



Memorandum

Meeting Details: July 7, 2025, Planning Commission Meeting
Prepared For: Planning Commission
Staff Contact: Community Development Department
Subject: Nonconformances, Variances, and Open Sky Requirements

Background:

Since Hurricane Helene, there has been an increase in the number of variances and building permits related to elevating an existing residential structure or building a new residential structure on a nonconforming lot. In 2024, city staff received six variance requests. For 2025, city staff has received seven variance requests as of June of 2025. When a property owner applies for a variance, it is a \$1,800 fee for single family, duplexes, and townhomes and a \$2,000 fee for multifamily, tourist dwellings, and commercial. Completing the variance process can add 30 days or more to the permitting process. Additionally, variances must adhere to strict criteria in order to be approved and a variance may not be a viable option on all projects. Property owners do have the right to elevate their existing homes or rebuild after a catastrophic loss; however, many applicants are still running into issues meeting setback requirements especially when rebuilding on a nonconforming sized lot or providing access to an existing structure that has been elevated.

Discussion:

City staff has brought Article III Nonconformances and Section 110-427 Yard regulations—Open sky requirements from the Madeira Beach Code of Ordinances for discussion. The discussion is about what potential amendments could be adopted to help speed up and simplify the rebuilding process or elevating process for property owners. The amendments would be focused on helping property owners elevating their existing homes and property owners that are rebuilding after a catastrophic loss.

Fiscal Impact:

Potentially there could be a reduction in the number of variance applications.

Recommendation(s):

City staff recommends bringing back drafts amendments to revise Article III Nonconformances and Section 110-427 Yard regulations—Open sky requirements in the Madeira Beach Code of Ordinances based on the direction from the Board of Commissioners and Planning Commission (LPA).

Attachments/Corresponding Documents:

- ARTICLE III. NONCONFORMANCES
- Sec. 110-427. Yard regulations—Open sky requirements.