PUBLIC COMMENTS FOR ITEM 9.C

11/12/2026

Planning Board Regular Meeting

From:	Robert Kiejdan
To:	Lanelda Gaskins
Cc:	Ingrid Allen
Subject:	Formal Objection to Proposed Building Height Amendment – Milani Development, Existing Variances and Adverse Impact on Braemar Isle
Date:	Tuesday, November 3, 2026 4:57:37 AM

Dear Ms. Gaskins:

Please distribute this correspondence to all members of the Highland Beach Planning Board, Town Commission, Town Manager, Town Attorney, and Building Official, and include it in the official public record concerning the proposed amendment to the Town's maximum building-height regulations.

I am a Florida-licensed architect and the owner of Apartment 301 at Braemar Isle Condominium, 4740 South Ocean Boulevard, Highland Beach. I am formally objecting to any zoning amendment or interpretation that would effectively increase the permissible building height of the proposed Milani oceanfront development without requiring appropriate review of its previously approved plans and variances.

Direct Adverse Impact on My Property

My apartment is on the third floor, approximately 27 feet above existing grade. My bedroom, kitchen, and living room windows face directly toward the Milani property.

Currently, the existing foliage along the street barely screens the tops of the overhead high-tension utility lines. The proposed additional six feet of building elevation would, based on my understanding of the project, place a continuous blank white wall approximately nine feet high within my sightline, extending along the length of the proposed building.

Instead of looking across the existing trees and landscaping, I would be looking directly at a solid exterior wall from the principal living spaces of my apartment.

This represents a substantial and permanent visual obstruction, not merely a minor architectural change. Similar impacts could affect other apartments along the east side of Braemar Isle.

Pending Milani Development and Existing Variances

The Milani development has been under consideration for more than ten years and has experienced repeated delays and modifications.

I understand that negotiations involving the Boca Highland Beach Club and Marina, including outstanding property title and cross-easement matters, have contributed to delays in advancing the project.

I am concerned that once the proposed height-measurement amendment is adopted, the developer may seek to amend the existing permit application to take advantage of the additional building height.

If this occurs, I strongly object to allowing the developer to obtain a materially different building envelope through an administrative revision without appropriate public review.

My understanding is that the Milani project has previously received zoning variances. I request confirmation of those approvals and their conditions.

Any variance granted for a particular building configuration should be evaluated against the specific plans, dimensions, elevations, and conditions upon which the approval was based.

Florida Land-Use Law and Required Review

This is fundamentally a zoning and land-use issue, not merely a technical Florida Building Code matter.

Florida Statutes Section 166.041 establishes procedures for adopting municipal ordinances, including applicable notice and public hearing requirements.

Florida Statutes Chapter 163 establishes the framework for local comprehensive planning and land development regulation. Section 163.3215 also provides procedures for certain challenges to development orders that are inconsistent with an adopted comprehensive plan.

I recognize that these statutes do not automatically require a new variance application for every amended building permit. However, I believe a change that materially increases an approved building envelope must be examined under the Town's land development regulations, the original variance approvals, and applicable procedural requirements.

Accordingly, I request a formal written determination addressing whether the Milani development would be required to submit revised architectural plans and a new or amended variance application if it seeks to increase its overall building height following adoption of the proposed ordinance.

I further request that the Town consider an express provision preventing previously approved or pending projects from automatically benefiting from a revised height-measurement methodology without appropriate review, to the extent permitted by Florida law.

Requested Documentation and Clarification

Before the Planning Board recommends any amendment, I request the following:

1. Copies of the current Milani development application, approved plans, previously granted variances, and applicable conditions.

2. Written confirmation of the existing and proposed methods of calculating maximum building height.

3. A comparison of the Milani property's permitted maximum roof and parapet elevations under the current and proposed interpretations, expressed in NAVD88.

4. Confirmation of whether the proposed ordinance would apply to pending permits, previously approved developments, or projects that have received zoning variances.

5. A written determination identifying the circumstances under which amended plans would require new Planning Board, Board of Adjustment and Appeals, or other applicable zoning approvals.

6. Confirmation that any material increase in the approved building envelope would receive the public notice and review required by applicable law.

7. Notification of all meetings, hearings, or administrative determinations concerning the proposed amendment or its application to the Milani property.

Conclusion

The proposed height-measurement amendment could have substantial consequences for neighboring property owners, particularly those whose apartments are at elevations directly affected by additional rooftop construction.

For my third-floor apartment, the anticipated additional six feet could transform an existing view across landscaped trees into a permanent view of a continuous blank exterior wall.

I do not believe that a zoning interpretation with such significant consequences should be adopted or applied to a previously approved development without a thorough examination of the existing approvals and meaningful consideration of affected property owners.

I respectfully request that the Planning Board refrain from recommending the proposed amendment until these issues have been addressed.

I am presently unable to attend public meetings in person. Please enter this correspondence into the official public record and distribute it to all appropriate decision-makers.

I reserve all available administrative and legal remedies, including seeking injunctive relief where legally warranted, should the Town improperly approve or apply a zoning amendment that materially and adversely affects my property interests.

Please acknowledge receipt and provide a written response to the specific questions raised.

Sincerely,

Robert Kiejdan, Architect
Apartment 301, Third Floor
Braemar Isle Condominium
4740 South Ocean Boulevard
Highland Beach, Florida 33487

Reference: Town of Highland Beach Commission Meeting Minutes, October 20, 2026, page 37 of the November 5, 2026 meeting packet.

Robert Kiejdan
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