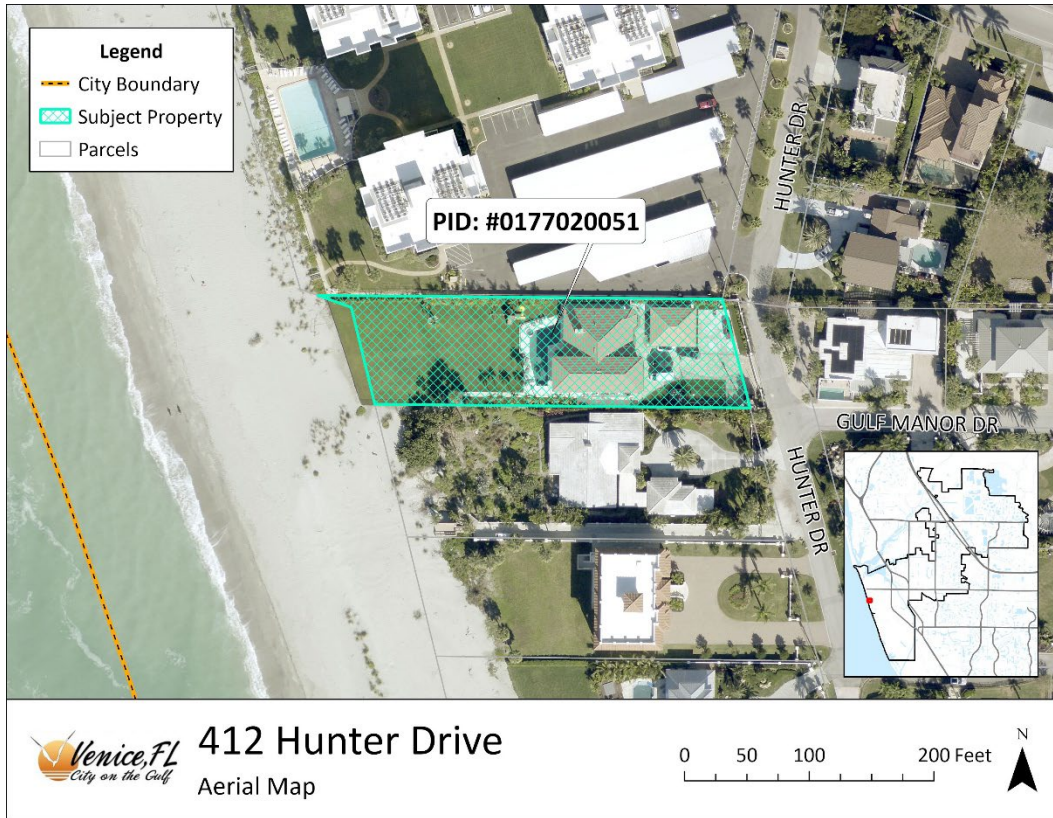


26-23VZ 412 Hunter Drive

Staff Report



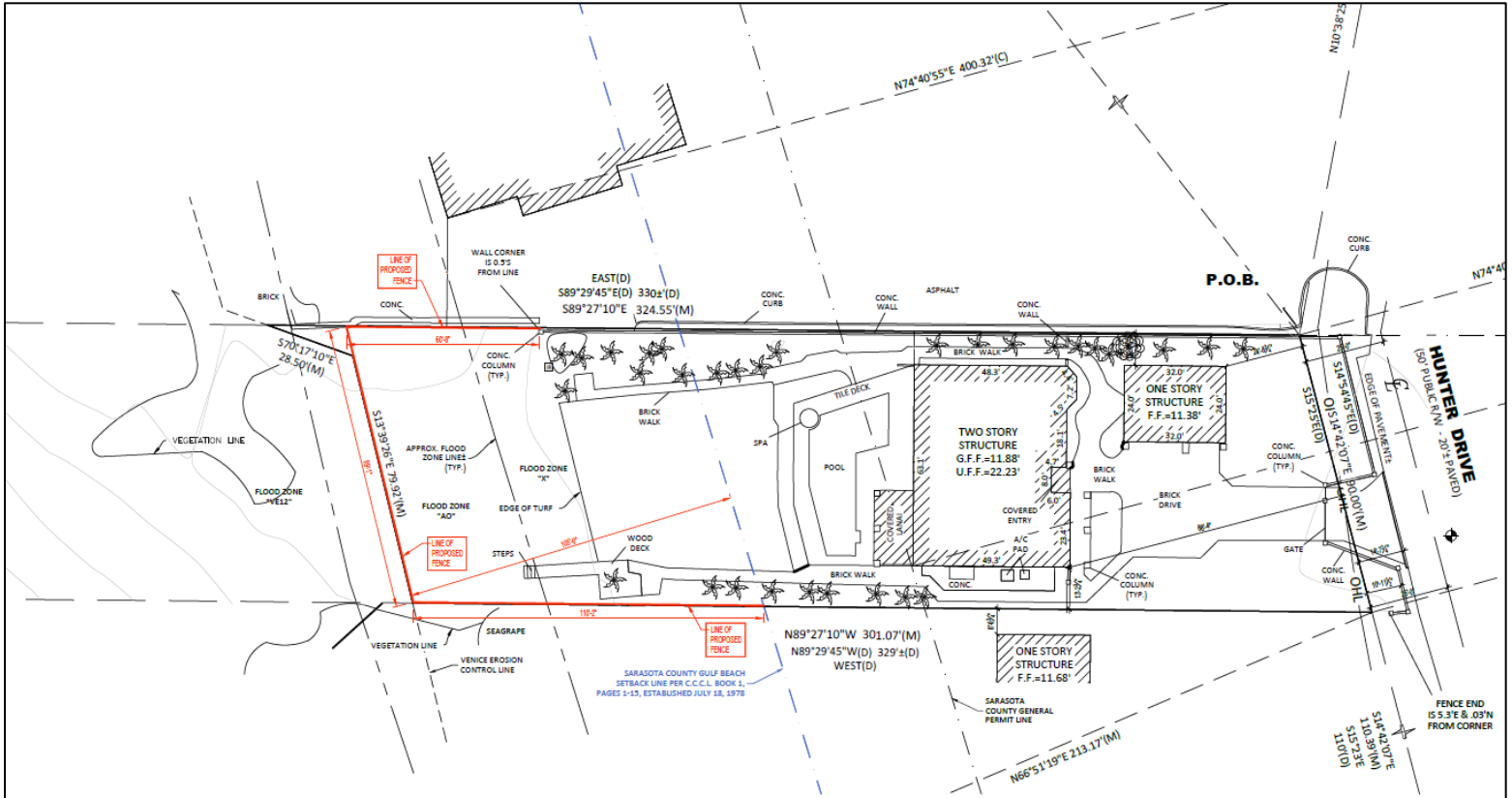
GENERAL INFORMATION

| | |
|---|---|
| Address: | 412 Hunter Drive |
| Request: | Seeking variance from Sec. 89-2.11.4.A prohibiting construction seaward of the Gulf Beach Setback Line to allow construction of a fence |
| Owner/Applicant: | Justin Junda |
| Agent: | Jackson R. Boone, Esq., Boone Law Firm |
| Parcel ID: | 0177020051 |
| Parcel Size: | 0.60± acres |
| Future Land Use: | Low Density Residential |
| Zoning: | Residential, Single-Family 1 |
| Comprehensive Plan Neighborhood: | Island Neighborhood |
| Application Date: | May 18, 2026 |

I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is a single-family lot located at 412 Hunter Drive. The applicant is requesting to fence the western side of the property, which is beyond the Gulf Beach Setback Line (GBSL) by up to 110'. This would replace a previous fence that went beyond the current property line; there was a recent change in the property boundary which caused the fence to be off the owner's property. The proposed fence would be entirely on the subject property and would be composed of 4' black aluminum.

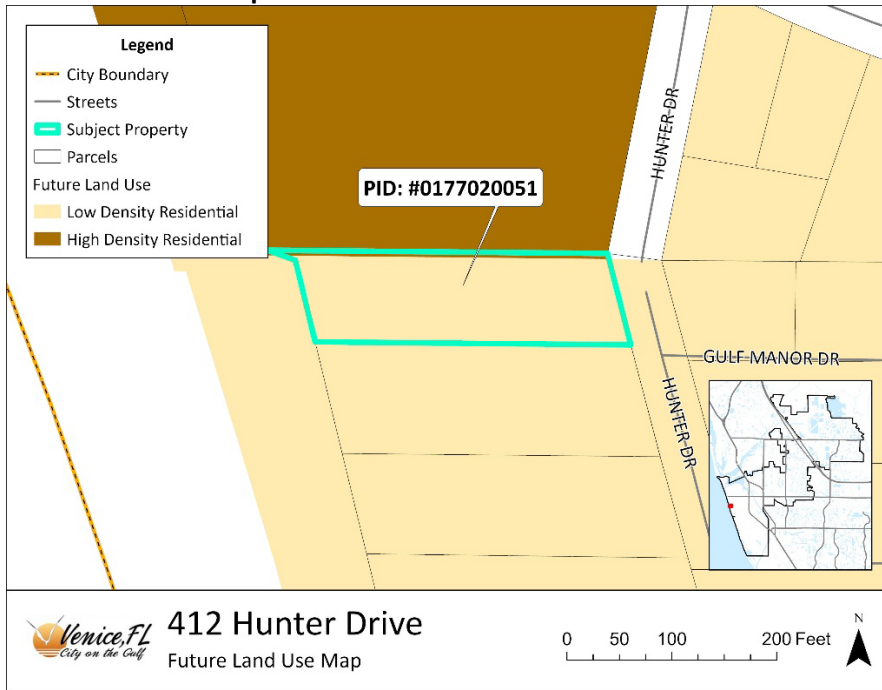
The GBSL and General Permit Line are labeled on the site plan; the GBSL is labeled in blue.



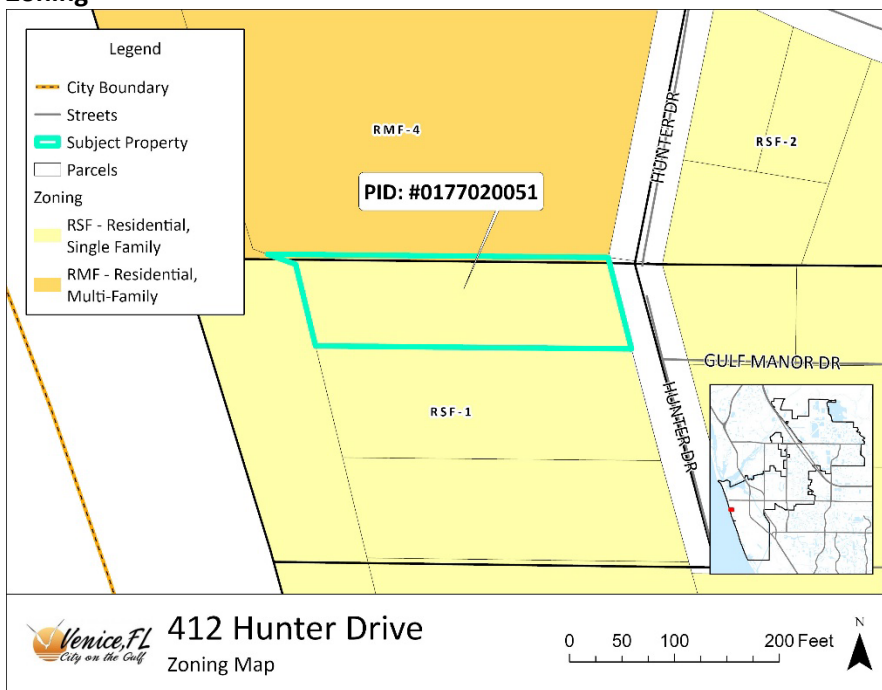
Future Land Use and Zoning

This property is bounded by Low Density Residential Future Land Use (FLU) designations to the south and east, with High Density Residential to the north. Corresponding zoning districts of Residential, Single-Family 1 and 2 appear to the south and east and Residential, Multi-Family 4. This property is within the Island neighborhood.

Future Land Use Map



Zoning



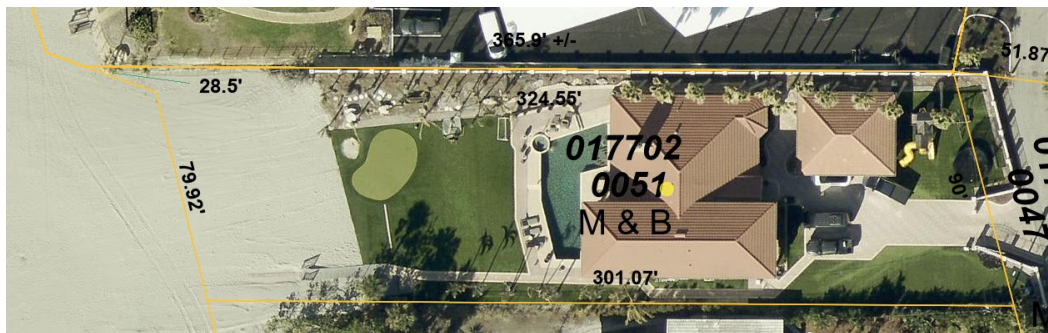
II. SITE PHOTOGRAPHS



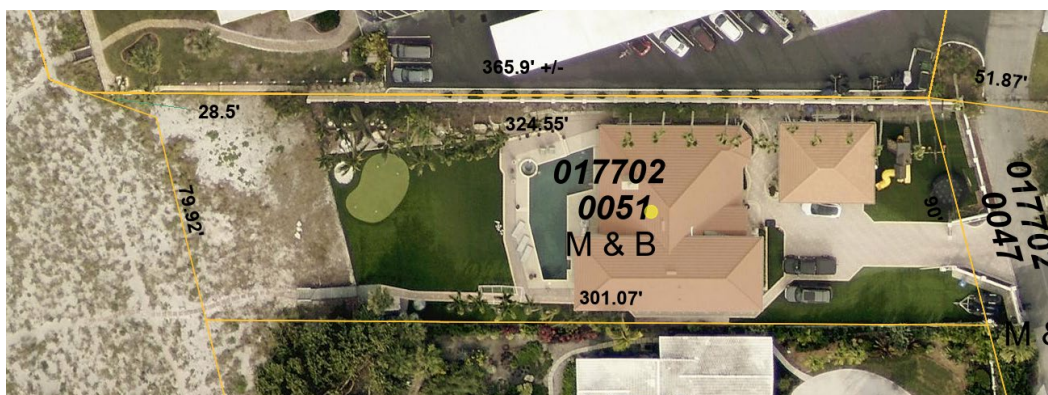
2025 Parcel Line, Current Aerial



2026 Parcel Line, Current Aerial



2025 Aerial



2024 Aerial



III. 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: The particular physical surroundings and other physical and environmental condition of the Property result in particular hardship upon the owner as the harm to the beach and beachfront habitat the GBSL regulations are intended to prevent does not apply to proposed variance and the condominium property to the north has a walkway that runs along the shared property boundary. This condominium property also has a beachfront lawn and pool area enclosed by a wall running along the beach, all which extend farther seaward than the proposed fence which is needed to provide security via enclosing the Property. The strict letter of the GBSL regulations as applied to the Property would prevent the enclosure of the Property, including the swimming pool located in the back yard, from the adjacent walkway to the beach to the north where people have trespassed.

- 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: The conditions upon which the request for the variance are based are unique to the Property and would not be applicable, generally, to other property within the vicinity. The Property is unique as it shares a boundary with the condominium property to the north where a walkway to the beach for the condominium is located. The Property is the only improved single-family lot in the vicinity that shares a boundary with a condominium property, and one of a handful of improved single-family lots on the island that share such as boundary.

- 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: The proposed variance is not based on any conditions which are personal to the applicant as applied the Property. The proposed variance is attributable to the unique location of the Property in relation to the condominium property to the north and their existing walkway to the beach.

- 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: The hardship created by the GBSL on the Property was not created by the owner.

- 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: The proposed variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity. The proposed enclosure of the Property via the fence will secure the Property which will increase safety for the owner and members of the public along the beach.

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

Applicant's Response: The proposed variance is the minimum variance to make possible the complete enclosure of the Property from the walkway to the north, and it is further landward of the GBSL than the existing walkway, wall, and beachfront lawn and pool area to the north.

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: The Property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted as the owner would not be able to enclose the Property in a manner that provides security from the walkway to the north and the beach area to the west. Additionally, the beach and beachfront habitat sought to be protected via the GBSL regulations do not apply in this instance, and the proposed enclosure is consistent with the beachfront improvements to the north and compatible with the surrounding area.

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 beachgoers from trespassing onto their property.