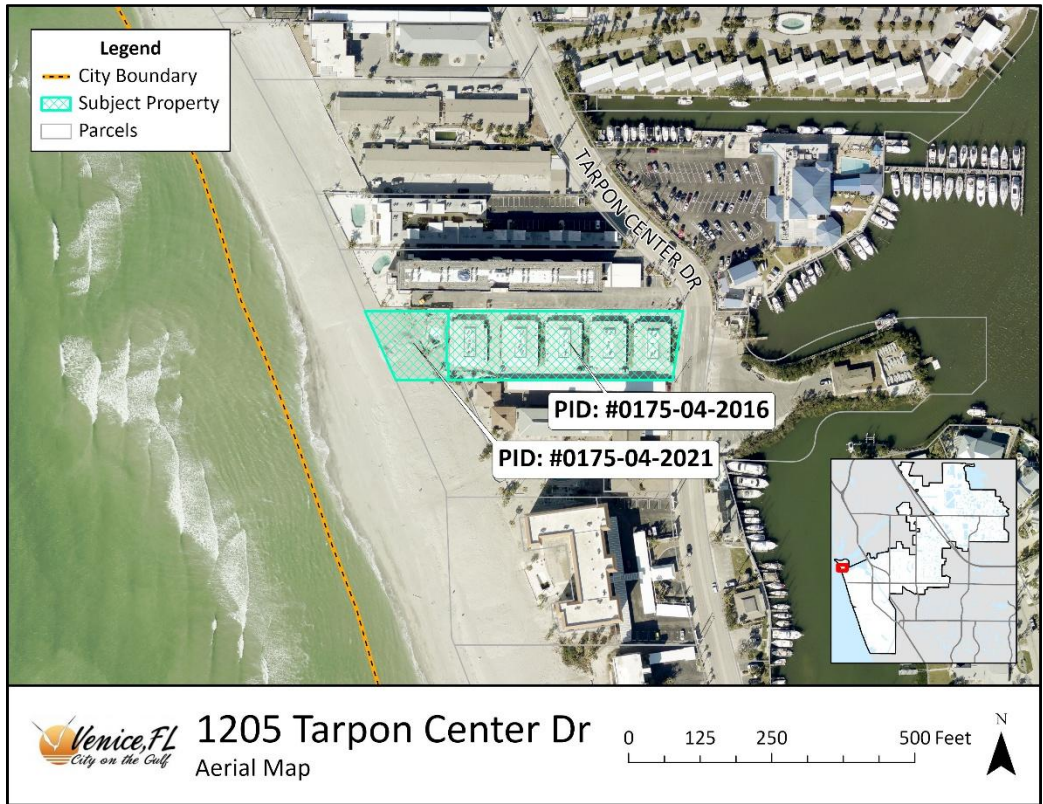


# 26-06VZ 1205 Tarpon Center Drive Staff Report

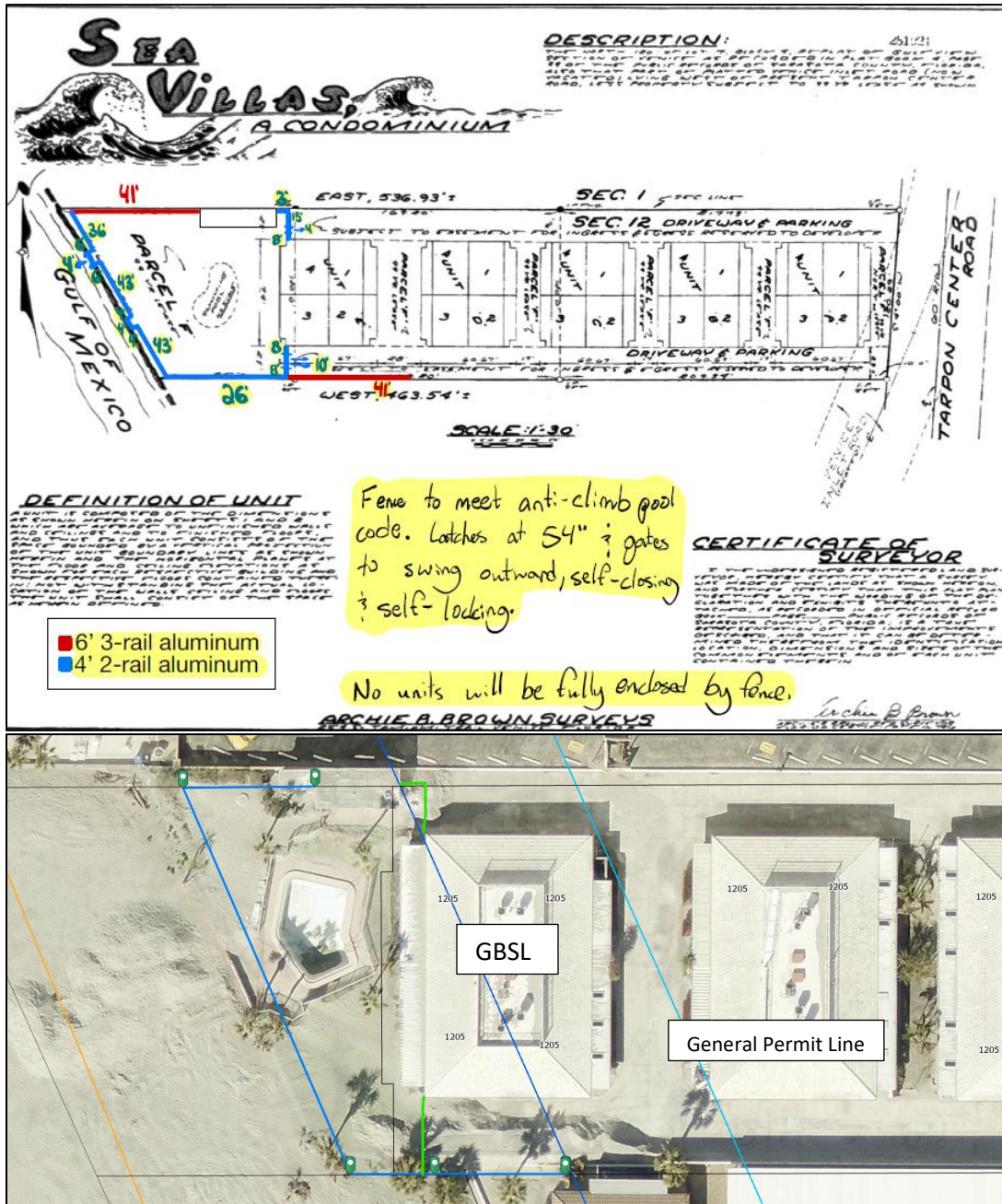


## GENERAL INFORMATION

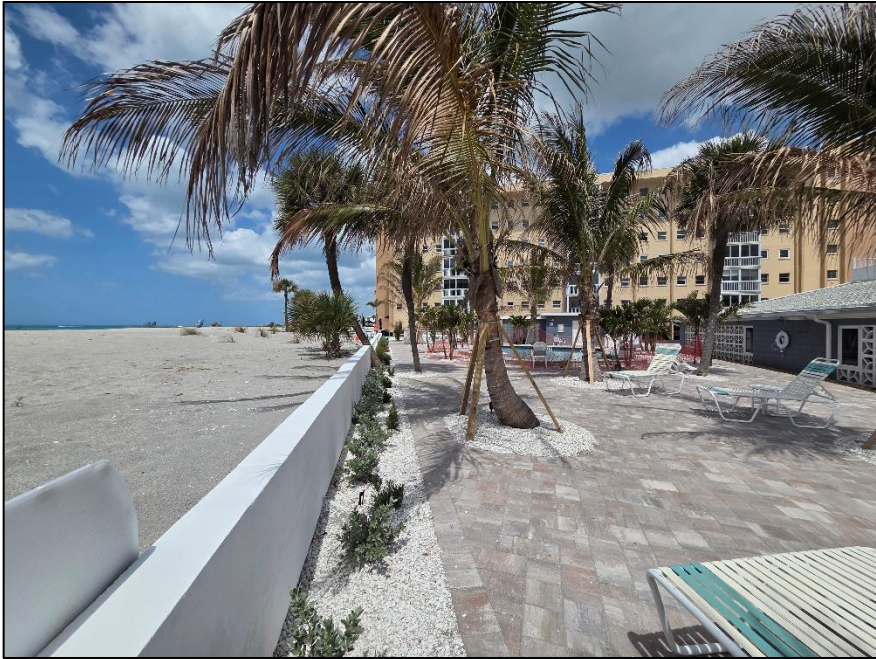
<b>Address:</b>	1205 Tarpon Center Drive
<b>Request:</b>	Seeking variance from Sec. 89-2.11.4.A prohibiting construction seaward of the Gulf Beach Setback Line to allow construction of a fence
<b>Owner/Applicant:</b>	Sea Villas, LLC
<b>Agent:</b>	Luke Beerman, Freedom Fence Builders LLC
<b>Parcel IDs:</b>	0175042016 and 0175042021
<b>Parcel Size:</b>	±1.43 acres
<b>Future Land Use:</b>	High Density Residential
<b>Zoning:</b>	Residential, Multi-Family 4
<b>Comprehensive Plan Neighborhood:</b>	Island Neighborhood
<b>Application Date:</b>	February 5, 2026

# I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is located at 1205 Tarpon Center Drive, known as Sea Villas. There was a fence on this property that was damaged by a recent hurricane, but the condo owners' desire is to replace the fence in a different location, still seaward of the Gulf Beach Setback Line (GBSL), but offering more security. The site plan provided by the agent and shown below is not drawn to scale; however, the correct measurements are provided. An estimate of the correct location based on these measurements, created by staff, is also included (main fencing in blue and gates in green). The varying heights of the fence are aligned with the varying heights of the concrete wall existing on the property, so that the top line of the fence will be continuous at 6'. The GBSL and General Permit Line are labeled on the staff exhibit.



Site Photographs



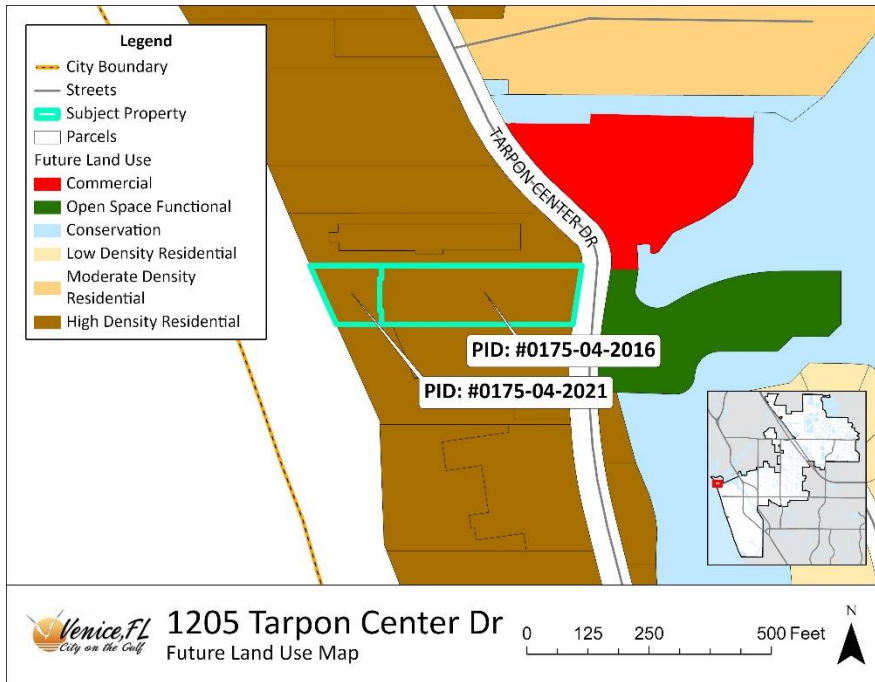




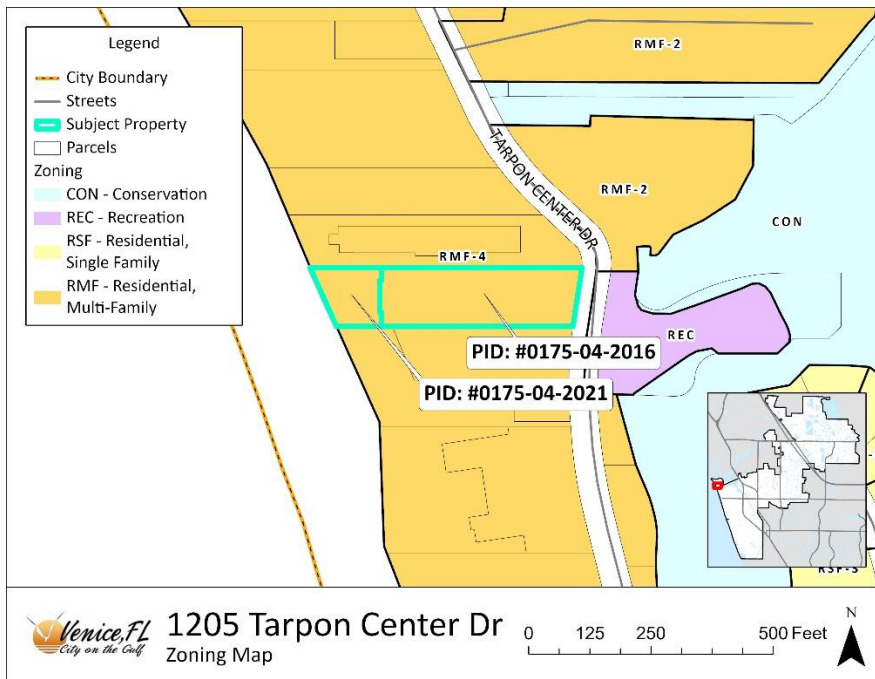
## Future Land Use and Zoning

This property is bordered by High Density Residential Future Land Use (FLU) designations to the north and south, with an Open Space Functional FLU to the east and the Gulf (no FLU) to the west. Corresponding zoning districts in the area are RMF-4 and Recreation (REC).

### Future Land Use Map



### Zoning



## II. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Chapter 87 Section 1.2 concerning receipt of written petition, notice of public hearing and scheduling of hearing have been satisfied. Chapter 87, Section 1.13.3 specifies that the Planning Commission shall, based upon substantial and competent evidence, make an affirmative finding on each consideration in granting a variance application or find that variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:

- 1. The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

*Applicant's Response: Westward building encroaches on gulf beach set back line. Existing (storm ruined) fence was already entirely in the gulf beach set back. We want to re secure the pool safety fence in a new location within the same gulf beach set back due to sand excavation, paver work and total reconstruction of the pool area that was needed to be done due to the 2024 storms and the existing sea wall that was installed 40+ years ago.*

- 2. The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity.**

*Applicant's Response: This is a unique parcel that has occupied buildings within the gulf beach set back. The entire pool area is in the gulf beach set back. Any change to the pool fence layout due to the massive reconstruction needed from the 2024 storms would require a variance.*

- 3. The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application.**

*Applicant's Response: This is a correct statement.*

- 4. The alleged hardship has not been created by any person presently having an interest in the property or, it was it was created as a result of a bona fide error.**

*Applicant's Response: This is a correct statement. The hardship is due to the massive amount of damage from the 2024 storms and necessary reconstruction activities.*

- 5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.**

*Applicant's Response: This is a correct statement. This will be positive to public welfare to the the pool being appropriately secured with a safety barrier.*

- 6. The variance granted is the minimum variance that will make possible the reasonable use of the property.**

*Applicant's Response: This is a correct statement.*

- 7. The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.**

*Applicant's Response: This is a correct statement. The pre-existing layout of the fence is no longer possible. The pre-existing layout of the fence was entirely in the gulf beach set back. The new fence*

*will be in the gulf beach set back as well with a more appropriate layout due to the change of conditions for reconstruction due to the storms.*

**Summary Staff Comment:** The request is not due to any staff error, and the Planning Commission must find positively on all seven criteria in order to grant the variance. The applicant's desire is to prevent trespassing into the pool and shower area and have determined the proposed location will be most effective to achieve this. The previous fence only surrounded the pool, and this did not provide enough protection and security for the residents. The Gulf Beach Setback Line, visible in dark blue and labeled on the staff-created exhibit on page 2, cuts through an existing residential building, and any rear fence for this property would have to be seaward of the line, regardless of configuration.