

From: [James Cruz](#)
To: [Scott Reale](#)
Cc: [Jay Lefka](#)
Subject: Fw: 1900 Bay Drive - Revised A2 Plan
Date: Monday, July 27, 2026 8:40:21 AM
Attachments: [1900-Progress Plans A2 072326.pdf](#)

This Message Is From an External Sender

This message came from outside your organization.

Good Morning Scott,

Please see below as our response and let us know if anything additional is needed or if you would like to see or speak with us today.



James Cruz
O: 954.428.2522
F: 954.428.0024
M: 954-815.0389
230 SW Natura Avenue
Deerfield Beach, FL 33441
www.bomarbuilders.com

This message with any attachments is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. BOMAR BUILDERS, INC. reserves the right to monitor all e-mail communications through its networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorized to state them to be the views of any such entity.

From: Jay Lefka <jayl@bomarbuilders.com>
Sent: Monday, July 27, 2026 7:15 AM
To: James Cruz <jamesc@bomarbuilders.com>
Subject: FW: 1900 Bay Drive - Revised A2 Plan

Subject: Formal Request for Rehearing – 1900 Bay Drive

Dear Mr. Scott Reale - Zoning Board of Appeals

Please accept this email as a formal request for a rehearing regarding the recent decision on the Bay Drive property variance. We are submitting this request by the July 27, 2026 deadline. The details below outline how a newly revised site plan and a critical clarification of state coastal building codes strictly meet the criteria for a rehearing.

1. New evidence exists that could not have been discovered before the original hearing through the exercise of due diligence: Since the original hearing, we have commissioned and finalized a significantly revised site plan (see attached). Additionally, we have completed a

further code review confirming that because the property is located east of the Coastal Construction Control Line (CCCL), the state heavily regulates the structural design of the pool. Under Section 3109 of the Florida Building Code and Florida Department of Environmental Protection (FDEP) regulations, structures built seaward of the CCCL must have their lowest horizontal structural member elevated above the 100-year storm elevation (Base Flood Elevation). Furthermore, the state dictates that any enclosures below this elevation must meet strict "breakaway" requirements—meaning they must be designed to collapse harmlessly during a storm surge so they do not act as retaining walls that deflect destructive wave energy onto adjacent properties. This strict regulatory mandate to elevate the structure and comply with breakaway requirements was not the focal point of the original hearing, as the initial design included a larger deck that obscured this underlying, code-driven necessity.

2. The new evidence is material and not merely cumulative: The newly revised plan represents a fundamental change to the application and introduces objective facts not previously on the record:

- **Reduction of Encroachment:** The proposed pool deck has been heavily reduced to just the edge of the pool. Furthermore, the rear staircase has been modified specifically to reduce its impact on the rear setback since it is elevated.
- **Setback Compliance & Neighborhood Consistency:** Under the new plan, the main house meets all rear setback requirements, and the pool meets and *exceeds* the rear setback requirements. Furthermore, these rear setbacks are exactly in line with every other permitted house on the same street, demonstrating that our proposed footprint is consistent with the established neighborhood standard.
- **State Regulatory Hardship:** The *only* variance now being requested is the elevation of the pool to meet the same state-mandated BFE requirements as the living area of the main house. The hardship is no longer based on site aesthetics or views. It is a legal necessity driven by state building codes for coastal high-hazard zones; to comply with the CCCL breakaway wall and lowest horizontal member requirements, the pool must be elevated.

3. Strong likelihood that the new evidence would affect the outcome if a rehearing is granted: The original variance was denied primarily because the Board felt no hardship existed and that the modification was too close to the rear setback, potentially affecting neighboring properties. This new evidence directly and entirely resolves both of the Board's concerns. The revised footprint and modified staircase drastically minimize any impact on neighboring properties, a fact reinforced by the evidence that our setbacks mirror what is already permitted and built throughout the street. More importantly, the cited CCCL breakaway requirements and state elevation codes establish a legitimate, structural regulatory hardship that necessitates the pool's elevation.

Because the revised application solves the Board's concerns for denial and aligns the project with state coastal flood requirements, there is a strong likelihood this evidence will alter the outcome of the application.

We respectfully request the opportunity to present this revised plan in a rehearing.
Sincerely,



Jay Lefka

O: 954.428.2522 ext. 107

F: 954.428.0024

M: 954-650-4683

230 SW Natura Avenue

Deerfield Beach, FL 33441

www.bomarbuilders.com