

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, November 20, 2024, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida;

Board members present were: Sonya Mallard, Vice Chair (D1); Steve Holmberg (D3); Dr. Joanna Bass (D4); and Bill Huffman, Chair (D5);

Staff members present were: Greg Hughes, Assistant County Attorney; Billy Prasad, Deputy Director (Planning and Development); Jeffrey Ball, Zoning Manager; Paul Body, Senior Planner; Desiree Jackson, Planner; and Yovanca Rijo, Digital Reporter (Esquire)

The meeting was called to order at 1:30 p.m.

Approval of October 16, 2024, Minutes

Corrections to minutes are to be noted. Motion by Bill Huffman to approve the minutes of the October 16, 2024, meeting, with the corrections seconded by Joanna Bass. The motion passed unanimously.

Item H.1. Luz Nogueroles requests a variance for a barn in an AU zoning classification. (24V00036) (Tax Account 2509830) (District 2)

Paul body read the item into the record.

Luz Nogueroles explained the purpose of the request. They would wish to eventually split the 5 acre lot into a 1 acre lot and a 4 acre flag lot. When doing so they came to realize that the barn does not have the 50 ft of setback from the 1 acre lot. They are requesting this variance to not have to reduce the property further. They did roofing and other repairs on the barn. She stated that they have had it since the 80s. They are requesting for a 16 ft variance to the setback. It is for family purposes and not intended to be sold. "We just want to keep it and do agricultural on one side and to have the house separate from the 4 acre lot" she said. She says they are requesting an RR-1.

Bill Huffman asked for clarification of the purpose of the request.

Ms. Nogueroles explained and stated that the barn currently sits 34 ft from the new proposed lot line. To move or rebuild the barn would be extremely expensive and lead to possible collapse of the structure.

Mr. Huffman noted seeing other nearby buildings and asked what is on the other side. He then said "You said you are not intending to sell it. So why are you not..."

Ms. Nogueroles reiterated the intended use to be for family purposes. They bought this as a family and wish to dedicate the flag lot for agricultural purposes.

Mr. Huffman asked about the next closest facility or structure on the other side of boundary of the barn.

Ms. Nogueroles noted it to be a stable. She said it is 64 ft.

Sonya Mallard asked about the ownership of the stable.

Ms. Nogueroles confirmed she is the owner.

Steven Holmberg asked "does the stable have utilities and is it on a foundation?"

Ms. Nogueroles noted the barn has its own separate utility box ,separate from the house, and is on a foundation.

No public comment.

Motion to approve item H.1. as depicted on the survey dated 6/14/ 2024 by Sonya Mallard, seconded by Steven Holmberg. The motion passed unanimously.

Item H.2. Bobby Sweet requests variances for a dock in an RU-1-11 zoning classification. (24V00037) (Tax Account 2431932) (District 2)

Paul Body read the item into the record.

Bobby Sweet explained the purpose of the request. He distributed documents and referred to them as he spoke. He noted “so when I started the dock originally, I approached the County. They told me they did not govern my canal. I was sent to DEP, which I contacted. Then they said do you have dock. Yes I do. And then when I bought the house there was a dock there. So in good faith I had a dock. DEP said if you are not changing it by 220 sq ft you do not need anything. I moved forward. Neighbor turned me in. And then I started dealing with Code Enforcement from that part on.” He referred to the taxes that have been paid on the subject property. He said he built within that area based on tax records. One of the documents he referred to as a survey that he claims stated “at the end of a canal according to Florida Law I am entitled to a line of equal access to the canal which would come out 45 degrees from the corner lot.” He further went on to say “the planning that’s told me that I can have 2 ft by 2 ft. which is about enough to stand on”. He then referred to a picture and stated it “would have to go away down to 2 ft by 2 ft by the pile on.” Mr. Sweet then spoke of paid taxes in regards to his 20 ft seawall. He is requesting to be able to make use of his canal and seawall.

Jeffrey Ball clarified the purposes of the variances and stated “What you all are hearing today are two variances. One is for the east setback to allow from the percent variance on the east side. And the same variance on the west side for the side setback. The variances before you have nothing to do with how far the dock can go out into the canal.”

Bobby Sweet noted the importance of knowing what he has done. Mr. Sweet said “ I was told a second time when I walked into the office later this year for a building permit that the county did not govern that canal.” He claimed to be requesting to be able to make use of his canal, existing dock, and seawall.

Bill Huffman asked what the code enforcement case was in relation to.

Mr. Body said it was turned in because of the dock being over the extensions of the side property lines.

Bobby Sweet said “the County is applying parallel line application and not taking into consideration of it being on a corner. The Surveyor, again 45 years experience working with the County, said that the State allows for 45 degree to the center of the canal to have use of that canal for me at the end of the canal. That parallel line that is applied to parallel property lines does not apply in this situation of a corner lot.” Mr. Sweet also said he never agreed to remove what’s there.

Mr. Body replied “we have a survey here that you signed that you said you would remove this up to the property lines extensions.”

Bobby sweet noted “before the variance...correct.”

Bill Huffman asked “so what more action today will cure that?”

Paul body replied “he will be going all the way to the property line extensions. That is what he is asking for.”

No public comment.

Mr. Sweet requested clarification on Mr. Body’s comment “about getting this variance. About how it won’t allow the existing 5 ft..”

Mr. Huffman said that is going to be separate and out of this session.

Jeffrey Ball said “the survey shows there is a very small portion of the dock that is over the projection line. That is how we regulate the projection in our code.” He reiterated the purpose of the variance and that is not for the projection. “The survey shows that the dock projecting further into the canal than what the code allows. That the board is recognizing that you are not granting a variance for that projection out into that canal” he said.

Motion to approve item H.2. as depicted on the survey dated April 24th, by Dr. Joanna Bass, seconded by Steven Holmberg. The motion passed unanimously.

Item H.3. Gail Diffendorfer Revocable Trust requests variances for accessory structures in an RU-1-9 zoning classification. (24V00041) (Tax Account 2320224) (District 1)

Paul Body read the item into the record.

Gail Diffendorfer explained the purpose of the request. She purchased the property 15 years ago. She pulled permits for the property prior to purchasing. There was one for the roof repair and one for the pool screen structure. The pool was put in with the house. The next owner pulled a permit for the screen structure over the pool. In April of 2023 we had a bad hail storm that affected the roof, lanai, and pool structure. Ms. Diffendorfer looked into having repairs done for the lanai. “When they came out to repair the lanai we were experiencing a lot of flooding/ leaking around the lanai area. And so they came out and said you cannot replace the lanai or repair the lanai without replacing the whole structure” she said. They found out that the existing screen structure, permitted in 1998, was built too close to the property line. They just want to replace it. If they cannot do that then they won’t be able to clean the pool nor navigate around the pool because that distance at the edge of the pool is too small to walk through. They want to just leave it where it is. The placement will not change. “Instead of draining to the end of the pool near the neighbor’s boundary line, the drain will go to the side which is going to be in the middle of our yard” she said. She claims she was told that is a more beneficial way to drain the runoff than the way it is currently.

Sonya Mallard asked “did you talk with your neighbor’s and did you receive any opposition?”

Ms. Diffendorfer said they did and received no opposition. "If you look at the ariels, we actually own a foot on the other side of where the fence is. But we wanted to maintain the symmetry of the fences along" she noted.

Joanna Bass said "this is to replace the screen porch. Does this also include the drain that is talked about?"

Paul Body replied the variance just applies to the setbacks of the screen enclosure and shed.

Jeffrey Ball noted the variance being for the screen enclosure and the shed. They both require a 5 ft setback to the rear.

Paul body clarified and said the shed needs a 7.5 setback.

Mr. Diffendorfer said "I may have misspoke. Its not a drain. It's the gutter. Instead of the gutter going this way they are going to change. When they put the new structure on that will be a difference they will put the gutter to this side".

Sonya Mallard wanted to discuss the shed.

Ms. Diffendorfer replied "it's a 10 x 16 storage shed". There is a palm tree in front of the shed. She talked about the work needed to be done if they took the palm tree down. The shed is anchored down.

Ms. Mallard asked "how long has the shed been on your property?"

Ms. Diffendorfer said about 12 years.

Ms. Mallard asked "so you built the shed?". To which Ms. Diffendorfer replied no. It was built and delivered to the property.

Mr. Huffman asked "so you purchased the shed. And was not it there existing when you bought the property?"

Ms. Diffendorfer stated it was bought when the previous owner removed their shed from the property.

No public comment.

Motion to approve item H.3 as depicted on the survey dated 9/11/2024 by Sonya Mallard, seconded by Holmberg. The motion passed unanimously.

Item H.4. David & Sherlyn Lorne request variances for a principal structure and an accessory structure in an EU zoning classification. (24V00042) (Tax Account 2317193) (District 1)

Paul Body read the item into the record.

David Lorne explained the purpose of the request. He is in a process of wanting to build an addition to the house. He is wanting a garage. "We have a lien to cover garage that was there when we bought the structure. So I am looking to close in that garage and just make it a regular garage on the front. And then the back variance is it has a back deck that was there when we bought the house. I

went through the building department. Permits were pulled in 2002 and 2003. And they got nothing. I do have the original permit set of drawings for the house that they put the addition on from the original house. The variance in the back is because its got a covered area for us to get out of the sun. And I would like not to take it down. This variance for the front I got my architect drawing to extend the back of the house and basically I am going to take out the pool and make that a florida room back there. And then my wife requires the pool to be back. So I have to put another pool back in phase 2. I am just trying to do all of the permitting at once so that when I put the metal roof back on it that it's all the same color" Mr. Lorne said.

Sonya Mallard understood the carport is intended to be redesigned into a regular garage. She asked, "do you have any neighbors to the left and right of you?"

Mr. Lorne said yes.

Sonya Mallard asked if the neighbors are in opposition of this request.

Mr. Lorne said no. "I live on a 22 ft hill so there is about a 20 ft deck that has been put back there that you can see from the ariel. And on the south side you can just pick out a piece of the roof because I have 40 ft bamboo that kind of hides it on the deck. It was built at the time when the addition went on because all the underground electrical runs under the slab and up into the thing. It was built in 2002/2003 with a permit pulled" he further said.

Ms. Mallard

Bill Huffman relayed "coming into your property along the flag pole portion to the left... looks as though he has structures to the west....is there a fence between you?"

Mr. Lorne replied "yes, we had the fence marked on our property when we put it in. We all plan on going back and at another time and trying to make the fence lines the real property lines."

No public comment.

Motion to approve item H.4. as depicted on the survey dated 9/24/2024 by Sonya Mallard, seconded by Joanna Bass. The motion passed unanimously.

Item H.5. Timothy and Denise Gannon request a variance for an accessory structure in an RU-1-11 zoning classification. (24V00043) (Tax Account 2417445) (District 2)

Paul Body read the item into the record.

Denise Ganon and Timothy Gannon explained the purpose of the request.

Denise Gannon was there to legitimize the total 600 sq ft are of the dock and roof. A few years ago they did their dock in the original footprint of the dock that had been there over 20 years. They have tarp/boat lift cover/roof that goes over the boat. Its an expensive removeable tarp and the contractor noted that they did not need a permit and there was no size limitation for it. "We called the County...they said no permit is required" she said. Therefore, they had it built. Two years passed and they received a code enforcement complaint from their neighbor stating it was too big and not built with a permit. She called the County to inquire about the process of obtaining a building permit for the

tarps/boat lift cover/roof. She was told that a permit would not be needed. The code enforcement officer relayed what they were told which was that a building permit would indeed be needed for the structure. They called again and requested the information in writing. Afterwards they were told that a permit would be needed. "The Code is you can have a 400 ft dock, 500 ft roof, and 600 ft in total" she said. Their dock already is 398 sq ft. Their roof was cut down and is now 500 sq ft., just enough to cover their boat. They are requesting a variance for the 600 sq ft. Again, the roof only covers their boat slip. It does not extend into any setback into the canal or side property line.

Bill Huffman asked for clarification of the variance request.

Denis Gannon said "when you put the dock and the roof together we are 167 over by Paul Body's math. And that is over our seawall cap on our land. It is not even providing any shade on our dock. It literally just covers our boat."

Mr. Huffman asked if it was a fabric structure. To which Ms. Gannon replied yes.

Steven Holmberg asked for clarification of the locations of houses and boat docks. Ms. Gannon offered to point out the locations.

Public Comment

Phil Simpkins presented in favor of the request. His understanding of the Code is "the reason for the coverage is to promote seagrass growth. It is a fabric structure. Fabric is not 100% opacity. It will let some sun through. I happen to be in viewing distance of their house. Its very high up in the air to allow a center console to be put up in the air. So there is sun that still gets down to the water from each side. It literally only covers the boat. The boat is going to provide shade into the canal anyways. So I do not see any problem anyways with promoting the grass growth. The last is the survey that D2 dredging commission had commission back here in 2015 shows about 5-6 ft of muck in our canal. Seagrass can't grow on muck. So this is not detrimental to the environment in any form that I see." He also noted it not being low to the water, not blocking anyone's view, and can be taken down during the hurricane season.

End Public Comment.

Motion to approve item H.5. as depicted on the survey dated 4/19/2024 by Sonya Mallard, seconded by Joanna Bass. The motion passed unanimously.

Item H. 6. John N. Beckstrom and Lisa M. Beckstrom (Clifford R. Repperger, Jr.) request variances for an accessory structure in an RU-1-11 zoning classification. (24V00044) (Tax Account 2418448) (District 2)

Paul Body read the item into the record.

Clifford Repperger presented on behalf of the applicant. He submitted additional documents and public comment for the record. He further referred to a PowerPoint prepared presentation throughout the course of discussion for this. He reiterated the formal variance request. He stated this situation is unique in that they are not trying to obtain approval of the existing dock but rather they are seeking to reduce the existing structure because of previous construction undertaken pursuant to prior permitting. The existing structure was built on a piling that extended past the property line. The only

way to cure the problem now is to reconfigure the dock and lift so that it is built entirely within the triangle for the building envelope for this lot. They request a variance of 7.5 ft from the required 7.5 ft on both sides of the property. He explained the proposed dock. He then further talked about the platted Dianna Shores Unit 5 subdivision for which this corner lot subject property is located in. Because it is a corner lot it has reduced frontage on the right of way to the canal front. The issue of the encroaching dock past lot lines is very common in this subdivision. He compared the frontage of subject lot 81 to that of other close surrounding lots. He then illustrated the conditions of the existing dock on the subject property and that of nearby lots facing the same encroachment issues, including ones that have had variances granted in the past. The subject property has had a dock and lift since the 1980s according to aerials. He then referred to different periods such as 2007 when the subject property, under different ownership, had an existing dock but with a bigger configuration. It matched the configuration that was shown for 2012, which he claimed was roughly the same year when the neighbor Mr. Guthry directly to the east purchased their property. In 2022, when the Beckstrom's purchased the property, the walkaround dock has been removed but the lift had remained. He then stated that the Beckstrom's purchased the property in December 2021 and referred to an existing outstanding dock permit issued by the County for the property that had not been finalized for some reason. That permit showed a dock extension. After the Beckstrom's acquired the property, they applied for a seawall permit which was finalized in November 2022. He referred to the seawall design and plot plan. That plot plan reflected where the pilings are and was approved for construction. When the dock was completed, one of the pilings was located 2.4 ft outside of the triangle. That as built survey was accepted and finalized by the County. Afterwards there was also an electrical installation permit issued December 2022 and finalized and included the boat lift on the piling that is over the property line. He moved on to the Code Enforcement complaint that was reported by the neighbor to the east in reference to the piling not meeting the setbacks. A litigation filed against the Beckstroms is also pending. He believes that by obtaining this variance and reducing the size of the dock it will resolve the pending litigation between the two parties. He visually presented the distance between the piling and Mr. Guthry's dock. He claimed the distance between the piling and Mr. Guthry's dock to roughly be 40 ft. He mentioned he had seen Mr. Guthry present at the meeting today and suspected he will claim to have navigational problem with regard to where the subject existing piling is. Mr. Repperger presented a video of Mr. Guthry docking his boat in a seated position with really no navigational difficulties. The applicant is seeking only the use that has historically existed on the property. He said "the literal enforcement of the Code would deprive the applicant rights commonly enjoyed by other properties in the subdivision to construct docks and utilize the platted right of way canal" and would cause a hardship on the applicant. He believed this is the minimum variance they can request and will not be injurious to neighboring properties.

Jeffrey Ball clarified that "the offending pill or pier that is outside of the projection is not part of this request. The applicant has agreed to move that piling within the projection line. The second thing that I want to point out is that the permit history that we have on file there is no record of Zoning reviewing those permits."

Mr. Repperger acknowledge that and believes the County would take the position that they would not have approved the piling over the line.

Bill Huffman asked about the additional property that was also owned on the adjacent side.

Mr. Repperger replied "if you look at the plat, they own all of lot 81 and a small portion of lot 80." That is what the legal description of the deed conveys.

Public Comment

Nick Badonni presented as the attorney on behalf of Mr. Guthry and handed out exhibits to which he referred to throughout the course of his presentation. He stated to be against the application. Exhibit A he noted was a 2018 overview of the boat lift. Exhibit B he noted was a 2020 overview of the boat lift with slight changes/additions to the boat light but to where it still remained within the triangle of the lot lines that follow in the water. Exhibit C was a 2022 visual representation of the boat lift still within lines. This was when the Beckstrom's purchased the property. Exhibit D was a 2023 overhead of when the Beckstrom's redid the seawall that extends beyond the lot lines. Mr. Guthry is fine with the seawall extension. Exhibit E was a 2024 overhead that shows the same piling but with a roof significantly overhanging into the water transgress those boundaries. Exhibit F was a 2024 but from a slightly different angle. Mr. Badonni stated the video was showing Mr. Guthry pulling into the dock but that "it's a lot easier to move into a space than it is to back out of the space. The navigational problem that with the dock currently exists is not navigating into the boat slip, it is when navigating out of the boat slip that is the problem." Exhibit G presented the 2018 survey which did not show the exact location of the pilings. "All they did was hand draw the pilings on the survey. This was not something done by a surveyor." This just showed the old pilings were all within that triangle. Exhibit H was a 2022 survey that was part of their permitting process. "There was not any sort of approval of an as-built dock and boat lift in 2018. In 2022 there was no permit pulled for building the dock either. The 2022 permitting was merely for the seawall. They just marked where the possible pilings might be if they were to build a boat lift. The boat lift was never approved by any permitting office at any time" he said. They did have permits for the electrical work on the lift but again that was just for the electrical on the lift. That was not for the placement of the lift itself. The Beckstrom's built the lift without ever consulting with Mr. Guthry and without proper approval through Brevard County. Additionally, no discussion Mr. Guthry was undertaken prior to or during the installation of the seawall over his property. Exhibit I was the proposed survey. Mr. Badonni claimed "it does not make any sort of determination as to whether this proposed boat lift will alleviate any of the previous navigational concerns. All it does is hem this into a triangular shape. This is a 21.9ft boat and even more when you add the engine." Exhibit J through L were additional pictures from Mr. Guthry's lot line showing the current overhang of the boat and the awning. The common scene for these corner lots is not to build a large boat structure because of the spacing constraints. Mr. Badonni then referred examples of other properties within Merritt Island in Exhibit M through O. He then cited for further discussion three litigation cases that relate to those six factors that were heard about today. The first being *Ellen vs City of Miami* from 1959. *Herrera vs City of Miami* from 1992, *Town of Indialantic vs Natts* from 1981. He went line by line of the six considerations set forth under the Code to get a variance and claimed those six considerations were also imposed within the three cases that were previously mentioned. He based that "the special conditions are not unique. There are numerous corner lots within the same zoning restrictions. It's not atypical to have corner lots. In fact when people buy these corner lots they usually get a discount in the value of the property because you are restricted when you are putting in docks and boat slips. You are limited by size." Next, he claimed several factors where "the Beckstrom's are responsible for the condition on which they find themselves in." They moved the seawall by 2.5 ft thereby restricting their available space to place the boat. They chose a 22 ft long boat. "You don't get a pass when you have essentially chosen the land you chose to buy" he said. Then he noted this request would grant a special privilege by stating "All corner lots have to live by

the same rules. When you grant a variance you are essentially providing them with extra rights that those other lot owners do not have. It would grant special privilege to the Beckstroms.” For criteria number four he believes the literal enforcement of the provisions of the Code would not deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification. He then brought up the reasoning of the setback requirements and how the inability to meet said setback related to the navigational issues incurred by Mr. Guthry. In addition, he clarified the definition of “undue hardship” and added “you can’t use this property for really anything unless you get a variance. Well they are using it as a residence. So they are able to achieve reasonable use of the property. They have a seawall where they can go in and out of the water. Maybe not with the 22 ft boat that they prefer. But you can moor a smaller vessel to that. You can even moor a 22 ft boat without a lift onto that dock.” He claimed “to show undue hardship you need to show that there is no use of that property on what you can use. And they have not done that.” There are plenty of uses. They have not shown that there is no reasonable use for this property under that current zoning. He stated the current litigation issued against the Beckstrom’s is to enforce the 7.5 ft setback requirement. This variance request is sought to be an end around that litigation.

Thomas Guthry presented in disfavor of the application. He went into further detail about his navigational troubles when trying to pull his boat out.

Steven Holmberg asked, “if this variance was approved that would not take care of the problem?”

Mr. Guthry replied “no. Only if they are going to damage his boat. I have already damaged my boat against that piling”.

Mr. Holmberg said “well if they make the smaller then it fits.”

Mr. Guthry said “it’s not going to help”.

Mr. Holmberg asked why.

Mr. Guthry replied “because I am still going to be right on the property line. I am not going to have that 7.5 ft to maneuver my boat and take my boat out. Making the dock smaller, as you see the proposed dock in the back, just going to swing the back of the boat towards the seawall. It’s not going to have any effect whatsoever”.

Mr. Holmberg and Mr. Huffman asked about the civil case.

Mr. Badonni reiterated that there is a filed lawsuit seeking to enforce the 7.5 ft setback requirement under County Code onto the subject property and noted the trial will take place early next year.

Mr. Holmberg asked if the County is a party within the lawsuit. Mr. Badonni replied no.

Sharlene Praddick presented to speak in favor for the application. She noted to be 2 doors down from the Beckstroms. She said “when they are building new seawalls within our development, which most of the houses are now having to do because they were built in the mid 70s, they have to go out further. They don’t remove the old seawall. They go beyond it and fill in.” She was not aware of how far they were built out for the Beckstroms but noted that “all of them do come out much farther and they are higher because now with the water rising we have flooding. So that is a requirement when

you do get a new seawall.” She believed Mr. Guthry to be a good navigator. She has seen him coming in and out of his boat and has personally not seen him have a problem.

Brian Reiner presented to speak in favor for the application. He considered himself a neighbor and friend of the Beckstroms. He feels a doable compromise can be made. He feels the moving of the piling will provide the navigation necessary. He said “I have less room behind my dock with a 24 ft boat than Tom will have”.

End public comment.

Mr. Repperger relayed his client has remained transparent the whole way through and that they have tried to resolve this issue to their best efforts. He reiterated how the approval of this variance request would resolve the issue. He introduced Mr. Barriall to advise the Board as to why the seawall was constructed the way that it was.

Renel Barriall, contractor and owner of Pelican Coast Marine Dock & Seawall, presented before the Board. He stated that Code protocol states that “when you construct a new seawall, which is not revised by the Zoning Department but revised by Public Works, we are allowed to construct the seawalls no more than 18 in. from the face of the existing failed wall to the face of the new wall up until you get a 4 ft projection into the boundary line.” He then talked about the “return” and said that “return has to be as tight you can get it to the boundary line otherwise until the neighboring seawall, which we took great care to do that, so there is no erosion between the two boundary lines. And we do that on the other end as well. Otherwise there would be a foot gap and then as rains come in it’s going to around that return and erode between the two properties and cause a bigger problem.” When the seawall was permitted he claimed the engineering stated where four pilings and future boat lift were to be installed. Mr. Beckstrom at the time was still deciding whether to keep the boat lift he had at the time or to install a new one. The plot plan that was previously referred to was a boundary survey with Mr. Barriall’s hand drawing of where the proposed construction would take place. Mr. Barriall believed they had clearly conveyed to the County during this permitting process their intention to install the pilings and at no time were they told they could not do that or that a secondary permit for the pilings would be needed. He stated he was asked by Tony Vitale to provide a photo of the type of reflective tape to be used to make the pilings reflective. He provided that along with his other documents and the permit was approved with the installation of those four pilings. “When I called for my Tide Back Inspection we passed. When I called for my final inspection, which those pilings were clearly in view of the County Inspector that came out, we passed final” he said.

Mr. Huffman asked “in pushing that 18” forward is that what pushed the piling forward?”

Mr. Barriall answered “the boat lift that Cliff had shown from the slide where the Beckstrom’s purchased the home. That boat lift square was already there. All we did was extract that and put in the new seawall and then move it out 18 in. So that’s what caused the...[seawall]..issue of it going over by two feet”.

Mr. Huffman asked if the County permit inspector took any measurements during inspection.

Mr. Barriall replied “No, because we submitted an as-built survey.” He claimed once the construction was completed, the as-built survey was submitted to show the property with the constructed additions. It was not until a year later that the complaint arose.

Mr. Huffman asked if all of the pilings are to be removed.

Mr. Barriel said yes. Everything but the seawall will need to be ripped out and rebuilt. He directed on how it will be rebuilt to allow a walkway out to the boat.

Motion to table item H.6. to March 19, 2025, pending the related court case by Steven Holmberg, seconded by Bill Huffman. The motion failed 2 to 2.

Motion to approve item H.6. as depicted on the survey by Joanna Bass, seconded by Sonya Mallard. The motion failed 2 to 2.

Meeting adjourned 4:02pm.

Meeting was called back to order at 4:05pm

Jeffrey Ball made recommendation to table the item to the December meeting.

Motion to table item H. 6.to the December meeting by Sonya Mallard, seconded by Joanna Bass. The motion passed unanimously.

Meeting adjourned at 4:06pm.