1

016



**GENERAL NOTES:**  
 Subject property:  
 Lot 4R, Founders Ridge  
 Town of Duck, Dare County, NC  
 Street address: 109 Settlers Lane, Duck, NC 27949  
 Recorded reference: P.C. E SL. 223, D.B. 2570 PG. 0758  
 LOT AREA : 15,781 sq.ft.  
 Parcel: 028800002 PIN:9859 20 91 1780  
 FEMA Data: Community - Town of Duck, Dare County, NC  
 CID 370632 Panel- 9859 Suffix- K  
 Map Number 3720985900k  
 Effective date - 6/19/2020  
 FIRM Zone - X  
 Flood zones subject to change by FEMA  
 Town of Duck RFP = 10.0' NAVD 1988  
**Notes from Town Chapter 150: Flood Damage Prevention:**  
 1. The proposed dwelling depicted hereon lines in a X FIRM Zone.  
 2. The Regulatory Flood Protection Elevation in a Shaded X or X FIRM zone is 10' (NAVD 1988) or the natural grade elevation if the natural grade is greater than 10'.  
 3. The reference level for structures within Shaded X or X is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower with only flood resistant materials located below the reference level.  
 Subject Property zoning: RS1 (Single Family Residential District)  
 Building Setbacks:  
 Front - 25'  
 Side - 10'  
 Rear - 25'  
 Maximum Building Height: 35'

**Notes from Town Chapter 156.002: Building Height:**  
**Building Height** - The vertical distance measured from the tallest roofline of a building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present. Finished grade below the slab shall be established in accordance with the town's land-disturbing activities regulations. In cases where the regulatory flood protection elevation is higher than the average finished grade in AE, AO or X flood zones, the height measurement shall begin at the top of the slab at grade for enclosures, or from the top of the lowest floor above the regulatory flood protection elevation when no portion of the structure is located at grade, whichever is applicable, provided that the top of the lowest floor does not exceed two feet (2') above the regulatory flood protection elevation.

**Existing Development:**  
 Three story single family residential dwelling, wood frame on a concrete slab and piling foundation (5 bedrooms with 10 person wastewater occupancy) with an attached garage and swimming pool.

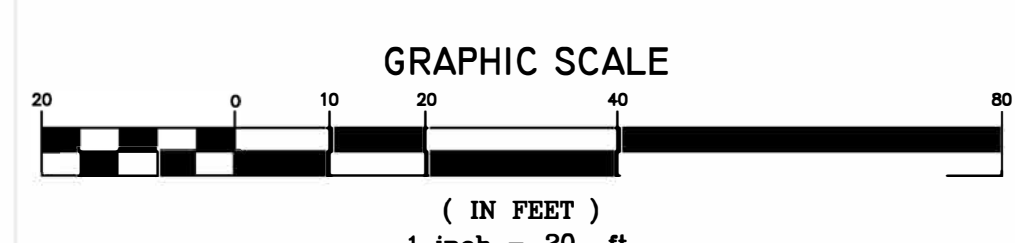
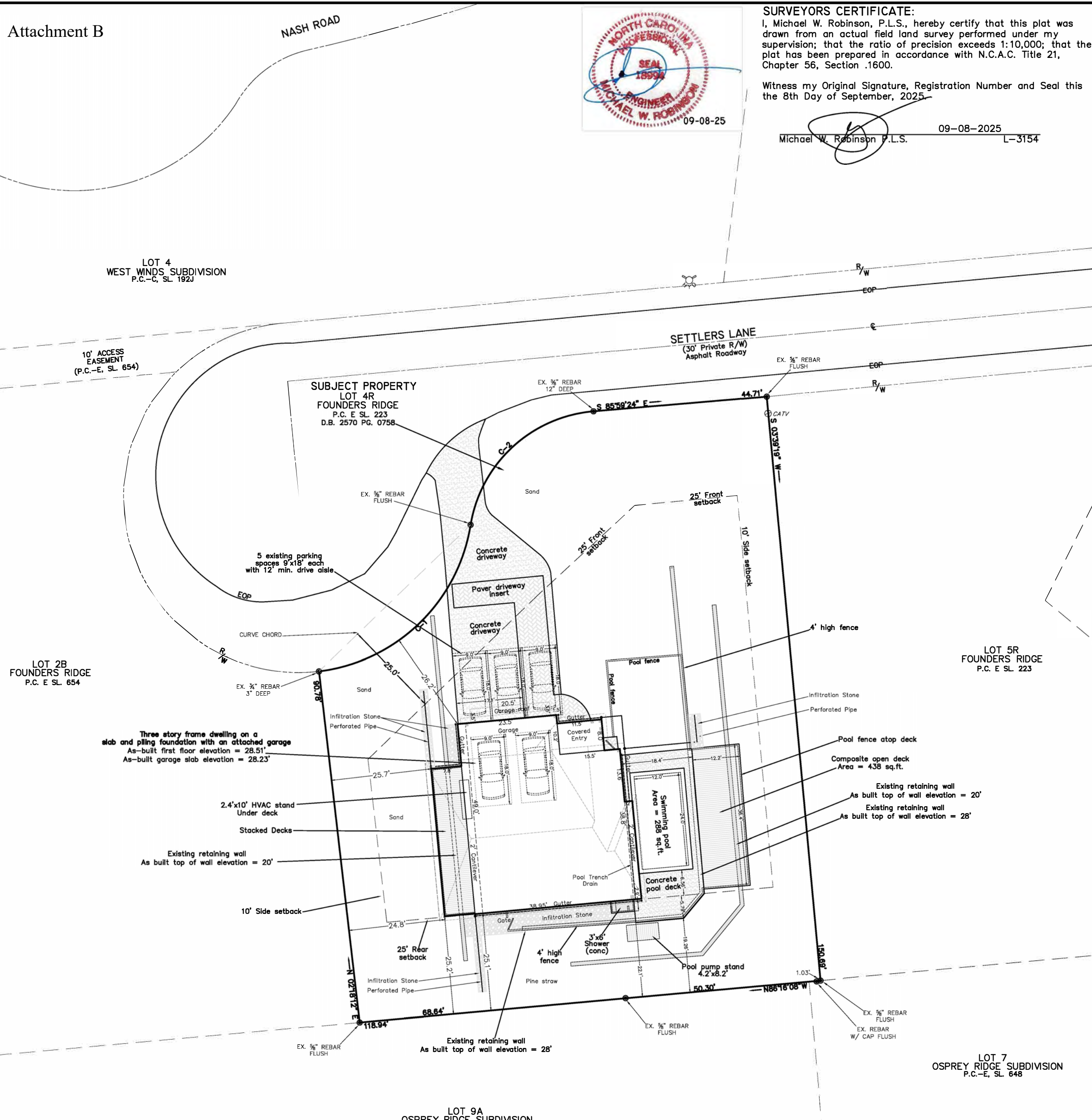
**Proposed Lot Coverage:**  
 Building - 2,288 sq.ft. (includes west covered deck)  
 Concrete driveway - 865 sq.ft.  
 Paver Driveway - 445 sq.ft. (No reduction taken)  
 Swimming pool concrete deck - 434 sq.ft.  
 Outdoor Shower (conc) = 18 sq.ft.  
 Total coverage = 4,050 sq.ft.  
 Lot area = 15,781 sq. ft.  
 Percent lot coverage = 25.7  
 Maximum lot coverage = 30%

**Coverage exclusions:**  
 Open composite deck east of pool deck = 438 sq.ft.  
 Pool pump stand = 34 sq.ft.  
 Swimming pool surface = 288 sq.ft.  
 Total area of exclusions = 760 sq.ft.

**Paver Note:** The perforated pavers in the driveway were installed to intercept water running down the drive to the roadway. The pavers were installed with stone base in accordance with the approved site plan however no coverage credit has been taken on this as-built.

**STORMWATER CERTIFICATE:**  
 The originally approved Stormwater Management plan was modified in the field to include roof gutters, a pool slot drain and perforated pipe in gravel trenches and beds. The revisions have been verified to capture the 1.5" design storm with no off-site impacts to adjacent properties.

Witness my Original Signature, Registration Number and Seal this the 8th Day of September, 2025  
 Michael W. Robinson P.E. 09-08-2025 NC 18994



**SURVEYORS CERTIFICATE:**  
 I, Michael W. Robinson, P.L.S., hereby certify that this plat was drawn from an actual field land survey performed under my supervision; that the ratio of precision exceeds 1:10,000; that the plat has been prepared in accordance with N.C.A.C. Title 21, Chapter 56, Section .1600.  
 Witness my Original Signature, Registration Number and Seal this the 8th Day of September, 2025  
 Michael W. Robinson P.L.S. 09-08-2025 L-3154

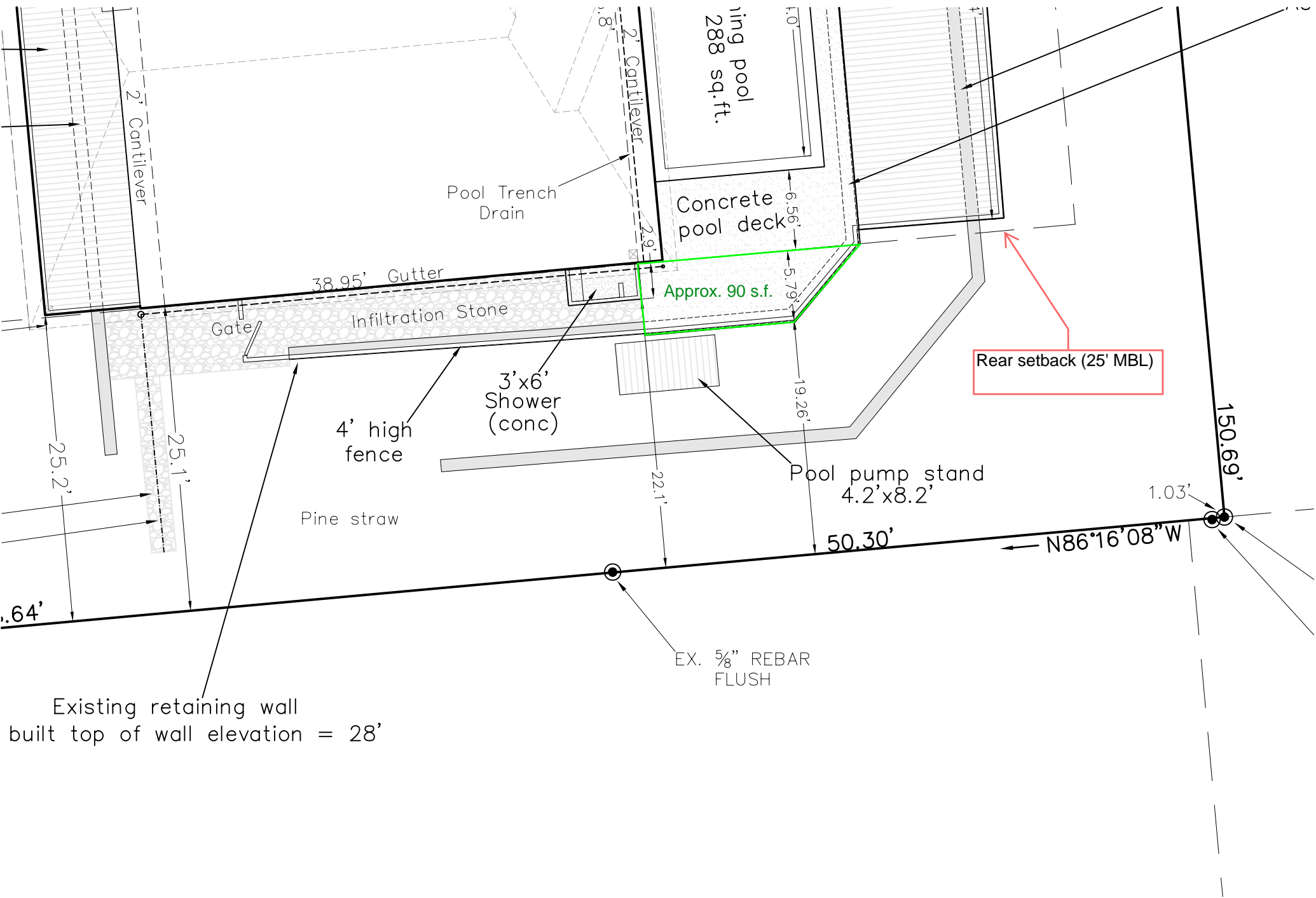
**BUILDING HEIGHT CERTIFICATION:**  
**BUILDING HEIGHT NOTES:**  
 Building Height - The vertical distance measured from the tallest roofline of the building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure.  
 Maximum Roof Height above garage slab = 34.22'  
 Maximum Building Height = 35.0'  
 Michael W. Robinson P.L.S. 03-14-25 L-3154



**MICHAEL W. ROBINSON, P.E., P.L.S.**  
**ENGINEERING AND SURVEYING**  
 P.O. BOX 2852  
 KILL DEVIL HILLS, NC 27948  
 PHONE: 252-255-8026  
 EMAIL: mrobinson@083engineering.com

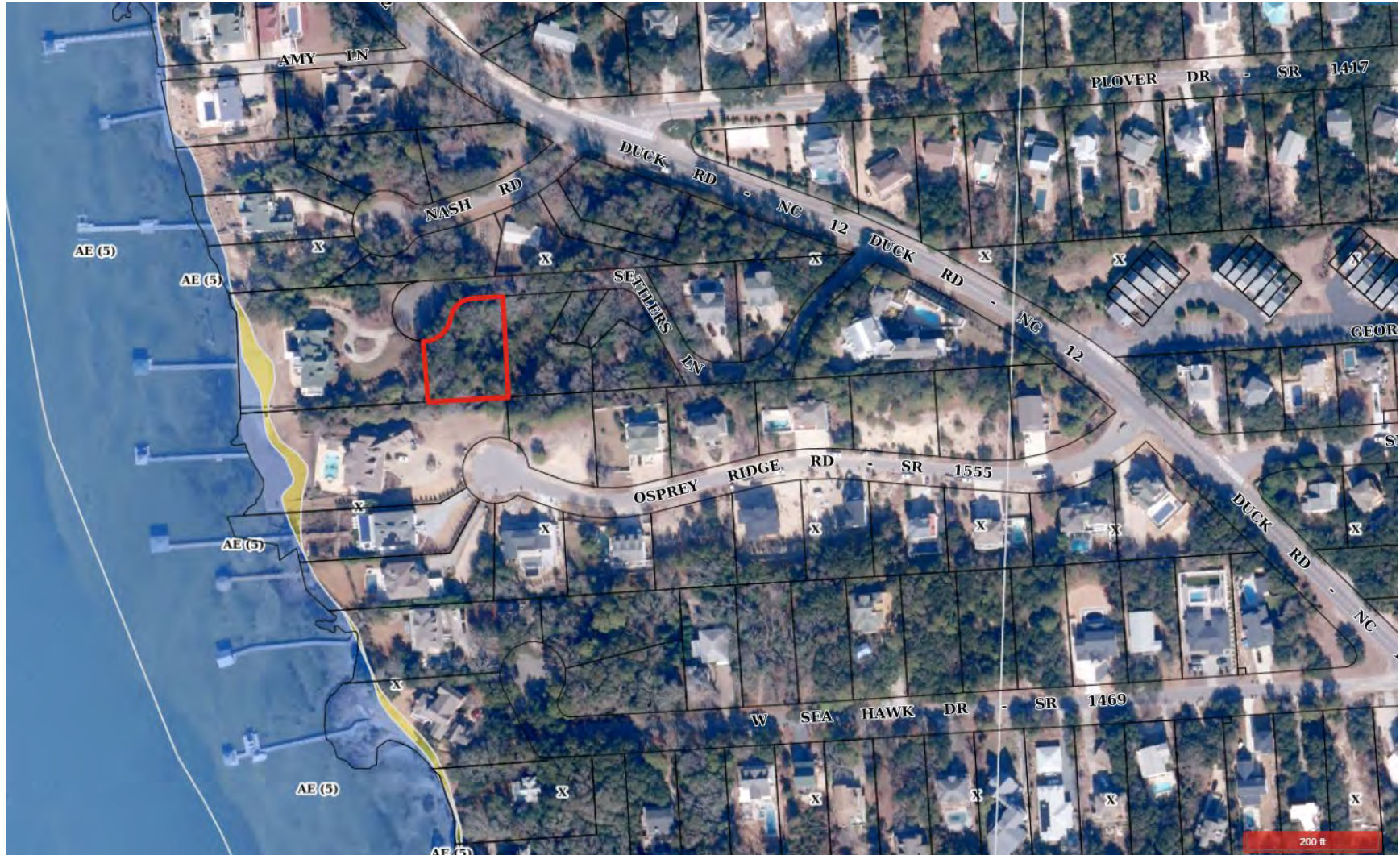
NO.	DATE	DESCRIPTION	BY
1	04-17-25	Add dimension to conc	MWR

**PROJECT:** WISHNER FAMILY PARTNERS, LLC  
**LOT 4R, FOUNDERS RIDGE REVISED**  
 TOWN OF DUCK DARE COUNTY NORTH CAROLINA  
**FINAL AS BUILT SURVEY**  
 DATE: 09-08-25 SCALE: 1"=20'  
 DRAWN: MWR APPROVED: MWR  
 SHEET: 1 OF 1  
 CAD FILE: 109 settlers ridge  
 PROJECT NO: 102020-1



# 109 Settlers Lane, Duck, NC 27949

Attachment D





Attachment D



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.

109 Settlers LN  
Duck NC, 27949  
Parcel: 028800002  
Pin: 985920911780

Owners: Wishner Family Partners Llc  
-Primary Owner

Building Value: \$1,077,400  
Land Value: \$377,400  
Misc Value: \$67,000  
Total Value: \$1,521,800

Tax District: Duck  
Subdivision: Founders Ridge  
Lot BLK-Sec: Lot: 4r Blk: Sec:  
Property Use: Residential  
Building Type: Beach Contemporary  
Year Built: 2025



Attachment E

Photo by Sandy Cross:  
Looking SW



**Attachment E**

**Photo by Sandy Cross:  
Looking South**



Attachment E

Photo by Sandy Cross:  
Looking NW



Attachment E

Photo by Sandy Cross:  
Looking East





**Town of Duck**  
 Department of Community Development  
 PO Box 8369  
 1200 Duck Road  
 Duck, NC 27949  
 (252) 255-1234

**Date Issued:**  
 10-24-2024  
**Permit #:**  
 B24-000217

**Building/Floodplain Development Permit**

**Project Address:** 109 SETTLERS Lane  
**Property Owner:** WISHNER FAMILY PARTNERS LLC  
**Property Owner Phone:** 571-213-7106

**PIN #:** 985920911780  
**Property Owner Mailing Address:** 24767 OAKTON HILLS DR  
 OAKTON, VA 22124  
**Property Owner Email Address:** mjwish1@gmail.com

**Contractor:**

**Company Name:** LDS Building and Design, LLC  
**Phone:** (727) 480-3523  
**Email:** david.floridaobx@gmail.com

**Contact Name:** David Maso  
**Address:** 1 Point Comfort Lane  
 Kitty Hawk, NC 27949

**Classification:** General Contractor  
**NC State License #:** 82094  
**Expiration Date:** 12/31/2023

**Description of Work:** New 5 BR SFD, pool with concrete surround and concrete/paver driveway.

**Use:** Single Family  
**Structure/Work Type:** Primary Structure: **1. New Construction**  
**Number of Bedrooms:** 5  
**Maximum Number of Occupants:** 10  
**Deck:** New  
**Demo:**  
**Pool/Hot Tub:** Pool + Portable Hot Tub  
**Accessory Building:**   
**Bukhead (L.F.):**  
**Pier (L.F.):**  
**House Moving:**

**Proposed Area Schedule (Sq.Ft.):** Heated: 3,646 Unheated: 1,556 Accessory Heated: 0 Accessory Unheated: 0

**Proposed Finished Grade (ft.):** N/A:  House: 28 Pool: 28 Driveway: 28 Parking: 28 Other: see grading plan

**Floodplain Development:** Flood Zone: Shaded X Existing Elevation: 26 Structure Value: Storage Below Existing Elevation:

RFPE: 10

**Vegetation Management (Sq.Ft.):** N/A:  Required Coverage: 2033 Area Preserved: 3000 Required Plantings: -967

Project Cost Estimate:	Building	Electrical	Mechanical	Plumbing	Gas	Other	Total
	\$989,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$6,000.00	\$0.00	\$1,100,000.00

**Permit Conditions:**

- Any change or changes in the plans for development, construction or land use activities will require a re-evaluation and modification of this permit.
- The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 am and 6 pm, Monday through Saturday is prohibited.
- Install properly toed-in erosion control fencing around perimeter of development prior to commencing work; maintain at all times.
- No land disturbing activity within 5 feet of property line. No grading activity may take place within 5 of any lot line, except as specifically authorized and shown on approved site plan to directly match adjacent grades. Slope of any fill areas from toes of the slope to the final ground elevations can be no greater than 3:1. All fill slopes must be installed so that the toe of the slope matches the existing grade no closer than five feet to any lot line.
- Foundation survey required.
- Pool fence height limited to six (6) feet above adjacent grade.
- Exterior light fixtures must be fully shielded consistent with Town Code 156.133 so as to minimize light spill across property lines, and prevent glare at any location on or off the property.
- Owner to provide certification at the completion of project, prior to CO, that artificial turf and/or permeable pavers have been installed as per manufacturer's specification and maintenance will be conducted as suggested in those specifications. *[Signature]* (initial).
- Height certificate and Final As-Built Survey with Updated Coverage Breakdown required prior to pre-final inspection.
- Conditions associated with SUP24-005 apply.

This permit is issued on the expressed condition that all information is correct and all work will comply with the State Building Code and all other applicable State and Local laws, ordinances and regulations. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. **Please be advised that the permit is not valid until the signed permit along with payment have been received by our office.**

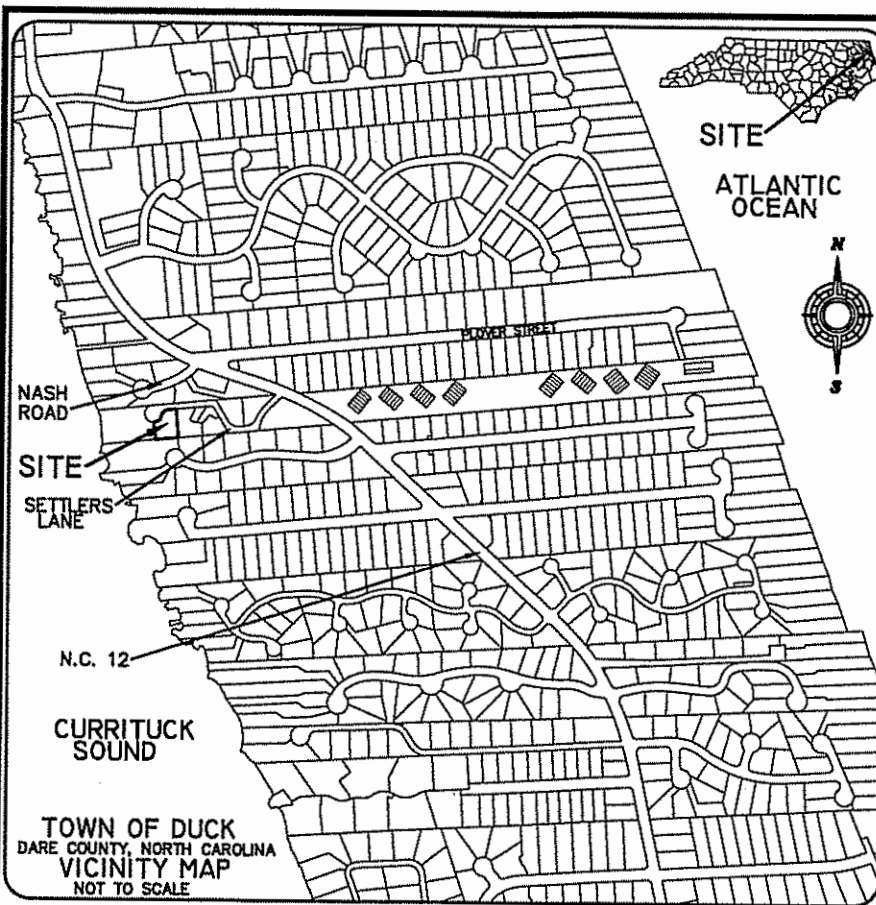
*[Signature]*

10/22/24

Applicant Signature

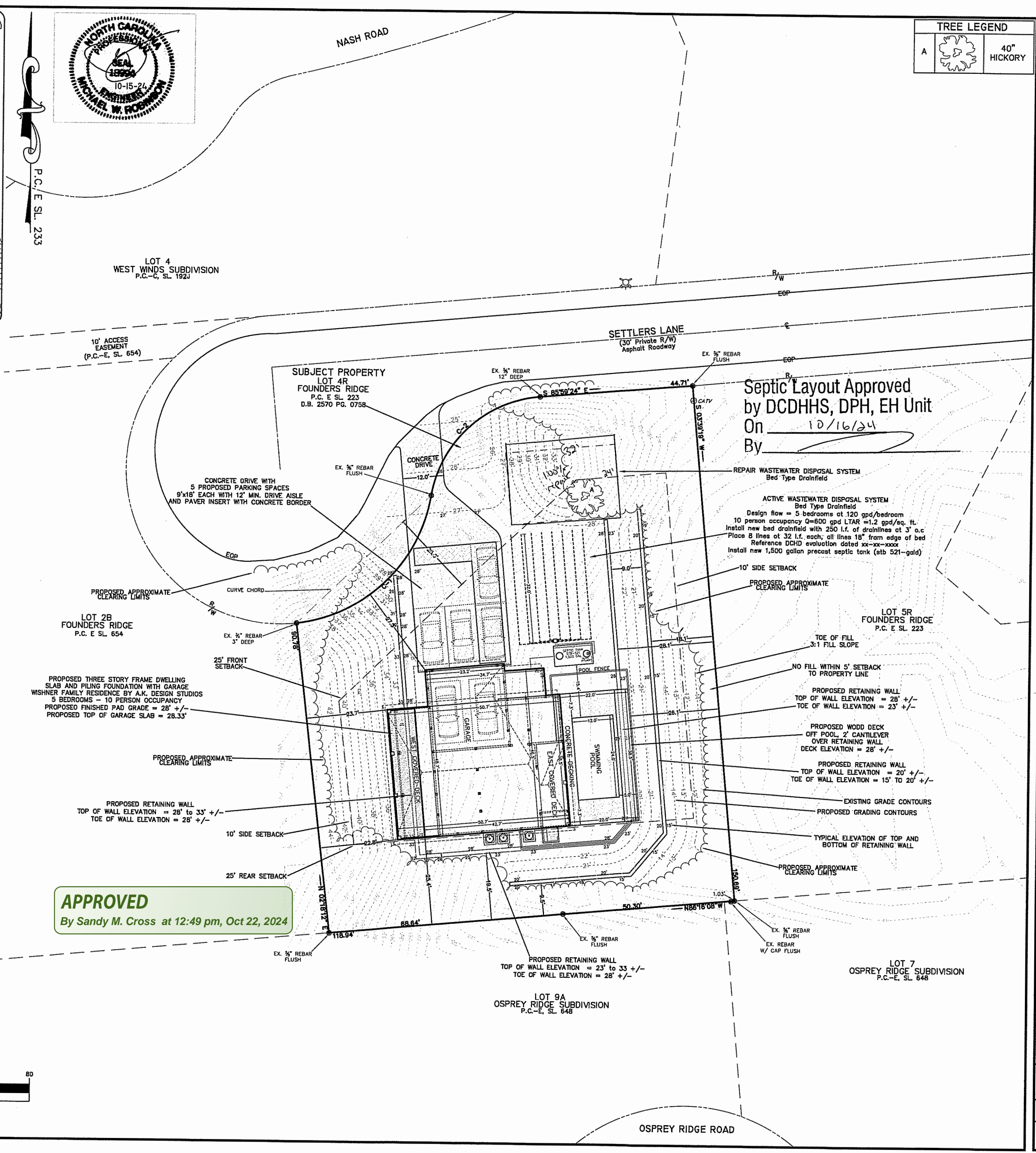
Date

I have read and understand the permit conditions listed above.



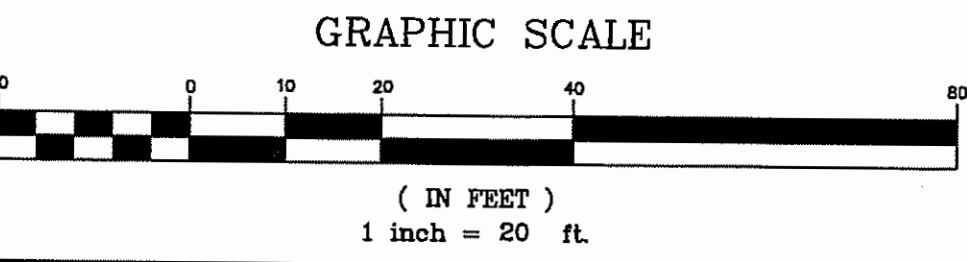
TREE LEGEND	
A	40" HICKORY

**GENERAL NOTES:**  
**SUBJECT PROPERTY:**  
 LOT 4R, FOUNDERS RIDGE  
 TOWN OF DUCK, DARE COUNTY, NC  
 STREET ADDRESS: 109 SETTLERS LANE, DUCK, NC 27949  
 RECORDED REFERENCE: P.C. E SL. 223, D.B. 2570 PG. 0758  
 LOT AREA : 15,781 sq. ft.  
 Parcel: 028800002 PIN:9859 20 91 1780  
 FEMA DATA: COMMUNITY - TOWN OF DUCK, DARE COUNTY, NC  
 CID 370632 PANEL- 9859 SUFFIX- K  
 MAP NUMBER 3720985900K  
 EFFECTIVE DATE - 6/19/2020  
 FIRM ZONE - X  
 FLOOD ZONES SUBJECT TO CHANGE BY FEMA  
**TOWN OF DUCK RFPE = 10.0' NAVD 1988**  
**Notes from Town Chapter 150: Flood Damage Prevention:**  
 1. The proposed dwelling depicted hereon lines in a X FIRM Zone.  
 2. The Regulatory Flood Protection Elevation in a Shaded X or X FIRM zone is 10' (NAVD 1988) or the natural grade elevation if the natural grade is greater than 10'.  
 3. The reference level for structures within Shaded X or X is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower with only flood resistant materials located below the reference level.  
**SUBJECT PROPERTY ZONING: RS1 (SINGLE FAMILY RESIDENTIAL DISTRICT)**  
**BUILDING SETBACKS:** FRONT - 25'  
 SIDE - 10'  
 REAR - 25'  
**PROPOSED DEVELOPMENT: 5 BEDROOM RESIDENTIAL DWELLING (SF)**  
**FRAME STRUCTURE ON SLAB FOUNDATION WITH ATTACHED GARAGE**  
**MAXIMUM BUILDING HEIGHT: 35'**  
**Notes from Town Chapter 156.002: Building Height:**  
**Building Height -** The vertical distance measured from the tallest roofline of a building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present. Finished grade below the slab shall be established in accordance with the town's land-disturbing activities regulations. In cases where the regulatory flood protection elevation is higher than the average finished grade in AE, AO or X flood zones, the height measurement shall begin at the top of the slab at grade for enclosures, or from the top of the lowest floor above the regulatory flood protection elevation when no portion of the structure is located at grade, whichever is applicable, provided that the top of the lowest floor does not exceed two feet (2') above the regulatory flood protection elevation.  
**PROPOSED BUILDING COVERAGE:**  
 BUILDING - 2,272 sq.ft.  
 CONCRETE DRIVEWAY - 1,095 sq.ft.  
 (Less 344 sq.ft. of paver parking)  
 SWIMMING POOL SURFACE AREA - 288 sq.ft.  
 SWIMMING POOL CONCRETE DECK - 509 sq.ft.  
 MECH. STANDS - 49 sq.ft.  
 TOTAL COVERAGE = 4,235 sq.ft.  
 LOT AREA = 15,781 sq. ft.  
 PERCENT LOT COVERAGE = 26.8  
 MAXIMUM LOT COVERAGE = 30%  
**SURVEY REFERENCE:**  
 Survey data from a survey by Styons Surveying Services, M. Douglas Styons Jr. P.L.S. The survey is titled "Wishner Family Partners, LLC, Lot 4r, Founders Ridge, Duck". The plat is dated March 04, 2024 with file number 24-063.  
**Notes from Survey:**  
 Current Owner: Wishner Family Partners, LLC  
 Address: 109 Settlers Lane  
 Area Lot 4R= 15,781 sq.ft.  
 All distances shown are horizontal ground distances.  
 Setbacks shown are as per the Subd. Plat and as per Zoning; they do not reflect any Restrictive Covenants that may exist.  
 A 10 Utility Easement has been reserved along all lot lines.



Septic Layout Approved  
 by DCDHHS, DPH, EH Unit  
 On 10/16/24  
 By

**APPROVED**  
 By Sandy M. Cross at 12:49 pm, Oct 22, 2024



REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT: **WISHNER FAMILY PARTNERS, LLC**  
**LOT 4R, FOUNDERS RIDGE REVISED**  
 NORTH CAROLINA  
 DARE COUNTY  
 TOWN OF DUCK  
**SITE PLAN**

DATE: 10-15-24	SCALE: 1"=20'
DRAWN: MWR	APPROVED: MWR
SHEET: 1 OF 3	
CAD FILE: 109 settlers ridge	
PROJECT NO: 102020-1	

**MICHAEL W. ROBINSON, P.E., P.L.S.**  
**ENGINEERING AND SURVEYING**  
 P.O. BOX 2852  
 KILL DEVIL HILLS, NC 27948  
 PHONE: 252-255-8026  
 EMAIL: mrobinson@obxengineering.com



**Town of Duck**  
 Department of Community Development  
 PO Box 8369  
 1200 Duck Road  
 Duck, NC 27949  
 (252) 255-1234

**Attachment G**

**Date Issued:**  
 7/7/2025  
**Permit #:**  
 B25-000209

**Building/Floodplain Development Permit**

**Project Address:** 109 SETTLERS Lane

**Property Owner:** WISHNER FAMILY PARTNERS LLC

**Property Owner Phone:** 571-213-7106

**PIN:** 985920911780

**Property Owner Mailing Address:** 24767 OAKTON HILLS DR  
 OAKTON, VA 22124

**Property Owner Email Address:** mjwish1@gmail.com

**Contractor:**

**Company Name:** LDS Building and Design, LLC  
**Phone:** (727) 480-3523  
**Email:** david.floridaobx@gmail.com

**Contact Name:** David Maso  
**Address:** 1 Point Comfort Lane  
 Kitty Hawk, NC 27949

**Classification:** General Contractor  
**NC State License #:** 82094  
**Expiration Date:**

**Description of Work:** Pile supported wooden pool deck extension over retaining walls.

**Use:**  
 Single Family

**Structure/Work Type:**  
**Primary Structure:** 1.New Construction  
**Number of Bedrooms:**  
**Maximum Number of Occupants:**  
**Deck:** New  
**Demo:**

**Pool/Hot Tub:**  
**Accessory Building:**  
**Bukhead (L.F.):**  
**Pier (L.F.):**  
**House Moving:**

**Permit Amount:**  
 \$ 386.00

<b>Proposed Area Schedule (Sq.Ft.):</b>	Heated:	Unheated: 480	Accessory Heated:	Accessory Unheated:
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<b>Proposed Finished Grade (ft.):</b>	N/A:	House:	Pool:	Driveway:	Parking:	Other:
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<b>Floodplain Development:</b>	Flood Zone: Shaded X	Existing Elevation: 28	Structure Value:	Storage Below Existing Elevation:
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RFPE: 10

<b>Vegetation Management (Sq.Ft.):</b>	N/A:	Required Coverage: N/A	Area Preserved: N/A	Required Paintings: N/A
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<b>Project Cost Estimate:</b>	<b>Building</b>	<b>Electrical</b>	<b>Mechanical</b>	<b>Plumbing</b>	<b>Gas</b>	<b>Other</b>	<b>Total</b>
	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,000.00

**Permit Conditions:**

- Any change or changes in the plans for development, construction or land use activities will require a re-evaluation and modification of this permit.
- The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 am and 6 pm, Monday through Saturday is prohibited.
- All principal and accessory structures must meet MBL setbacks.
- Work started without a permit issued double permit fees.
- Stabilize all disturbed areas prior to CO.
- Provide Final As-Built Survey with Updated Coverage Breakdown.
- Call for final inspection once stabilization has been completed.

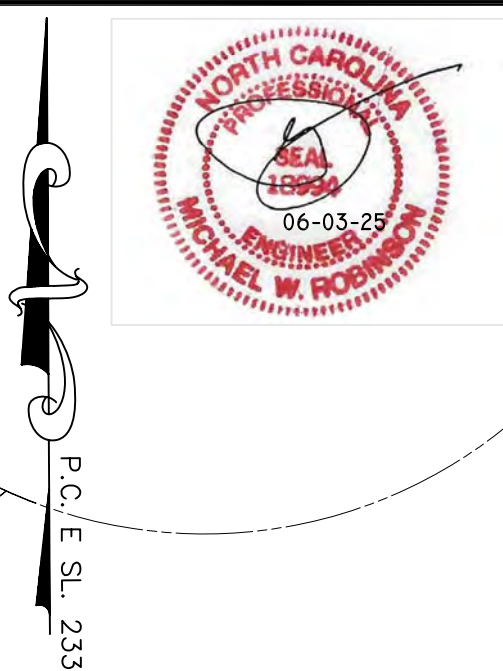
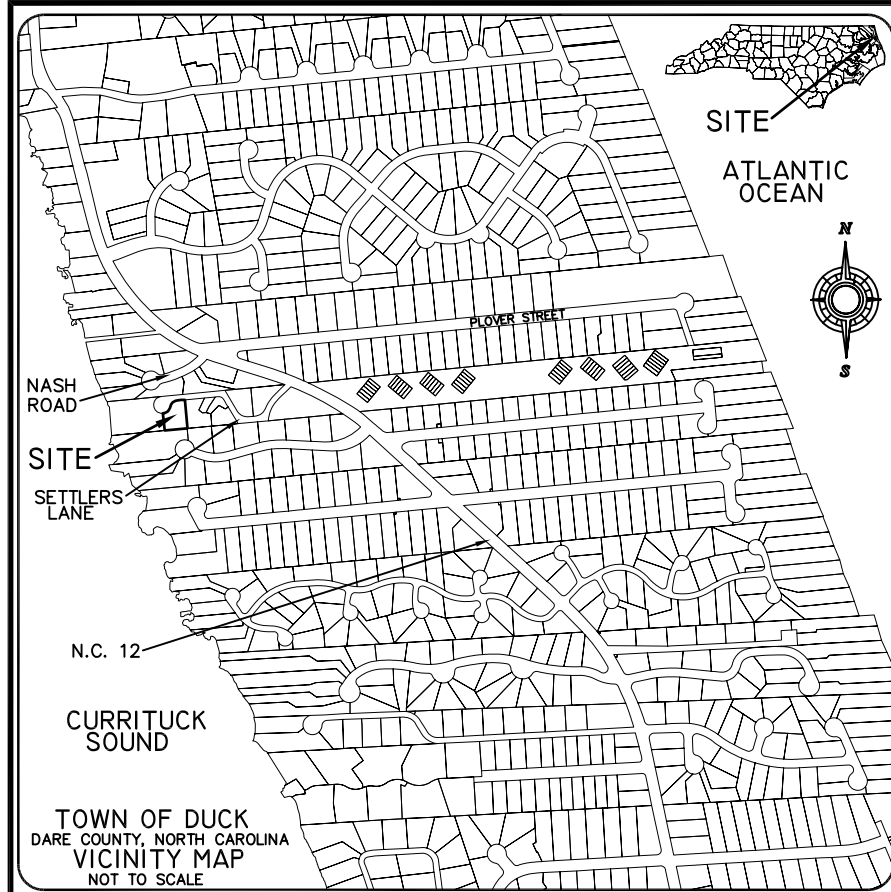
This permit is issued on the expressed condition that all information is correct and all work will comply with the State Building Code and all other applicable State and Local laws, ordinances and regulations. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. **Please be advised that the permit is not valid until the signed permit along with payment has been received by our office.**

Applicant Signature

7/7/25

Date

I have read and understand the permit conditions listed above.



**APPROVED**  
By James Gould at 1:52 pm, Jul 03, 2025

**GENERAL NOTES:**

**SUBJECT PROPERTY:**  
 LOT 4R, FOUNDERS RIDGE  
 TOWN OF DUCK, DARE COUNTY, NC  
 STREET ADDRESS: 109 SETTLERS LANE, DUCK, NC 27949  
 RECORDED REFERENCE: P.C. E SL. 223, D.B. 2570 PG. 0758  
 LOT AREA : 15,781 sq. ft.  
 Parcel: 028800002 PIN:9859 20 91 1780  
 FEMA DATA: COMMUNITY - TOWN OF DUCK, DARE COUNTY, NC  
 CID 370632 PANEL- 9859 SUFFIX- K  
 MAP NUMBER 3720985900K  
 EFFECTIVE DATE - 6/19/2020  
 FIRM ZONE - X  
 FLOOD ZONES SUBJECT TO CHANGE BY FEMA  
**TOWN OF DUCK RFPE = 10.0' NAVD 1988**

*Notes from Town Chapter 150: Flood Damage Prevention:*  
 1. The proposed dwelling depicted hereon lies in a X FIRM Zone.  
 2. The Regulatory Flood Protection Elevation in a Shaded X or X FIRM zone is 10' (NAVD 1988) or the natural grade elevation if the natural grade is greater than 10'.  
 3. The reference level for structures within Shaded X or X is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower with only flood resistant materials located below the reference level.

**SUBJECT PROPERTY ZONING:** RS1 (SINGLE FAMILY RESIDENTIAL DISTRICT)  
**BUILDING SETBACKS:** FRONT - 25'  
 SIDE - 10'  
 REAR - 25'

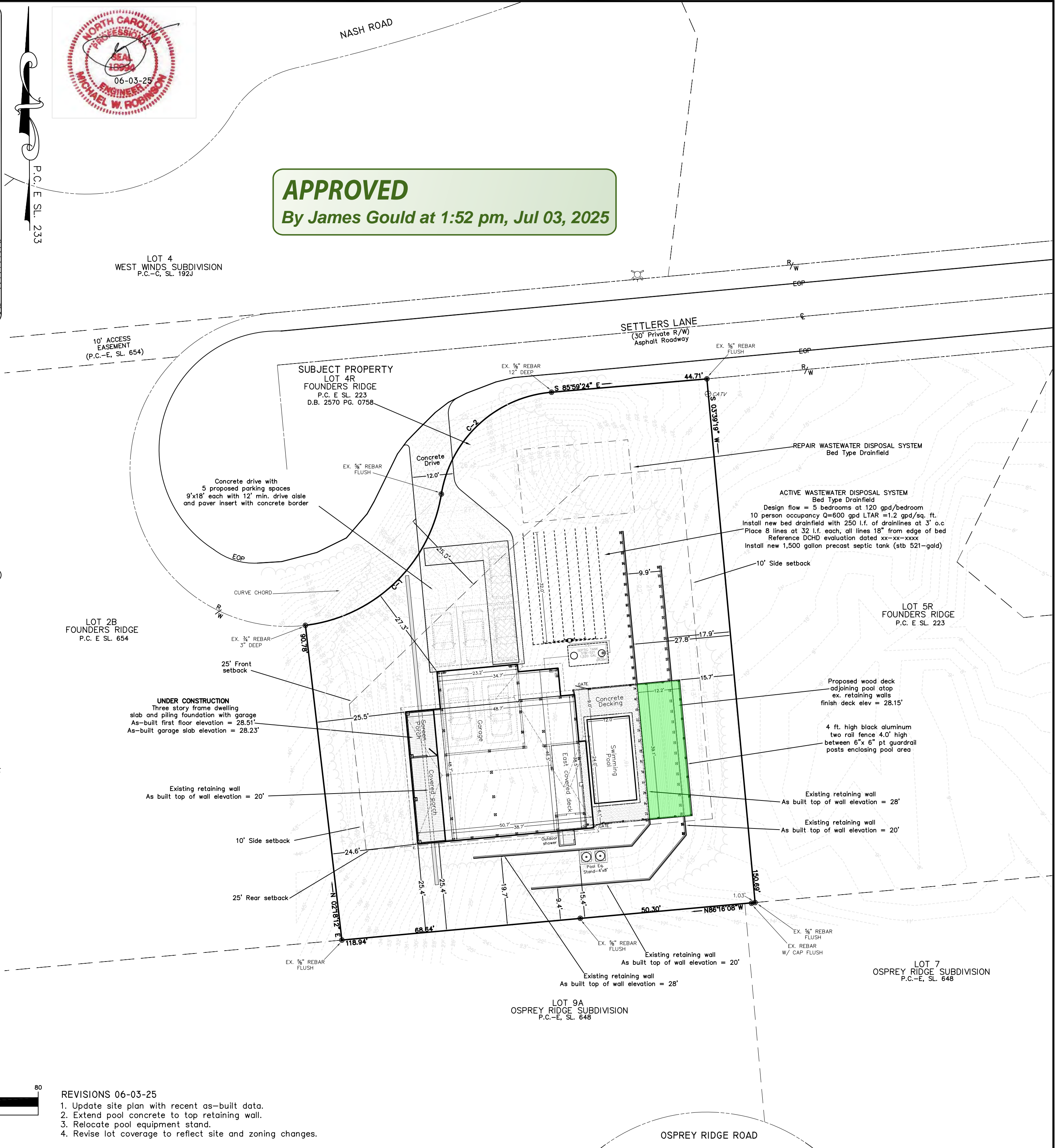
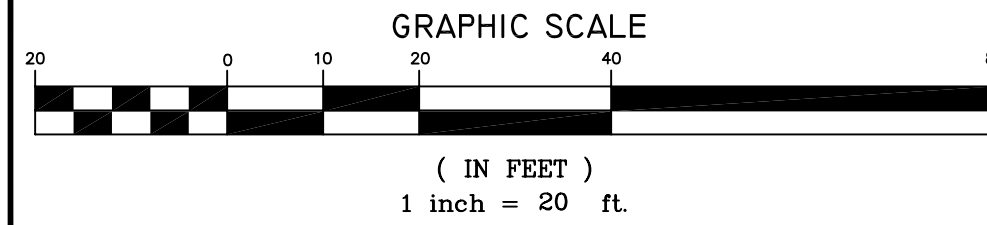
**PROPOSED DEVELOPMENT:** 5 BEDROOM RESIDENTIAL DWELLING (SF)  
 FRAME STRUCTURE ON SLAB FOUNDATION  
 WITH ATTACHED GARAGE  
**MAXIMUM BUILDING HEIGHT:** 35'

*Notes from Town Chapter 156.002: Building Height:*  
**Building Height** - The vertical distance measured from the tallest roofline of a building (not counting chimneys and similar features subject to exception) to the top of the slab at the approximate center of the structure or to the average finished grade where no slab is present. Finished grade below the slab shall be established in accordance with the town's land-disturbing activities regulations. In cases where the regulatory flood protection elevation is higher than the average finished grade in AE, AO or X flood zones, the height measurement shall begin at the top of the slab at grade for enclosures, or from the top of the lowest floor above the regulatory flood protection elevation when no portion of the structure is located at grade, whichever is applicable, provided that the top of the lowest floor does not exceed two feet (2') above the regulatory flood protection elevation.

**PROPOSED BUILDING COVERAGE:**  
 BUILDING - 2,272 sq.ft.  
 CONCRETE DRIVEWAY - 1,095 sq.ft.  
 (Less 344 sq.ft. of paver parking)  
 SWIMMING POOL SURFACE AREA - n/a sq.ft.  
 SWIMMING POOL CONCRETE DECK - 413 sq.ft.  
 MECH. STANDS - 32 sq.ft.  
 TOTAL COVERAGE = 3,812 sq.ft.  
 LOT AREA = 15,781 sq. ft.  
 PERCENT LOT COVERAGE = 24.2  
 MAXIMUM LOT COVERAGE = 30%

**SURVEY REFERENCE:**  
 Survey data from a survey by Styons Surveying Services, M. Douglas Styons Jr. P.L.S. The survey is titled "Wishner Family Partners, LLC, Lot 4r, Founders Ridge, Duck". The plot is dated March 04, 2024 with file number 24-063.

**Notes from Survey:**  
 Current Owner: Wishner Family Partners, LLC  
 Address: 109 Settlers Lane  
 Area Lot 4R= 15,781 sq.ft.  
 All distances shown are horizontal ground distances.  
 Setbacks shown are as per the Subd. Plat and as per Zoning; they do not reflect any Restrictive Covenants that may exist.  
 A 10 Utility Easement has been reserved along all lot lines.



- REVISIONS 06-03-25**
1. Update site plan with recent as-built data.
  2. Extend pool concrete to top retaining wall.
  3. Relocate pool equipment stand.
  4. Revise lot coverage to reflect site and zoning changes.

**MICHAEL W. ROBINSON, P.E., P.L.S.**  
 ENGINEERING AND SURVEYING  
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 EMAIL: mrobinson@OBXengineering.com

REVISIONS		
NO.	DATE	DESCRIPTION

**PROJECT:** WISHNER FAMILY PARTNERS, LLC  
**LOT 4R, FOUNDERS RIDGE REVISED**  
 TOWN OF DUCK  
 DARE COUNTY  
 NORTH CAROLINA  
**REVISED SITE PLAN**

DATE:	06-03-25	SCALE:	1"=20'
DRAWN:	MWR	APPROVED:	MWR
SHEET:	1	OF	3
CAD FILE:	109 settlers ridge		
PROJECT NO:	102020-1		



**ORDER DENYING A VARIANCE**  
**109 Settlers Lane**

The Board of Adjustment for the Town of Duck, having held a public hearing on May 26, 2026 to consider application number BOV-2026-002 submitted by Wishner Family Partners LLC, a request for a variance to use the property located at 109 Settlers Lane in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

- 1. It is the Board's CONCLUSION that unnecessary hardship would NOT result from the strict application of the ordinance. This conclusion is based on the following FINDINGS OF FACT:**
  - a. Section 156.030(D)(5) of the Town Code establishes a 25-foot (25') minimum setback for structures from the rear property line. The existing location of concrete pool deck is 19.26 feet (19.26') from the rear property line; encroaching 5.79 feet (5.79') into the required 25-foot (25') rear setback.
  - b. Enforcement of the rear setback requirement and required removal of the encroaching concrete pool deck would allow for 6.56 feet (6.56') of remaining concrete pool deck along the southern border of the pool and a hardship does not exist to support the expansion.
  
- 2. It is the Board's CONCLUSION that the hardship does NOT result from conditions that are peculiar to the subject property, such as location, size, or topography. This conclusion is based on the following FINDINGS OF FACT:**
  - a. The undeveloped lot presented significant topographic challenges which were alleviated by the use of retaining walls and fill approved in SUP 24-005. Consequently, the proximity and height of the retaining walls created a relatively level grade in the area of focus now covered by concrete pool decking.
  - b. The location of the existing residence, swimming pool, pool deck, and septic system are not unique characteristics of the subject property and do not contribute to the difficulty of removing the concrete pool deck from within the rear yard setback.

**3. It is the Board's CONCLUSION that the hardship resulted from actions taken by the applicant or the property owner. This conclusion is based on the following FINDINGS OF FACT:**

- a. The specific need for the variance was created by the applicants and their contractor by failing to propose, or apply for a Development Permit, to add the southern extension of the concrete pool deck. While a Development Permit was issued in a similar time frame for the eastern expansion of a piling supported deck, the concrete extension to the south was not proposed.

**4. It is the Board's CONCLUSION that the requested variance is NOT the minimum variance that will make possible the reasonable use of the land, building, or structure. This conclusion is based on the following FINDINGS OF FACT:**

- a. Staff notes that the requested variance is the minimum necessary to allow the concrete pool deck extension to remain in its current configuration and location. However, there are other options including removal and replacement with alternative materials that will eliminate the need for a variance.
- b. The lack of the concrete pool deck extension does not prevent reasonable use of the pool area, house, or property or cause a significant hardship to the applicant.

**5. It is the Board's CONCLUSION that granting the variance will be in harmony with the general purpose and intent of the Zoning Ordinance. This conclusion is based on the following FINDINGS OF FACT:**

- a. The Town of Duck has adopted minimum structure setbacks as shown in Sec. 156.030(D)(3) in accordance with our comprehensive plan to help ensure safety from fire, prevent the overcrowding of land and give reasonable consideration to the expansion and development within the town so as to provide for its orderly growth and development.
- b. The concrete pool deck expansion is located approximately 125 feet from the residence to the southwest, 220 feet to the residence to the west. The lots to the east and southeast currently remain undeveloped. Fire related risks resulting from the installation of the concrete pool deck appear minimal and fire separation appears adequate between structures at this time.
- c. The concrete pool deck extension is inconsistent with Sec. 156.012 Yard Requirements, as it encroaches on the rear yard setback. The intent of section is to prohibit structures from within the setback areas.

**6. It is the Board's CONCLUSION that granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This conclusion is based on the following FINDINGS OF FACT:**

- a. The elevated location of the concrete pool deck extension located in the rear of the residence make it minimally visible from one developed adjoining property.

- b. The undeveloped lot to the east and the orientation of current structures to the west and southwest make it difficult to gauge the current impacts of the concrete pool deck extension. However, the existing vegetative buffers and feet of separation between developed lots lead staff to determine impacts will be minimal.

THEREFORE, on the basis of failure to make the finding required in Numbers 1, 2, 3, 4, and 5 above, IT IS ORDERED that the application for a VARIANCE be **DENIED**.

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman

*NOTE: Each decision of the Board is subject to review by the superior court by proceedings in the nature of certiorari. If an aggrieved party is dissatisfied with the decision of this Board, a petition may be filed with the clerk of superior court by the later of thirty (30) days after the decision is effective or after a written copy is delivered to the person or entity whose variance application was the subject of the hearing.*