

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 8/10/21 P&Z CASE #: 2021-08-010

☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: 2/28/21

Applicant 1315 LAKE DR., BELLE ISLE, FL	Owner LAWRENCE MAVERMAN
ADDRESS (407) 973-5271	DEBRA ANN WEIL
PHONE:	
PARCEL TAX ID #: 25-23-29-6322-01-000	

LAND USE CLASSIFICATION:

EXPOSED  
(5'-6" - OUT OF WATER - 2'-3" FOOT IN WATER)  
ZONING DISTRICT:

DETAILED VARIANCE REQUEST:

(P.T.) ADD 8' GALVANIZED CHAIN LINK FENCE ON BOAT DOCK  
SIDE OF BACK SIDE OF ONE SIDE OF YARD - 50' to END OF DOCK TO PROTECT US & OUR  
DOGS FROM NEIGHBOR'S UNLEASHED PIT BULL & SWAN BENCH LOOSE DOGS FROM OUR PROPERTY  
PT. 2: ADD 4' WOOD EXTENSION ON EXISTING FENCE ON FENCE TO PROTECT OUR YARD  
FROM DOGS JUMPING OVER OUR FENCE.

- SECTION OF CODE VARIANCE REQUESTED ON:
- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
  - By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
  - Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
  - Sec. 42-64. - Variances. The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
    - Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
      - A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)(d)-(g) of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
      - Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
      - The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
      - It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
      - It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
      - It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
      - It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.



APPLICANT'S SIGNATURE



OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

Date Paid

Check/Cash

Rec'd By

8/10/21 <sup>LL</sup> 98591452 Hkp

Determination \_\_\_\_\_

Appealed to City Council: ☐ Yes ☐ No

Council Action: \_\_\_\_\_



Heidi Peacock <hpeacock@belleislefl.gov>

## Mauerman Fence Variance Request, Pt. 2 / Narrative Questions 1-4 - 7315 Lake Dr., Belle Isle, 32809

1 message

Debbi Weil <aneverlastingtan@yahoo.com>

Wed, Aug 11, 2021 at 2:16 PM

To: April Fisher <aprilfisher73@gmail.com>, Heidi Peacock <hpeacock@belleislefl.gov>, Bob Francis <bfrancis@belleislefl.gov>

Cc: John Mauerman <lmauerman@gmail.com>

Please see further answered narrative questions 1-4 below. Hope this is more of what you are looking for:

1) The current zoning only allows for a maximum height of a 4 foot fence with no less than a 35 foot setback from the lakefront/water on our property in the backyard, of which we currently have.

Unfortunately, our neighbor's dog has demonstrated she is easily capable of scaling over this fence to enter our yard and walking / swimming in shallow water onto our lakefront property to come after us and our pets. Therefore, we wish this variance to allow us to add an extension on top of our existing 4' tall wood fence on the side (an additional 2 feet of matching wood), neighboring their yard, and adding a chain link fence extending out from our property into the water to our boat dock, to separate and block their dog and all the dogs from Swann Beach that run along the shore (2 lots down) from also entering our property. The owners next door refuse to properly restrain their dog and Belle Isle has not maintained the fencing at Swann Beach to prevent this from happening and thus putting us and the safety of our pets in jeopardy.

2) The variance is not a personal hardship, it is a safety issue. Their dog attacked my husband and tried to attack our dogs through our back aluminum, 4' fence, along our lakefront. Many dogs from Swann Beach have also walked over to our property, because there is no fencing at Swann Beach to keep them safely in that area.

3) This is a minimal variance request as it will not interfere with the use of our or our neighbor's land or current structure.

4) Yes, this variance is safe and will simply match what COBI already grandfathered and is already existing on the opposite of our yard / property and many other properties in Belle Isle.

Please let me know if you need any further information.

Debbi

On Tue, Aug 10, 2021 at 12:19 PM Debbi Weil <aneverlastingtan@yahoo.com> wrote:

Back story and general concerns as to why we are requesting this variance:

When we bought this house in 2018 we paid for a custom, hand built, professionally installed \$18,000 decorative solid wood and black aluminum fencing on our property in our backyard, to protect and secure our 4 small dogs. We did it to COBI code and needed to file a variance on one side bordering our neighbor's (The Anderson's) to replace their existing fence with our newer style, which was approved.

Our opposite neighbor (Henry Tran, residing at [7307 Lake Dr., Belle Isle](#)) has a son (Danny) residing there that owns a large, white pit bull that is never on a leash, tethered, or restrained, is allowed outside both in their non-fenced yard, left unattended and unsupervised in their front and backyard. This dog constantly runs out their front door, runs around the neighborhood and wanders their property, the side walk and approaches people, pets and our dogs. This dog has no tags and up until a week ago, had no collar. It now has a silver choke chain, no tags or identification. Several neighbors have complained about this dog, as it is always loose, off leash, approaching them, unsupervised, etc. As Mr. Francis is aware, this is a very problematic neighbor, historically getting cited constantly and receiving fines on a monthly basis. They have no respect for their neighborhood, the environment, their property, the lake, the law, or concern for other's well being, including their direct neighbors.



We have a very secure backyard and walk our dogs, on leash and harnesses twice a day, but often have to immediately run back in our house to safety, because their dog is loose in theirs or our front or backyard, off leash and runs after us and our dogs. We are not able to pick up or protect our dogs from this dog going after or attacking our dogs. It is a nuisance and safety issue. And we are tired of living in fear, stress and anxiety of this dog on our own property.

This is an ongoing, regular occurrence. The owner, does not walk this dog on a leash, he simply lets her out the back or front door to do its business, which is against the Orange County leash law. They know it and they don't care. This family has a history of this type of pet owner negligence on file with the County and had previously owned 2 pit bulls that they also let roam off leash, outside that tragically attacked a child at the park and were eventually removed from their home. So this is standard pet ownership behavior for this family and it is not acceptable, but not likely to change. So now we need to do something on our end to protect ourselves.

This past Sunday my husband John was cleaning up our lake front area and the neighbor's 5 year old son, James let their 80 pound+ pit bull out back, off leash. He saw my husband out back and came charging at him, as their yard and water line / lakefront area is not fenced, and neither is ours, hence this variance request.

I was in our yard, behind our fence and witnessed all of this. My husband was calling to the boy to come get their dog off of him. The boy was saying he couldn't grab the dog because he was too big to handle. I was then also shouting at both the boy and my husband to call the dog off of him. My husband didn't want to touch the dog for fear of getting bit by the dog.

With all this commotion, my dogs heard it and all came running out of our house in our defense. Even though we have a fence, their dog was on our property, in our yard. And because we can only have a 4 foot fence (black aluminum with 8" spacing in between facing the lake), their dog was going after trying to attack our dogs through the fence and trying to get over our fence!

I could not grab all my dogs and their little boy could not grab or control or stop their dog. They did not have an adult present that could either. I was able to grab one of my dogs to safety while the other 2 eventually followed me inside the house. They had their 80 year old, 95 pound, non-English grandmother finally come over who couldn't do anything to control the dog or help either. The dog eventually stopped the aggression and attack mode when my dogs went inside our house. We are all EXTREMELY lucky no one got hurt, except for a few pulled muscles.

Our neighbors are constantly letting this dog wander out in their backyard, which opens to our lakefront and she walks in the water to our property all the time. We reported this incident to 311 and BIPD, which both went and spoke to the owners. They have no intention of building a fence or walking this dog on a leash, so we have no choice but to secure our yard, spend the money, once again to protect ourselves and our dogs from this dangerous dog and all the other dogs that run over from Swann Beach (2 doors down, which is also not fenced). The Swann Beach dog owners are nowhere near their dogs once they break free and are 2 houses down on our property in our yard.

We should be able to be in our lakefront, on our property, and not live in fear of our safety because we are following the law and our neighbor is not. We also let our dogs out in our backyard 8-10 times a day, in our fenced yard, yet their dog can easily jump over our 4 foot section of wood fencing at any time as well as walk into our lakefront section and get over our back aluminum 4 foot fencing in the back area.

If we could add the variance aluminum fencing, we wouldn't have to worry about their dog or other dogs coming into our yard or climbing over our 4 foot high wood fence to get to our dogs or us.

We don't want to constantly live in fear, or paranoia every time we let them out or leave them outside to enjoy their yard. We don't want to take the chance that an attack or the death of one of our dogs has to happen before anything else is done to protect our family.

We are asking for a 2 part variance as follows:

PART 1: Adding approximately 50 feet of an 8 foot high galvanized aluminum fencing on the left side of the back of where our wood fence ends, where our beach begins - going into the water - extending to the length of our boat dock. This will sink approximately 2 - 3 feet in the sand/water and only stick up about 5-6 feet off the land/water. This will prevent our neighbor's dog and other dogs from Swann Beach from walking on the ground and shallow water onto our property.

The 311 Officer that came out to take our statement from this incident, Office McCracken, accessed our property and said he would help support our request for the fencing variance for the city to help protect our dogs and property.

NOTE: There is already this type of existing fencing on the opposite side of our property that was previously there when we acquired the house. We are asking to add this same type of structure. See photo.

PART 2: Adding approximately 20 feet in length and 2-4 feet on top of our already existing wood fence on one side in the back. It is built to code at the lakefront set back at 4 feet, however, their dog can easily and has tried to jump over this 4 foot section. We are asking to add 2-4 feet to the top to match what we have to secure our yard and protect us and our dogs from their dog and other dogs from getting into our property.

Variance Narratives:

- 1) The variance complies and would not interfere with the soil, water or topography as there is the exact same structure in place on the opposite side of our property already.
- 2) The variance will not alter the character of the neighborhood or property, affect access or anyone else's ability to enjoy this property moving forward should we not dwell here in the future. It will not change the integrity of the property. If anything, it would add to and enhance it.
- 3) The variance is minimal and does not affect the land or building structure whatsoever.
- 4) Agreed the granting of the variance will be harmonious with the general purpose and intent of the zoning ordinances and not detrimental to the public or public interest.

Please let me know if you have any questions or need further supporting documentation. All photos and land survey was sent in first email.

D Weil-Mauerman  
(407) 973-5271



**Galvanized, 8' x  
50' chain link  
fence**



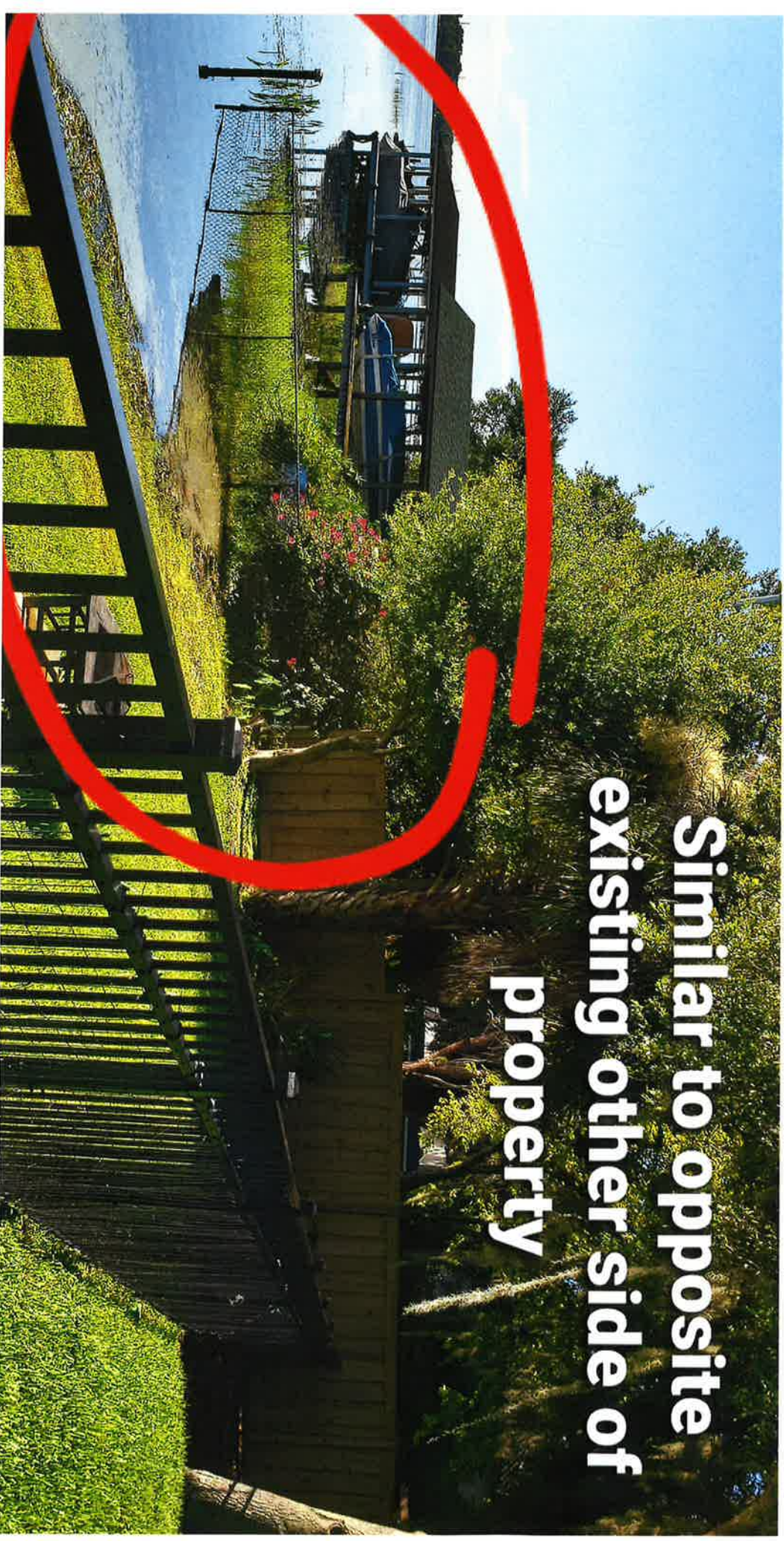




**Pt. 2: Add 4' matching  
wood extension on  
existing fence on 1  
side/section**



**Similar to opposite  
existing other side of  
property**

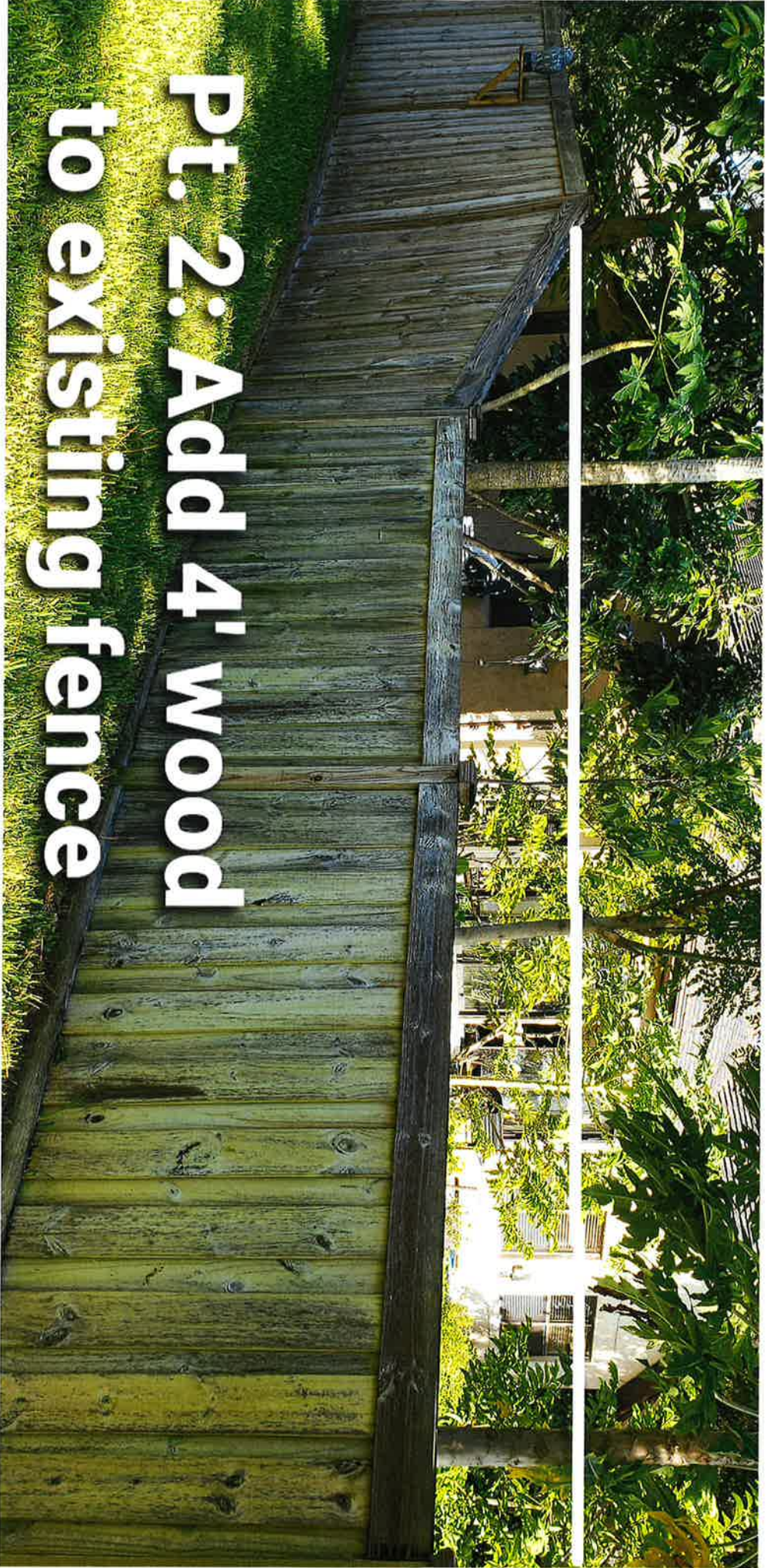






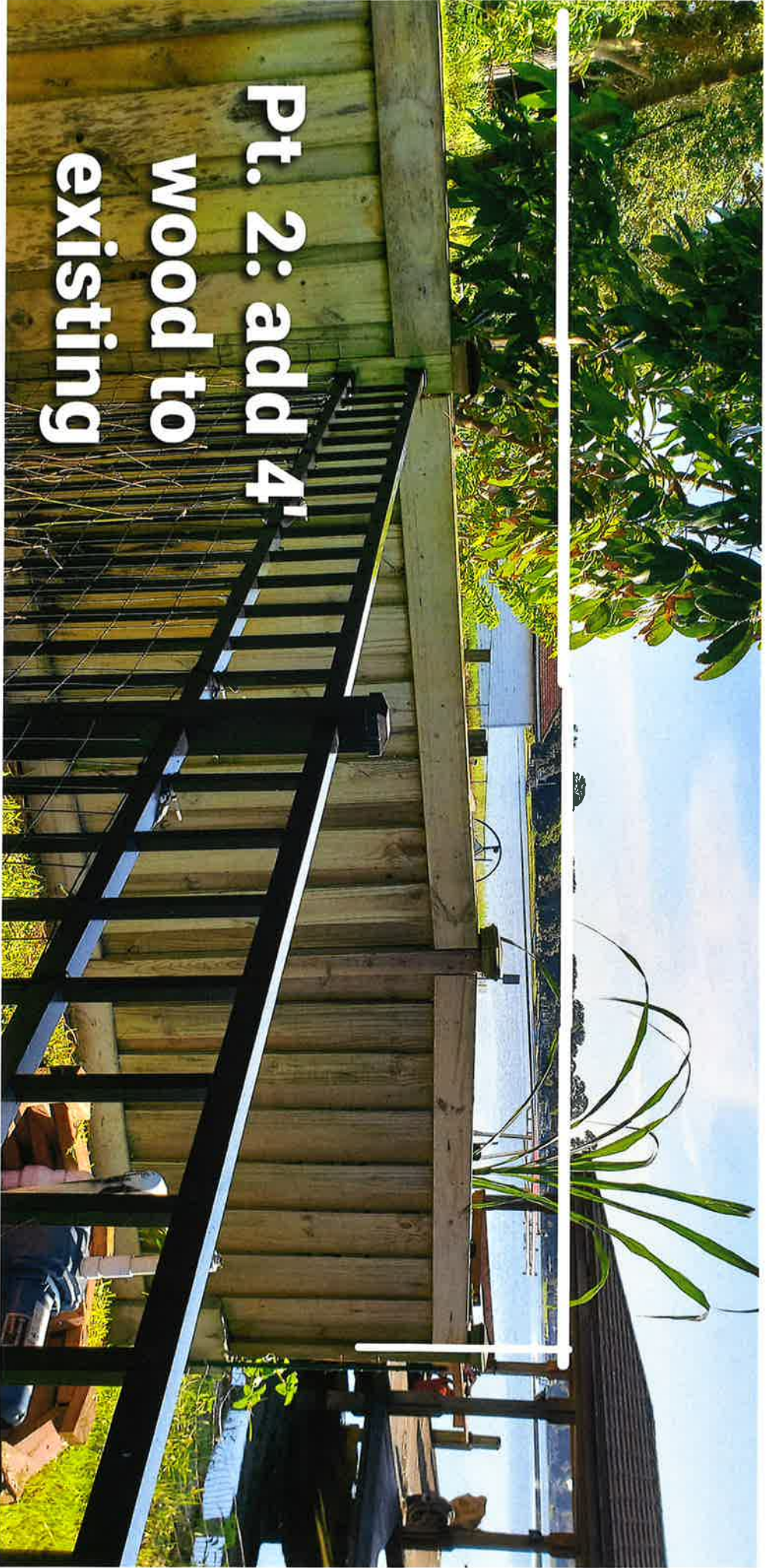
**Pt. 1: 8' chain  
link fence (5'-6'  
out of water to  
boat dock)**





# Pt. 2: Add 4' wood to existing fence





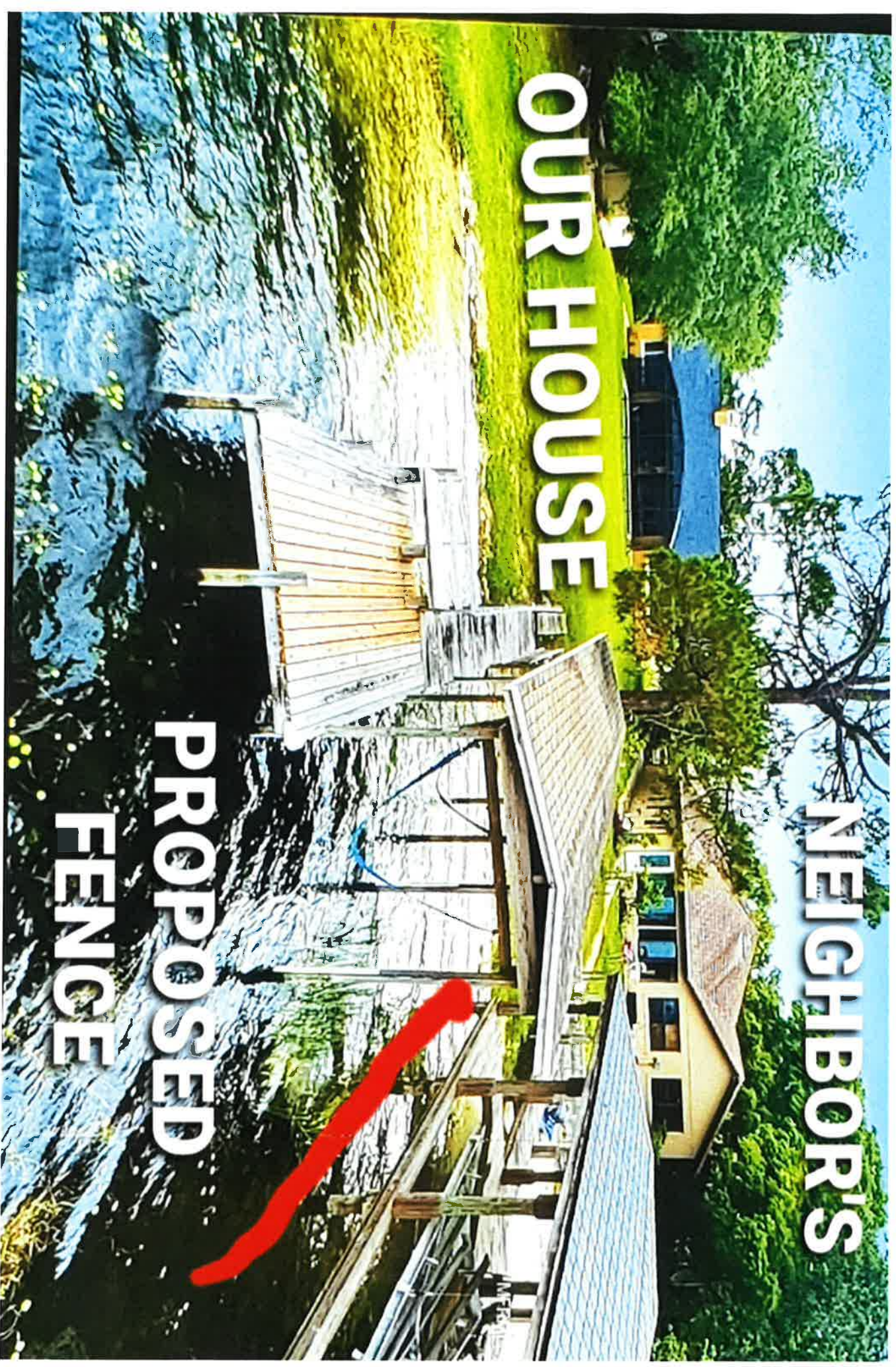
**Pt. 2: add 4'  
wood to  
existing**



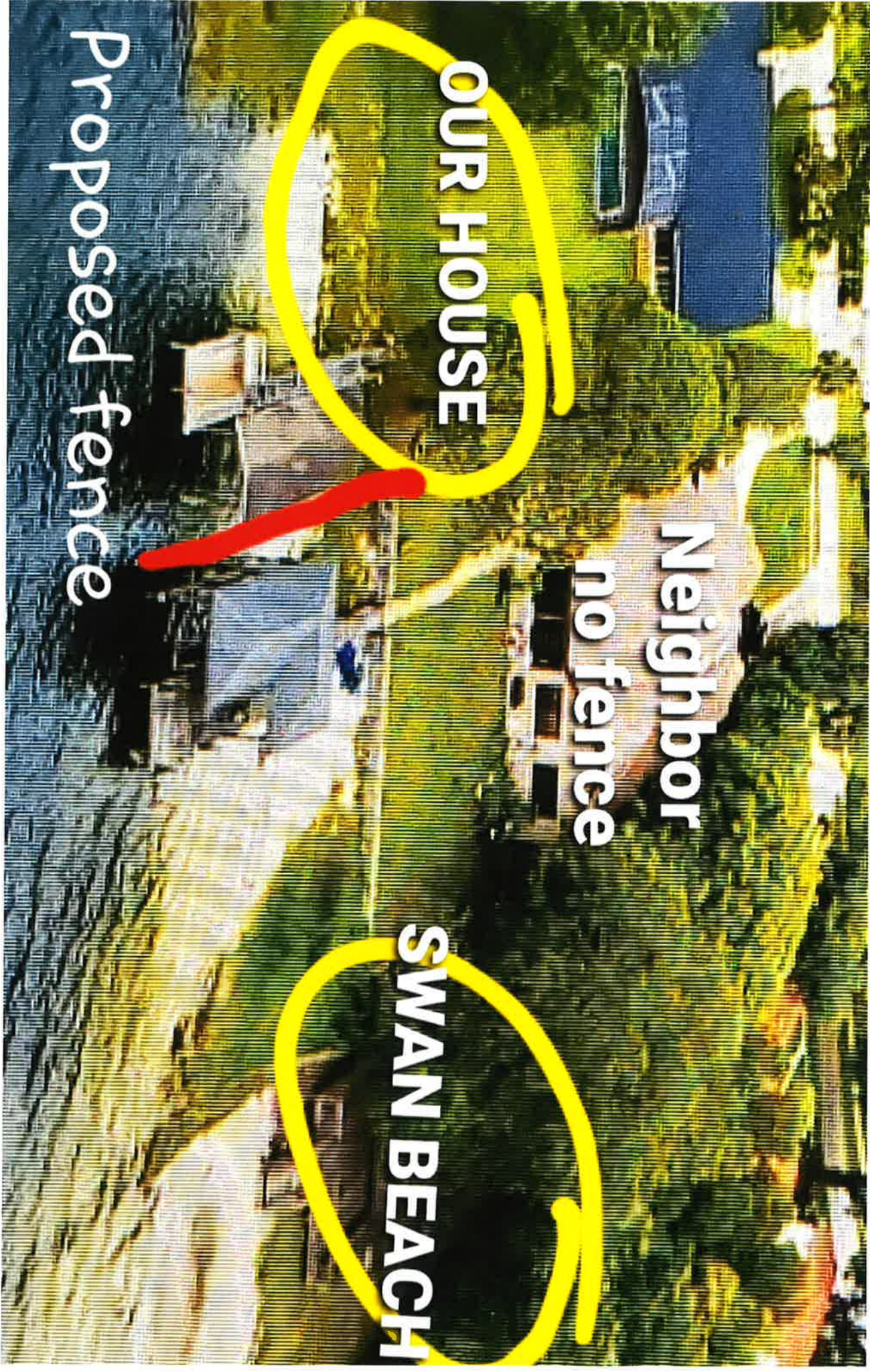
**NEIGHBOR'S**

**OUR HOUSE**

**PROPOSED  
FENCE**







OUR HOUSE

Neighbor  
no fence

SWAN BEACH

Proposed fence



