

CITY OF INDIAN ROCKS BEACH  
**BOARD OF ADJUSTMENT MEETING**  
**AGENDA PACKET**

CITY HALL  
1507 BAY PALM BLVD. INDIAN ROCKS BEACH, FL. 33785  
**TUESDAY, JANUARY 20, 2026**

6:00 PM



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## AGENDA

### CITY OF INDIAN ROCKS BEACH BOARD OF ADJUSTMENTS & APPEALS

**TUESDAY, JANUARY 20, 2026 AT 6:00 PM**

City of Indian Rocks Beach City Hall, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33785

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#### **1. CALL TO ORDER**

#### **2. ROLL CALL**

- **Chair David Watt**
- **Vice Chair Karen O'Donnell**
- **Member Stewart DeVore**

#### **3. Approval of November 19, 2025, Meeting Minutes.**

#### **4. BOA CASE NO: 2026-01**

**Owner/Applicant:** Lindsey and James Stuthers

**Subject Location:** 452 Harbor Drive S., Indian Rocks Beach, FL 33785

**Variance Request:** from Sec.110-131(1)(g) of the Code of Ordinances, of 4 feet above the required 35 foot maximum building height resulting in a building height of 39 feet for a new residential dwelling located at 452 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38 Page 75 of the Public Records of Pinellas County. Property ID # 06-30-15-42444-000-0380

#### **5. OTHER BUSINESS**

#### **6. ADJOURNMENT**

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**APPEALS:** Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach, and should one be desired, arrangements should be made in advance by the interested party (i.e., Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability

requiring reasonable accommodation to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 [lorink@irbcity.com](mailto:lorink@irbcity.com), no later than THREE (3) days before the proceeding for assistance.

**POSTED: January 16, 2026.**

## AGENDA ITEM 3

**Approval of November 18, 2025, Meeting Minutes.**

**CITY OF INDIAN ROCKS BEACH  
BOARD OF ADJUSTMENT MEETING MINUTES  
November 18, 2025 – 6:00 P.M.**

**Civic Auditorium- 1507 Bay Palm Blvd, Indian Rocks Beach, FL. 33785**

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**ROLL CALL**

- **Chair David Watt** – Present
- **Vice Chair Karen O'Donnell** – Present
- **Member Stewart DeVore** – Present
- **Also Present:** Planning Consultant Hetty Harmon, City Clerk Lorin Kornijtschuk

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**APPROVAL OF MINUTES**

**Motion:** Member DeVore moved to approve the October 21, 2025, meeting minutes.

**Second:** O'Donnell

**Vote:** Unanimous approval

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**QUASI-JUDICIAL PROCEDURE**

- City Clerk. All persons intending to testify were sworn in under oath.

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**Staff Presentation-** Planning Consultant Hetty Harmon

**SUBJECT: BOA CASE NO. 2025-06 – 1101 Bay Pine Blvd**

Variance request from Sec. 94-86(a)(1) of the Code of Ordinances, of 9 feet into the required 12-foot side setback, resulting in a total setback of 3 feet on the south side for the installation of a new boat lift for property located at 1101 Bay Pine Blvd, Indian Rocks Beach, Florida, and legally described as Lot 25, Block 86, First Addition to Re-Revised Map of Indian Beach recorded in Plat Book 23, Pages 11-13 of the Public Records of Pinellas County.

Property ID # 01-30-14-42048-086-0250

**OWNER:** Bryan Anger

**LOCATION OF PROPERTY:** 1101 Bay Pine Blvd

**ZONING:** S – Single Family

**Direction Existing Use Zoning Category**

North      Residential      S

## **Direction Existing Use Zoning Category**

East	Intracoastal	N/A
South	Residential	S
West	Residential	S

## **BACKGROUND:**

The applicant is requesting to encroach 9 feet into the required 12-foot side setback, resulting in a total setback of 3 feet on the south side for the installation of a new boat lift. The property line is at an angle on the south side, making it difficult to accommodate the lift. The owner to the south has no objections and has signed off on the plan. The 12-foot setback on the north side is maintained.

**CORRESPONDENCE:** No correspondence was received.

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## **BOARD DISCUSSION**

The Board reviewed the current and proposed dock/lift configuration. It was noted that existing lifts are present on neighboring properties, and the owner to the south has no objections to the proposed variance.

The discussion focused on code requirements regarding minimum setbacks, depending on lot width. Clarification questions were raised regarding property survey requirements and verification of setback measurements. The Board expressed general concern about the accuracy of reported setback distances and the necessity for supporting surveys or documentation.

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## **MOTION AND VOTE**

**Motion:** Vice Chair O'Donnell moved to **DENY** BOA Case 2025-06 (1101 Bay Pine Blvd)

**Second:** Member DeVore

### **Vote:**

- Member DeVore – **Deny**
- Vice Chair O'Donnell – **Deny**
- Chair Watt – **Deny**

**Motion carried (3-0)**

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## **ADJOURNMENT**

**Motion:** Member DeVore moved to adjourn.

**Second:** Vice Chair O'Donnell

**Vote:** Unanimous

**Meeting adjourned at 6:33 p.m.**

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## **APPROVED BY:**

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**Chair David Watt**

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**Date**

## AGENDA ITEM 4

**BOA CASE NO: 2026-01**

**Owner/Applicant:** Lindsey and James Stuthers

**Subject Location:** 452 Harbor Drive S., Indian Rocks Beach, FL. 33785

**Variance Request:** from Sec.110-131(1)(g) of the Code of Ordinances, of 4 feet above the required 35 foot maximum building height resulting in a building height of 39 feet for a new residential dwelling located at 452 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38 Page 75 of the Public Records of Pinellas County

.Property ID # 06-30-15-42444-000-0380

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## BOARD OF ADJUSTMENTS AND APPEALS

### AGENDA MEMORANDUM

**MEETING OF:**

**Board of Adjustment:** January 20, 2026  
**City Commission:** February 10, 2026

AGENDA ITEM: 4

**ORIGINATED BY:** Hetty C. Harmon, AICP, City Planner

**AUTHORIZED BY:** Ryan Henderson, City Manager

**SUBJECT:****BOA CASE NO. 2026-01 – 452 Harbor Dr S**

Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 4 feet above the required 35 foot maximum building height resulting in a building height of 39 feet for a new residential dwelling located at 452 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38 Page 75 of the Public Records of Pinellas County.

Property ID # 06-30-15-42444-000-0380

**OWNER**

**Lindsey and James Stuthers**

**LOCATION of PROPERTY:**

452 Harbor DR S

**ZONING:**

S- Single Family

Direction	Existing Use	Zoning Category
North	Residential	S
East	Residential	S
South	Intracoastal	N/A
West	Residential	S

**BACKGROUND:**

The applicant is requesting to increase the building height by 4 ft for a total building height of 39 ft instead of the allowed 35 ft. Applicant is asking that the building height be measured from the Base Flood Elevation (BFE) as FEMA's document stated to assure building are out of the flood plain.

The City determines building height based on the following regulations and definitions.

1. In Sec 110-131(g) **Maximum building height**. For buildings constructed on pilings, the maximum height of pilings is ten feet. The maximum height of a building above pilings is 25 feet.
2. In Sec 110-1
  - a. **Building height** means the vertical distance from the mean grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridges for gable, hip or mansard roofs

b. **Grade** means the highest point on the crown of the road or street which borders on the lot or combination of lots. On corner lots, grade shall mean the highest point on the crowns of the intersecting roads. The finished grade shall mean the ground surface immediately adjacent to the exterior walls or pilings of the building.

The building plans are reviewed by the County and they review to determine if living area is at or above the Design Flood Elevation which is one foot above the Base Flood elevation shown on the FEMA maps. The City reviews for overall building height and setbacks.

## **Sec. 2-152. - Variances.**

(a) *Generally; criteria for granting variances from the terms of subpart B.*

(1) The board of adjustments and appeals shall make recommendations on and the city commission shall decide variance applications will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of subpart B will result in unnecessary and undue hardship. In order to recommend or decide any variance from the terms of subpart B, the board or the city commission shall consider each of the following.

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

*There are no special conditions that are not applicable to all lots in the same zoning district.*

b. The special conditions and circumstances do not result from the actions of the applicant.

*The applicant did not create any special conditions or circumstances.*

c. Granting the variance will not confer on the applicant any special privilege that is denied by subpart B to other lands, structures or buildings in the same zoning district.

*Granting the variance would confer special privileges to the applicant.*

d. Literal interpretation of the provisions of subpart B would deprive other properties in the same zoning district under the terms of subpart B and would work unnecessary and undue hardship upon the applicant.

*The approval of this variance request would deprive other owners of use and enjoyment of their properties.*

e. The variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and

*This is the minimum variance to allow the owner to build the house they designed.*

f. The granting of the variance will be in harmony with the general intent and purpose of subpart B, and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare.

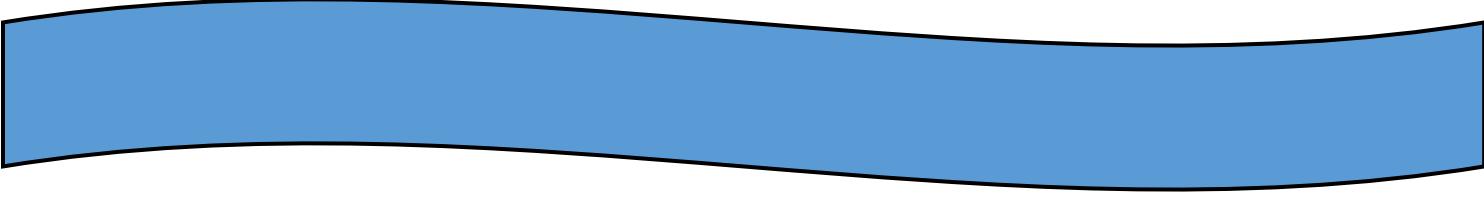
*Granting the variance will not be in harmony with the general intent and purpose of subpart B.*

**NOTICE:** A public notice was mailed by first class mail to property owners within 150 feet in any direction of the subject property and posted on subject property on January 5,2026 (Sec. 2-149 of the Code of Ordinances.)

**CORRESPONDENCE:** No correspondence has been received.

**MOTION:**

I move to recommend that the City Commission **APPROVE/DENY BOA CASE NO. 2026-01 – 452 Harbor Dr S** Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 4 feet above the required 35 foot maximum building height resulting in a building height of 39 feet for a new residential dwelling located at 452 Harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38 Page 75 of the Public Records of Pinellas County.



**452 Harbor Dr S  
BOA CASE NO. 2026-01**



## **BOA CASE NO. 2026-01 – 452 Harbor Dr S**

Variance request from Sec.110-131(1)(g) of the Code of Ordinances, of 4 feet into the required 35 foot maximum building height resulting in a building height of 39 feet for new residential dwelling located at 452 harbor Dr S Indian Rocks Beach, Florida, and legally described as Lot 38, Twenty-Third Addition to RE-Revised Map of Indian Beach, recorded in Plat Book 38 Page 75 of the Public Records of Pinellas County.

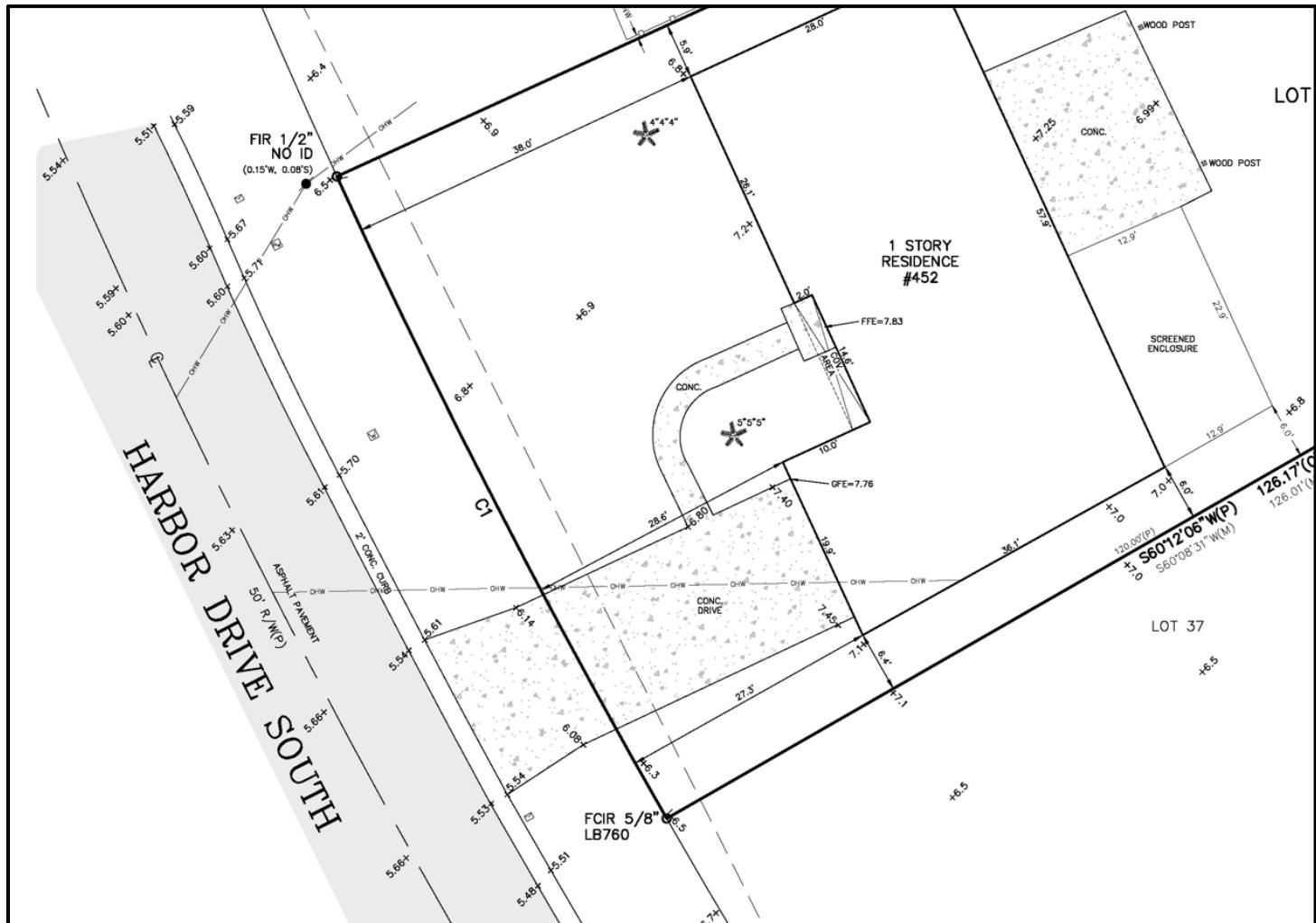


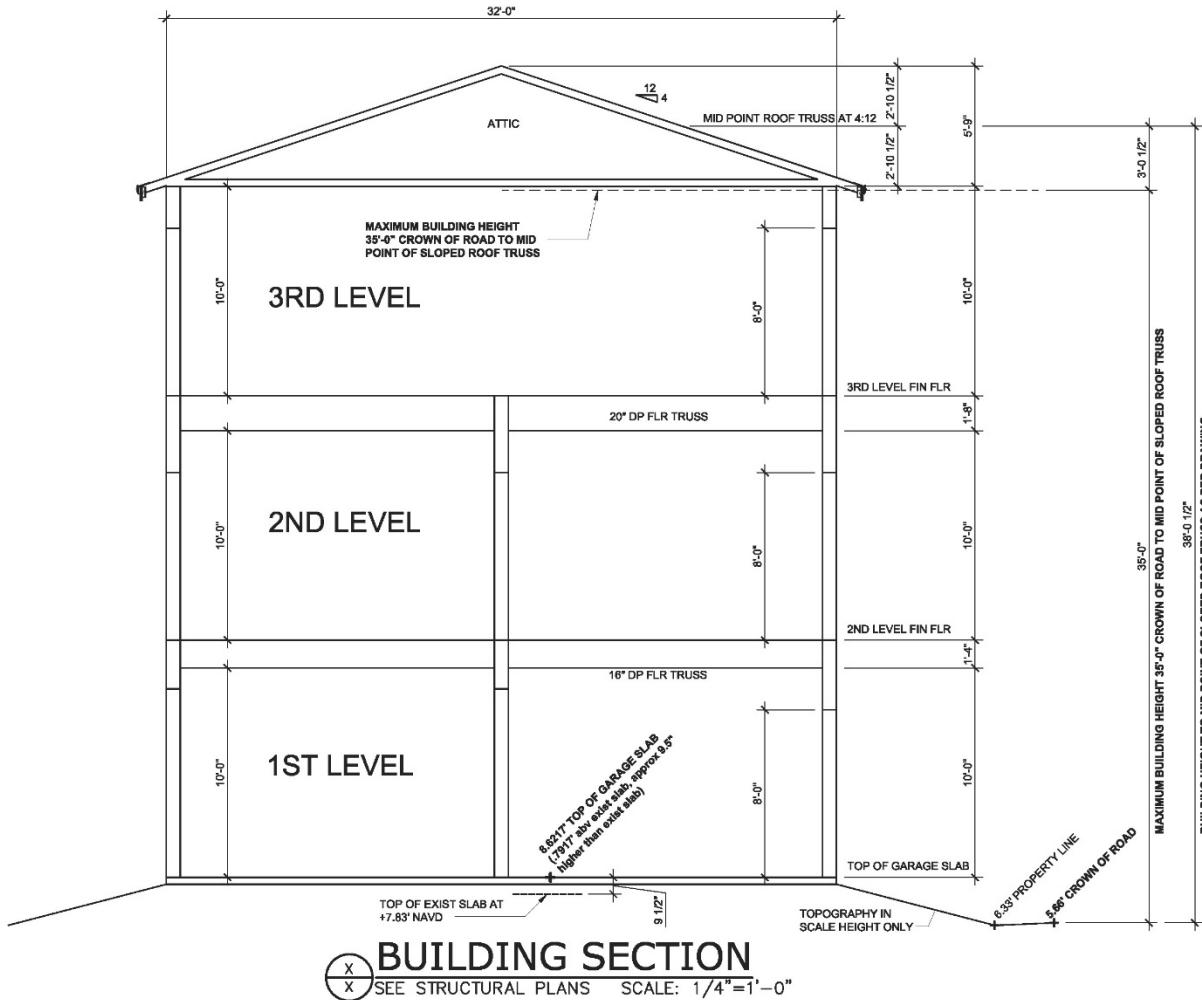
# 452 Harbor Dr S



# Survey

# Survey





## APPLICATION FOR VARIANCE

### CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

Enquiries City Hall: 727.595.2517 or Hetty Harmon: 863.646.4771 x211 Email: hharmon@irbcity.com  
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

#### APPLICANT

Name:   
Address:   
City:   
Zip Code:   
Tel:   
Fax:   
Mobile:   
Email:

#### AGENT/REPRESENTATIVE

Name:   
Company:   
Address:   
City:   
Zip Code:   
Tel:   
Fax:   
Mobile:   
Email:

#### SITE DETAILS

Address:   
City:   
Legal Description:   
Zoning:   
Size:   
Parcel ID:   
Zip Code:   
Future Land Use:

## SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property?  Yes  No

If yes, provide address and legal description:

Have previous applications been filed for this property?  Yes  No

If yes, describe:

Has a certificate of occupancy or completion been refused?  Yes  No

If yes, describe:

Does any other person have ownership or interest in the property?  Yes  No

If yes, is ownership or interest contingent or absolute:

Is there an existing contract for sale on the property?  Yes  No

If yes, list all parties on the contract:

Is contract conditional or absolute?  Conditional  Absolute

Are there options to purchase?  Yes  No

## VARIANCE REQUEST

### Regulation

### Required

### Proposed

### Total Requested

Gulf-front setback (feet):

Bay-front setback (feet):

Alley setback (feet):

## VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):			
Rear-north/south street (feet):			
Street-front setback (feet):			
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):	35'	39'	4'
Off-street parking (spaces):			
ISR (%):			
FAR (%):			
Dock length (feet):			
Dock width (feet):			
Signage (#):			
Accessory structure (sq. ft.):			
Accessory structure height (feet):			
Lot size (sq. ft.):			
Other:			

What is the proposed use  
of the property?

Single Family Residential

## **HARDSHIP**

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

The hardship arises from the City's use of the crown of road as the reference point for height measurement rather than Base Flood Elevation (BFE). This standard has been deemed obsolete by FEMA due to its inaccuracy in coastal floodplain areas (FEMA-2021-0024). The elevation of the crown of the road is completely unique to the subject property. The subject property's location within a flood-prone coastal zone makes it uniquely affected by this outdated methodology. Nearby communities such as North Redington Beach have already modernized their regulations to reflect BFE-based measurements, highlighting the need for reasonable flexibility for properties like this one.

Special conditions and circumstances do not result from the actions of the applicant:

The need for this variance is not self-created. The applicant has designed a home consistent with FEMA and Florida Building Code elevation requirements. The hardship is imposed by the City's outdated measurement reference, not by any voluntary act or design decision of the applicant. The City established its height regulations prior to FEMA's adoption of flood elevation heights and standards.

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

Granting this variance does not confer a special privilege but simply enables the applicant to construct a home consistent with modern standards for safety and flood protection. The proposed structure remains in line with the size, height, and character of other homes within the zoning district and neighboring municipalities.

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

Strict adherence to the current code would require lowering the finished floor elevation or ceiling height to levels inconsistent with modern construction standards. This would compromise flood safety and increase the risk of property loss. The literal interpretation imposes an unnecessary hardship that prevents reasonable, safe, and practical use of the property.

## **HARDSHIP CONTINUED...**

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

The requested 4-foot variance (from 35 feet to 39 feet) is the smallest adjustment possible to allow a safe, flood-compliant elevation while maintaining standard ceiling heights and an efficient roof design. The height increase is minimal and does not exceed what is typical for new coastal construction in comparable communities.

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

The variance supports the purpose and intent of the zoning code by enhancing public safety and property resilience. The home will maintain neighborhood compatibility in scale, architectural style, and visual character. The variance will not obstruct views, cast shadows, or otherwise harm adjacent properties. Rather, it promotes safe, sustainable coastal development aligned with FEMA and state resilience goals. It will also confer a public benefit to the community by providing a fully compliant flood resilient home and associated housing and tax benefits.

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

Approval of this variance represents sound, responsible planning that aligns with evolving flood management standards and community safety priorities. It enables the applicant to construct a home that meets modern expectations for quality and resilience while avoiding unnecessary risk. The variance ensures reasonable use of the property, anticipates FEMA's ongoing updates to flood elevation criteria, and upholds the public welfare by encouraging safer, more resilient coastal development consistent with the City's long-term vision.

## CERTIFICATION

Date: 11/10/25

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: Mark J. Rieumont

Signature: Mark J. Rieumont Crystal Steele

Personally known/Form of Identification FC Drivers Lic.

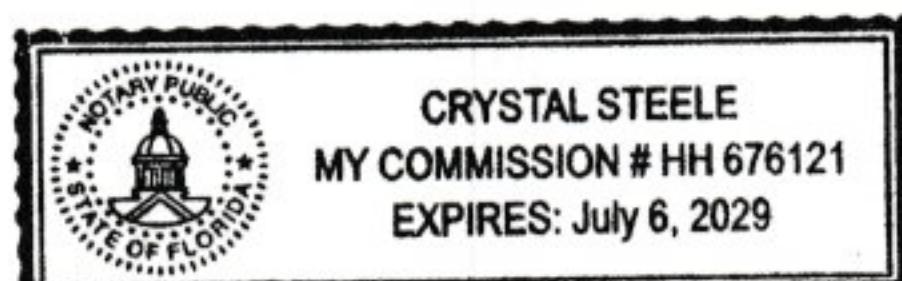
Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 10 Month: November, 2025

Notary Public State of Florida at Large: Crystal Steele

Notary Public Commission Expiration: July 6, 2029

State of Florida  
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

**AGENT OF RECORD**

Date: 11/10/2025

I, Mark J. & Kerry Rieumont do hereby designate and appoint  
Mark Bentley & Ryan Manasse as my agent of record for the purposes of  
representing me during the Planning and Zoning Department's review process of my application.  
My agent of record is hereby vested with authority to make any representations, agreements or  
promises, which are necessary or desirable in conjunction with the review process. My agent of  
record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: Mark J. Rieumont Signature: *Mark J. Rieumont*

My agent of record may be contacted at:

Company: Johnson Pope

Address: 400 N Ashley Drive, Suite 3100

City/State: Tampa, FL Zip Code: 33602

Telephone: 813-225-2500 Fax: \_\_\_\_\_

Before me this date personally appeared:

Name: Mark J. Rieumont

Signature: *Mark J. Rieumont* *Cystal Steele*

Personally known/Form of Identification: Fl Divers Lic.

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

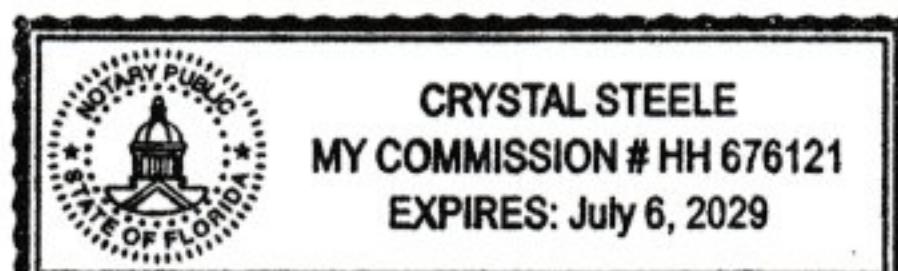
Sworn to and subscribed before me this: Day: 10 Month: November, 20 25

Notary Public State of Florida at Large: *Cystal Steele*

Notary Public Commission Expiration: *July 6, 2029*

State of Florida

County: Pinellas



**AGENT OF RECORD**

Date: 11/10/2025

I, Mark J. & Kerry Rieumont do hereby designate and appoint Mark Bentley & Ryan Manasse as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: Kerry Rieumont Signature: Kerry Rieumont

My agent of record may be contacted at:

Company: Johnson Pope

Address: 400 N Ashley Drive, Suite 3100

City/State: Tampa, FL Zip Code: 33602

Telephone: 813-225-2500 Fax: \_\_\_\_\_

Before me this date personally appeared:

Name: Kerry Rieumont Signature: Crystal Steele

Signature: Kerry Rieumont

Personally known/Form of Identification Fl. Drivers Lic.



Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 10 Month: November, 20 25

Notary Public State of Florida at Large: Crystal Steele

Notary Public Commission Expiration: July 6, 2029

State of Florida  
County: Pinellas



## CERTIFICATION

Date: 11/10/25

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared:

Name: Kerry Rieumont

Signature: Kerry Rieumont

*Crystal Steele*

Personally known/Form of Identification PL Drivers L.c.

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: 10 Month: November, 2025

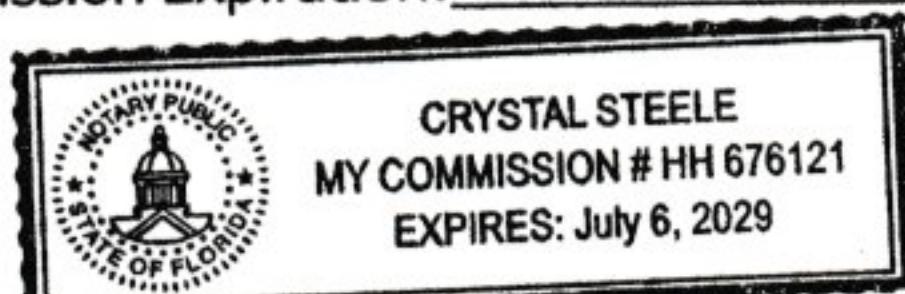
Notary Public State of Florida at Large:

*Crystal Steele*

Notary Public Commission Expiration:

*July 6, 2029*

State of Florida  
County: Pinellas



APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

## Variance Justification Statement

**Property Address:** 452 Harbor Drive South, Indian Rocks Beach, FL

**Request:** Height Variance from 35' to 39' (measured from crown of road to midpoint of sloped roof truss)

**Code Section:** Sec. 110-131(1)(g) - Maximum building height. For buildings constructed on pilings, the maximum height of pilings is ten feet. The maximum height of a building above pilings is 25 feet.

### Summary Narrative

The applicant respectfully requests approval of a variance to allow a total building height of 39 feet, measured from the crown of road to the midpoint of the sloped roof truss, in lieu of the 35-foot maximum height allowed under current City Code.

This request arises from an outdated height measurement standard that uses street crown elevation rather than Base Flood Elevation (BFE) as the reference point. FEMA has identified this approach as obsolete (see FEMA-2021-0024), and neighboring coastal municipalities, including North Redington Beach, have already updated their building codes to allow residential construction heights measured from BFE—permitting up to 36 feet above that safer, modern standard.

Under the current City standard, the proposed home—designed with 9–10 foot ceilings, a moderate roof slope, and a finished floor elevation elevated above flood level which requires a minor variance of 4 feet solely due to the outdated measurement method. The proposed structure will be approximately 3,000–3,500 square feet and will remain in scale and character with surrounding coastal homes.

This variance request is not for additional density or excess height but rather to responsibly elevate the home consistent with modern floodplain management practices, FEMA guidance, and current coastal construction standards. Elevating the structure and garage reduces risk from flooding, electrical or chemical hazards, and will likely reduce flood insurance costs while improving life safety.

Approval of this variance represents the minimum relief necessary to allow reasonable and safe use of the property, consistent with both the intent of the zoning code and the public interest. It aligns with the City's resilience objectives and anticipates forthcoming regulatory changes following storm impacts such as Hurricane Helene.

### Variance Criteria Responses (Section 2-152)

#### **1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district:**

The hardship arises from the City's use of the crown of road as the reference point for height measurement rather than Base Flood Elevation (BFE). This standard has been deemed obsolete by FEMA due to its inaccuracy in coastal floodplain areas (FEMA-2021-0024). The elevation of the crown of the road is completely unique to the subject property. The subject property's location within a flood-prone coastal zone makes it uniquely affected by this outdated methodology. Nearby communities such

as North Redington Beach have already modernized their regulations to reflect BFE-based measurements, highlighting the need for reasonable flexibility for properties like this one.

**2. Special conditions and circumstances do not result from the actions of the applicant:**

The need for this variance is not self-created. The applicant has designed a home consistent with FEMA and Florida Building Code elevation requirements. The hardship is imposed by the City's outdated measurement reference, not by any voluntary act or design decision of the applicant. The City established its height regulations prior to FEMA's adoption of flood elevation heights and standards.

**3. Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures, or buildings in the same zoning district:**

Granting this variance does not confer a special privilege but simply enables the applicant to construct a home consistent with modern standards for safety and flood protection. The proposed structure remains in line with the size, height, and character of other homes within the zoning district and neighboring municipalities.

**4. The literal interpretation of the provisions of Subpart B would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:**

Strict adherence to the current code would require lowering the finished floor elevation or ceiling height to levels inconsistent with modern construction standards. This would compromise flood safety and increase the risk of property loss. The literal interpretation imposes an unnecessary hardship that prevents reasonable, safe, and practical use of the property.

**5. The variance granted is the minimum that will make possible the reasonable use of the land, structure, or building:**

The requested 4-foot variance (from 35 feet to 39 feet) is the smallest adjustment possible to allow a safe, flood-compliant elevation while maintaining standard ceiling heights and an efficient roof design. The height increase is minimal and does not exceed what is typical for new coastal construction in comparable communities.

**6. The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:**

The variance supports the purpose and intent of the zoning code by enhancing public safety and property resilience. The home will maintain neighborhood compatibility in scale, architectural style, and visual character. The variance will not obstruct views, cast shadows, or otherwise harm adjacent properties. Rather, it promotes safe, sustainable coastal development aligned with FEMA and state resilience goals. It will also confer a public benefit to the community by providing a fully compliant flood resilient home and associated housing and tax benefits.

**7. I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:**

Approval of this variance represents sound, responsible planning that aligns with evolving flood management standards and community safety priorities. It enables the applicant to construct a home that meets modern expectations for quality and resilience while avoiding unnecessary risk. The variance ensures reasonable use of the property, anticipates FEMA's ongoing updates to flood elevation criteria, and upholds the public welfare by encouraging safer, more resilient coastal development consistent with the City's long-term vision.

# **Zoning Restrictions Must Be Revised to Require that Building Height Measurements All Begin at the BFE**

A.C.

November 29, 2021

## **1. Introduction**

Turn on any national or global news program, and it is likely that they will be reporting on some type of flood-related event or flood-related disaster. Change the channel to obtain a weather outlook for the upcoming week, or weekend, and there is pretty good chance that the meteorologist will be giving flood watch advisories or flood warnings, for some region in the United States. The reality is that floods can happen in every type of climate, move through almost any kind of terrain, take place in any country, state, or region, occur during any season and at any time of the day or the night, be generated from an assortment of both natural and man-made causes and be influenced by a wide variety of contributing factors. According to the Federal Emergency Management Agency (FEMA), a flood prone area is "...any land area susceptible to being inundated by flood water from any source" (FEMA Tech. Bulletin 10-01). Along with the more common causes of flooding such as hurricanes, tropical storms, and long periods of heavy rain, floods can also be generated from lesser-known causes such as snow melt, tidal changes, fires, volcanic eruptions, and earthquakes. Many meteorologists and other weather experts believe that the number of major flood events will increase during the coming years due to climate change and other weather-related issues. In any case, the bottom line is that as long as there are floods, the high costs of flood damage will continue to plague the building and construction industry. Some of the primary concerns at the forefront include:

- water damage restoration costs,
- health-hazards of mold issues,
- construction failures,
- increasing flood insurance premiums
- Federal Emergency Management Agency (FEMA) financial debt

In order for structures and their contents to be better protected from expensive flood-related losses, repairs, and destruction, buildings must be raised higher off the ground, so that first floor living areas are situated well above flood waters. Although this might appear to be a fairly simple solution, overtime it has proven to be one of the best and most effective methods for minimizing and preventing flood damage.

However, as property owners, investors, contractors, and developers plan and prepare to jack-up existing buildings in order to put first floors at elevations above expected flood water levels, they may be met with a critical and unexpected challenge; local building height restrictions. When a building is raised upwards, the top of the roof also shifts upward in its position and elevation. If the community has existing building height restrictions in place, this one single challenge can pose a very serious threat in the effort to protect buildings from future flood damage. To make matters even worst, some communities, districts, towns, and cities have very strict building height ordinances in place, yet have never defined the meaning of building height, nor provided any guidance on how building height should be measured. Currently, there exists no standard in how building height is defined or should be measured. Instead, there is tremendous inconsistency in the United States, as every community, district, town, city, and county may calculate building height in a variety of different ways. This creates an assortment of problems, issues and troubles for property owners, investors, contractors, and developers, as well as local building officials.

This paper will pinpoint some of the challenges that communities face in flood prone areas and present the benefits of creating a national standard, requiring that all buildings are measured from the same exact starting point; the Base Flood Elevation (BFE).

## **2. Background:**

### **2.1 Basic Terms and Meanings: BFE, FIRM and SFHA Explained**

The Base Flood Elevation (BFE) indicates the elevation and location of the base flood. The base flood is the flood that has a 1 percent or greater likelihood of occurring during the course of a full year. Information about the base flood is based on historical data from past flood events. By analyzing the elevations of the base flood and pinpointing its location, the Federal Emergency Management Agency (FEMA) is able to evaluate flood zones and determine which areas are at higher risk of flooding. "The base flood is used to delineate SFHAs on FIRMs prepared by the NFIP" (FEMA NFIP Technical

Bulletin 5). An SFHA is a Special Flood Hazard Area and represents areas that are at higher risk of flooding. FEMA defines Special Flood Hazard Areas (SFHAs) as “...land areas subject to a 1 percent or greater chance of flooding in any given year” (Mitigation Assessment, Hurricane Sandy). SFHAs and BFEs are identified and marked on FIRMs. A FIRM is a Flood Insurance Rate Map. FEMA explains that a FIRM is “...the insurance and floodplain management map issued by FEMA that identifies, on the basis of detailed or approximate analysis, areas of 100-year flood hazard in a community” (FEMA Tech. Bulletin 10-01) and “...is a map produced by FEMA to show flood hazard areas and risk premium zones” (Mitigation Assessment, Hurricane Sandy).

## 2.2 History and Significance of FEMA and the NFIP

“The National Flood Insurance Program (NFIP) was created...to provide federally backed flood insurance coverage” and, “...is based on an agreement between the Federal government and participating communities that have been identified as flood prone” (FEMA Tech. Bulletin 10-01). “The U.S. Congress established the NFIP with the passage of the National Flood Insurance Act of 1968” (FEMA Free of Obstruction). At that time, the main objectives of the National Flood Insurance Program (NFIP) were to:

- Better indemnify individuals for flood losses through insurance;
- Reduce future flood damages through State and community floodplain management regulations; and
- Reduce Federal expenditures for disaster assistance and flood control (NFIP Program Description).

In 1979 – approximately eleven years after the NFIP was formed – the Federal Emergency Management Agency (FEMA) was created and the NFIP was placed under its responsibility. Then, in 1988 FEMA’s responsibilities were extended even further with the establishment of the Stafford Disaster Relief and Emergency Assistance Act. It’s a known fact that communities in the United States turn to FEMA for assistance and guidance, when preparing and recovering from severe flood events. In fact, FEMA’s Mission Statement is: “...helping people before during and after disasters” (FEMA About Us).

## 3. Supporting Evidence and Facts

### 3.1 A String Attached: NFIP Requirements

“FEMA through the Federal Insurance Administration (FIA), makes flood insurance available to the residents of a participating community, provided the community adopts and enforces adequate floodplain management regulations that meet the minimum NFIP requirements” (FEMA Tech. Bulletin 10-01). So, any community that wishes to be eligible for federally backed flood insurance and wants its residents to benefit from reduced flood insurance rates, must comply with FEMA flood guidelines. Essentially, this means that communities, districts, towns, cities, and counties must initiate ordinances that reduce future flood losses, must enforce floodplain management best practices to minimize damage caused by floods, and must monitor and control all new development and substantial improvements. A substantial improvement is any type of building modification such as remodeling, additions, or repairs where the price of the modification amounts to  $\frac{1}{2}$  or more of the price of the building prior to the modification. FEMA defines substantial improvement as “Any reconstruction, rehabilitation, addition or improvement of a building, the cost of which equals or exceeds 50 percent of the building’s pre-improvement market value.” (FEMA P-499).

#### 3.1.1 The Lowest Structural Member: Designing Above the BFE

The Federal Emergency Management Agency (FEMA) explains that the Base Flood Elevation (BFE) is the “...elevation of flooding, including wave height, having a 1 percent chance of being equaled or exceeded in any given year...” and represents “...the basis of insurance and floodplain management requirements and is shown on Flood Insurance Rate Maps (FIRMs)” (Mitigation Assessment, Hurricane Sandy). Ordinarily, when first floors of well-constructed buildings are elevated well above the BFE, these structures will survive flood events and undergo only minimal harm or cosmetic damage. On the other hand, history has proven that when the lowest floors of buildings sit below the BFE, these buildings suffer considerable destruction during flood events, will frequently endure serious structural damage, and may even be destroyed completely. For this reason, one of the key requirements of the National Flood Insurance Program (NFIP) is that the lowest floor of a building – and specifically, any load-supporting building component that makes up part of the assembly of the lowest enclosed floor – must be located above the BFE. According to V Zone Design and Construction Certification – Home Builder’s Guide to Coastal Construction Tech Fact Sheet No. 1.5, NFIP requirements specify: “The bottom of the lowest horizontal structural member of the lowest floor is elevated to or above the BFE” (FEMA P-499).

The importance of this NFIP requirement is reaffirmed in FEMA’s Lowest Floor Elevation – Home Builder’s Guide to Coastal Construction Tech Fact Sheet No. 1.4; “In riverine and other inland areas, experience has shown that if the lowest floors of buildings are not elevated above the flood level, these buildings and their contents will be damaged or destroyed. In coastal areas, wave action causes even more damage...” (FEMA P-499). Communities, towns, cities, and counties that do not enforce this fundamental floodplain management requirement, may be at risk of losing their ability to participate in

the NFIP, and therefore, residents may be in danger of not being eligible of continuing to receive federally backed flood insurance. 44 CFR 60.3 (e)(4)...states that a community shall require: that all new construction and substantial improvements in (coastal flood areas)...on the community FIRM are elevated on pilings or columns so that

- (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to or above the base flood level (FEMA Free of Obstruction).

“Construction of a residential building in an identified Special Flood Hazard Area (SFHA) with a lowest floor below the BFE is a violation of the floodplain management requirements set forth at 44 CFR 60. 3(c)(2) unless the community has obtained an exception to NFIP requirements from FEMA and has approved procedures in place...” (FEMA Tech. Bulletin 10-01).

### **3.1.2 Benefits of Meeting FEMA Guidelines and NFIP Requirements**

According to Repairs, Remodeling, Additions, and Retrofitting – Home builder’s Guide to Coastal Construction Tech Fact Sheet No. 9.1, “In coastal environments, even a little additional elevation (above the BFE) can result in improved flood resistance” (FEMA P-499). Any flood insurance agent or adjuster will tell you that homes that are in compliance with the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP) flood requirements, experience significantly less damage in flood events. This important point is reaffirmed in Flood Resistant Construction and the 6<sup>th</sup> Edition of the Florida Building Code 2017; “FEMA reports that structures built to NFIP criteria experience 80 percent less damage through reduced frequency and severity of losses” (Flood Resistant Construction). In addition, property owners also pay significantly less in flood insurance costs when homes are built above the BFE.

There are of course many paybacks and reciprocal benefits when buildings are well elevated and undergo only minimal harm or cosmetic damage during severe flood events. One significant advantage is how quickly a neighborhood, district, community, town, and city can recover after a severe flood event. As stated by Designing for Flood Levels Above the BFE – Hurricane Katrina, there are other benefits of designing for flood levels above the Base Flood Elevation (BFE);

- Reduced building damage and maintenance
- Longer building life
- Reduced flood insurance premiums
- Reduced displacement and dislocation of building occupants after floods (and need for temporary shelter and assistance)
- Reduced job loss
- Increased retention of tax base (Mitigation Assessment Katrina)

According to Flood Resistant Construction and the 6<sup>th</sup> Edition of the Florida Building Code 2017, “Buildings that sustain less damage are more quickly reoccupied, facilitating recovery” (Flood Resistant Construction). On the flip side, when there is extensive, wide-spread structural damage to homes and businesses, it can take years for residents in a community to recover. For instance, people may have difficulty finding temporary shelter and may also face unemployment when industrial and commercial buildings used as local workplaces have suffered considerable damage. In these situations, many people will decide to permanently relocate out of the area. This seemingly innocent reaction can quickly create a domino effect, and spiral way out of control. As an example, when residents move away, local businesses stand to lose their customer base, which can lead to additional closures, property abandonment and delay the possibility of recovery even further. For this reason, “Protecting buildings that are constructed in Special Flood Hazard Areas (SFHAs) from danger caused by flood forces is an important objective of the National Flood Insurance Program (NFIP)” (FEMA Free of Obstruction).

### **3.2 Increases in Future Flood Events are Expected**

There are a wide variety of contributing factors that create floods, and many experts believe that the number of major flood events will increase during the coming years, due to an assortment of both natural and man-made causes. As a result, it is expected that the number of people that live in flood zones will rise, the projected height of flood levels will move upwards, and very possibly, the frequency of severe flood events will increase. For instance, during the past twenty years, several notable weather events created severe flood disasters where flooding surpassed the expected Base Flood Elevation (BFE) levels and went beyond boundaries of the Special Flood Hazard Areas (SFHAs) including:

- Hurricanes Ike, Irma, Ivan, Katrina, Maria, and Rita
- Midwest floods of 2008 and 2015
- Superstorm Sandy

There are many problems and issues that can lead to increases in flooding including:

- Failures of levees and other flood barriers

- New construction which causes flood water displacement
- Property development in wetland areas
- Fill to raise property levels and
- Climate change
  - Larger storms that cover larger areas
  - Extremely intense storms
  - Sea level rise
  - Back-to-back storm events

“...floodplains are dynamic systems that have been altered through natural processes and wetland and floodplain filling for agriculture, urban development, transportation, flood control projects, and other land uses” (FEMA P-348). Growing concerns about climate change may promote greater awareness about the potential of future severe flood events and lead to proactive strategies that enhance measures to protect properties from future flood risks. Some concerns about climate change include:

- More severe flooding due to stronger tropical storms and hurricanes
- Increases in flood occurrences due to more frequent tropical storms and hurricanes
- Sea-level rise which contributes to higher storm surges that impact areas further inland

In addition, it is important to note that Flood Insurance Rate Maps (FIRMs) do not account for:

- Shoreline erosion, wetland loss, subsidence, sea level rise
- Upland development
- Degradation or settlement of levees and floodwalls
- Climate change
- Multiple storm events (FEMA P-499)

Yet, even more concerning than climate change, are the subjects of fill, overbuilding and displacement. For example, many communities once had wetland areas which allowed for flood waters to be contained until high water levels subsided. However, when wetlands are filled to make way for new construction and development, floodwaters have nowhere to go and will travel further away from the flood source. In addition, when building lots are raised as a means to combat flooding, this creates additional water displacement, which further raises the level of floodwater and pushes flood waters and flood boundaries further outward from the flood source. Fill, overbuilding, and displacement contributes to higher flood levels, extends the flood zone, and increases damage in a community-wide flood event. As a general rule, using fill to raise the level of properties in flood prone areas, is not a good floodplain management strategy.

### **3.3 Outdated Maps and SFHAs and BFEs as Moving Targets**

In addition to the many natural and man-made causes that will lead to increases in flood events, most Flood Insurance Rate Maps (FIRMs) are outdated. As a matter of fact, some have not been updated in over 20 years! For this reason, many communities do not have an accurate picture of the future flood potential in their regions. Therefore, many communities, towns, cities, and counties are ill prepared for future flood events as they are not anticipating the severity or scale of what may be lurking on the horizon.

Very recently, there have been government decisions to increase the budget and monetary support for the Federal Emergency Management Agency (FEMA) in order to update the flood maps. Fortunately, these decisions will grant FEMA very much needed time and resources in order to facilitate studies, conduct research and compile data needed to update the Flood Insurance Rate Maps (FIRMs). However, many floodplain managers are already preparing themselves for the onslaught of related consequences. For instance, as FEMA begins the daunting task of revising all the outdated FIRMs, the Base Flood Elevations (BFEs) and Special Flood Hazard Areas (SFHAs) will be updated, and these revisions will likely result in some significant changes. In addition, it is to be expected that with the use of new more accurate flood modeling technology, BFEs will be repositioned, SFHAs will likely expand in territory, and many people who currently live outside of SFHAs, may suddenly find themselves living in flood prone areas and at considerable risk to future flood events. As a result, communities may face a considerable increase in the number of buildings located in SFHAs as well as the number of residents living in SFHAs. It is important to note, however, that updating a FEMA flood map does not occur over the course of a few weeks or even months; it takes many years of studies, research, data collection, meetings, and approvals to update a single community Flood Insurance Rate Map (FIRM).

## **4. Analysis**

### **4.1 Amending Height Restrictions to Allow for Higher Buildings**

Many cities, towns, and counties have chosen to implement higher standards and stricter ordinances as a reflection of the outdated map information and frightening predictions on climate change. Their hope is to be better prepared for the looming increases in Base Flood Elevations (BFEs) and the impending expansion of Special Flood Hazard Areas (SFHAs). As part of their efforts to make their communities, towns, cities, and counties more resilient towards future flood events, some communities now require that first floors are at or above the Design Flood Elevation (DFE) instead of the Base Flood Elevation (BFE). The DFE is an additional measure of protection from flood damage and is calculated by taking the BFE and then adding one or more extra feet to the required height, which is called freeboard. In order to facilitate these flood-resistant building design methods, some of these communities have chosen to rewrite and revise their old and antiquated building height restrictions in order to permit considerably higher buildings, which will encourage the construction of new buildings to have first floors well above the current BFE.

## **4.2 Exceptions for Compliance Becomes Part of the Ordinance**

Communities that participate in the National Flood Insurance Program (NFIP) are expected to make decisions and create amendments to zoning regulations and building permits that minimize damage from flooding. However, in recent years, many communities, towns, cities, and counties have found themselves in conundrums. As they try to enforce FEMA flood guidelines as part of the NFIP requirements, building officials have been confronted with a unique and unexpected challenge; existing building height restrictions – many of which are old and antiquated.

For example, in the town of Dewey Delaware, as residents began to elevate their private homes upward to meet flood guidelines, the top of the roofs would frequently surpass the city's 35-foot building height limit. With no alternative, these property owners, investors, contractors, and developers, would often be forced to redesign and rebuild roofs to reduce the slope and lower the building's overall height in order to comply with the 35-foot limit. Rebuilding the roof in order to create a lower profile is typically not cost effective and can also increase the cost of the project so that it classifies as a substantial improvement. A substantial improvement is any type of building modification such as remodeling, additions, or repairs where the price of the modification amounts to  $\frac{1}{2}$  or more of the price of the building prior to the modification. The Federal Emergency Management Agency (FEMA) defines substantial improvement as "Any reconstruction, rehabilitation, addition or improvement of a building, the cost of which equals or exceeds 50 percent of the building's pre-improvement market value." (FEMA P-499). When the rules of substantial improvement come into play, there are a boatload of additional National Flood Insurance Program (NFIP) requirements that must be met. So, in order to prevent excessive hardship for property owners, the town passed a new ordinance that provided an exception to the 35-foot height limit, when a property owner is raising their home to comply with Federal Emergency Management Agency (FEMA) flood requirements.

The city of Key West Florida also voted to amend existing regulations in order to allow exceptions on a case-by-case basis. A review board now permits new and existing buildings to be elevated in order to meet FEMA and NFIP requirements. However, despite their good intentions, making exceptions is generally not a good idea because it can create an additional workload for building officials, set a precedent where exceptions become the norm, allow loopholes permitting high rise construction in residential areas and force unintentional design results that may compromise key neighborhood aesthetics. Exceptions can also lead to inconsistent decision-making habits. For this reason, communities that elect to make case-by-case exceptions may face an increasing number of legal disputes when property owners, investors, contractors, and developers, challenge their decisions. This costs communities both time and money.

## **4.3 Public Concerns: Increased Building Heights and Awkward Variations**

There is no doubt that the practices of elevating existing buildings and requiring new buildings to have their first floors at higher levels, will result in higher roof lines. This in turn, can create an abundance of worries and concerns from residents and other property owners who desire to maintain lower building heights which helps to:

- protect water views for other property owners,
- avoid the gradual infiltration of high-rise construction
- prevent increases in damage from hurricanes due to stronger wind loads on higher upper floors
- maintain local fire department fire-fighting capabilities if current equipment is not able to reach upper levels

In addition to the worries and concerns mentioned above, businesses that depend on tourism may voice objections to increasingly high roof lines, as these higher buildings may obstruct sunshine and ocean breezes, which can reduce the appeal of coastal highways that lure people to sea-side vacation destinations.

Measures to move the first-floor heights of new and existing buildings upward, not only results in higher roof lines, they can also result in inconsistent roof lines. This unwanted, undesirable effect of varied roof lines can create an awkward

appearance, which can be especially troubling in historic districts. Some residents and property owners will oppose changes that lead to variations in building heights citing the benefits of preserving a certain uniform look.

#### **4.4 Countering Variations in Historic Districts**

One popular way to overcome concerns about the awkward appearance of varied building heights is to establish neighborhood preservation committees. These groups can pinpoint key elements and unique architectural features that people identify with the neighborhood and ensure that they continue, which may prove to be especially helpful in historic districts. As a result, some of the key elements and unique architectural features that communities, districts, towns, and cities have set requirements for are:

- Roof shape, material, and color
- Building shape, material, and color
- Porches, canopies, and screening
- Dimensions, locations, and styles of front doors, windows, and shutters
- Stair design, location, and railings
- Locations of driveways, and driveway material
- Fencing location, design, material, and color
- Location and type of landscaping such as certain types of trees, shrubs

#### **4.5 The Need to Define How to Measure Building Height**

Often times, city building officials are faced with the burden of determining whether a building meets the zoning requirements. Making these types of determinations is not always easy – especially when there is not a clearly defined way to measure the height of a building. Although most zoning ordinances address building height, few specify how building height should be measured or even define what building height really means. In fact, there is wide inconsistency in the starting point of how to measure a building's height. Most communities, cities, and counties, define the starting point of a building's height from grade (ground) level, or from a nearby curb, sidewalk, or crown in the road. Other communities, cities, and counties do not currently define the starting point at all. Many times, conflicts will arise when there are ambiguities with how to measure building height. Often, a legal dispute will result from the confusion and communities may have to pay thousands of dollars in legal fees when property owners, investors, contractors, and developers see legal action to enforce their rights under the law. Yet, these legal battles could be avoided if there were clear standards in place on how building height should be measured.

### **5. Conclusion**

“Protecting buildings that are constructed in Special Flood Hazard Areas (SFHAs) from danger caused by flood forces is an important objective of the National Flood Insurance Program (NFIP)” (FEMA Free of Obstruction). For this reason, one of the key requirements of the NFIP is that the lowest floor of buildings (in SFHAs) – and specifically, any load-supporting building component that makes up part of the assembly of the lowest enclosed floor – must be located above the Base Flood Elevation (BFE). Communities that participate in the NFIP are expected to enforce Federal Emergency Management Agency (FEMA) flood guidelines and NFIP requirements. However, elevating an existing building comes with an assortment of challenges for everyone involved. In fact, simply raising the height of an existing building is quite expensive. “A significant portion of the costs of building elevation is associated with disconnecting the building's systems...raising the building off its current support system, increasing the height of the support system...lowering and anchoring the building to the extended support system and reconnecting building systems. Therefore, most of the cost associated with the additional height is attributed to erecting the increased height of the support system” (Hawkins). To make matters worse, things become considerably more difficult when there are building height restrictions in place, but yet, there is no definition of what building height means or how building height should be measured. Often, a legal dispute will result from the confusion. So, in order to avoid these troublesome ambiguities, assist communities in meeting NFIP requirements, and help property owners protect their buildings from flood damage, it is imperative that there is standardization in how building height is measured. If not, a vast majority of communities, towns, cities, and counties – especially those in coastal areas, will continue to struggle with existing building height limitations while trying to comply with ever changing FEMA flood guidelines.

A standard that requires all buildings in Special Flood Hazard Areas (SFHAs) to be measured the same way; using the Base Flood Elevation (BFE) as the starting point, will provide:

- Greater flexibility to conform to FEMA map updates
- Better resiliency to climate change

- Enhanced resistance to flood damage
- Clearer guidelines for property owners, investors, contractors, and developers, trying to comply with zoning regulations/requirements
- Decreased workload for building officials
- Reduced need for amendments to zoning height restrictions
- Improved consistency in how zoning height regulations are interpreted
- Increase the number of buildings that have first floors situated above the BFE

In summary, a national standard that defines building height measurements would be beneficial to everyone, simply by encouraging everyone to be better prepared for future flood events, minimizing property damage, and helping communities, towns, cities, and counties have greater resiliency to flood disasters.

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AGENDA ITEM 5  
ADJOURNMENT