

Exhibit 1

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

Zoning Regulations (Section: _____) Subdivision Regulations (Section: _____)
 Sign Regulations (Section: _____) Other: Landscape Plan

Owner's Name: Mark & Kathryn Taylor Phone: 817-463-0382 Fax: _____

Mailing Address 8470 Steeplechase Circle, Argyle 76226

Legal Description: Lot 4R Block A Addition Addic Addition

Present Use and Improvements on Property: 64 McMahon Road

Description of Variance or Special Exception Requested:

See attached letter requesting variance from
original landscape plan

Has a previous Application or Appeal to the Board been filed on the property?
 No Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses , and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

Keith Jew
Signature

6/18/24
Date

RECEIVED

Application complete? _____	Fee Paid: \$ <u>450.00</u>	Date: <u>JUL 08 2024</u>
Date to appear before: P&Z _____	TC _____	BOA _____
Remarks: _____		

June 18, 2024

Town of Bartonville
1941 E. Jeter Road
Bartonville, TX 76226

Re: Zoning Code Violation

Dear Zoning Board of Adjustment,

We are in receipt of the Zoning Code Violation and wish to remedy this issue as quickly as possible. We are seeking a variance to our original landscaping application because of changes recommended by KCB Engineering to our existing septic drainage field and well as errors in our original application.

The original landscaping plan called for Leland cypress trees to be planted along the east side of the privacy wall. Because of our need to modify our septic field and increase the area of lateral lines based on engineering recommendations, we no longer have the ability to plant in the original location of these trees. As shown in the diagram below, there is no space to accommodate root growth of trees in the original location of the Leland cypress trees without damage to the buried septic lines.

We would also like to revisit the error that was made in our original application allowing photinia to be planted in the utility easement along the west side of the privacy wall. As mentioned in our response email, we cannot accommodate maintenance vehicles on our property as a courtesy because of the potential breakage of the buried septic lines. Future maintenance vehicles will have to utilize the easement, thus preventing the ability to plant in this area.

For security and the safety of the children enrolled at GPA, we do not wish to plant anything around our playground or building that impedes the staff's ability to see intruders approaching.

All of these factors outlined necessitates a change to our original landscaping application. In lieu of the Leland cypress and photinia, we would like to propose a planting of live oak trees in the area between McMackin Road and our septic tanks. These trees would be a minimum of 45 gallon and 12 feet high at planting. Because of the 20' spacing recommended by Fannin Tree Farm, the planting area will accommodate 3 trees.

We are available at any time to answer your questions or provide additional information.

Respectfully,

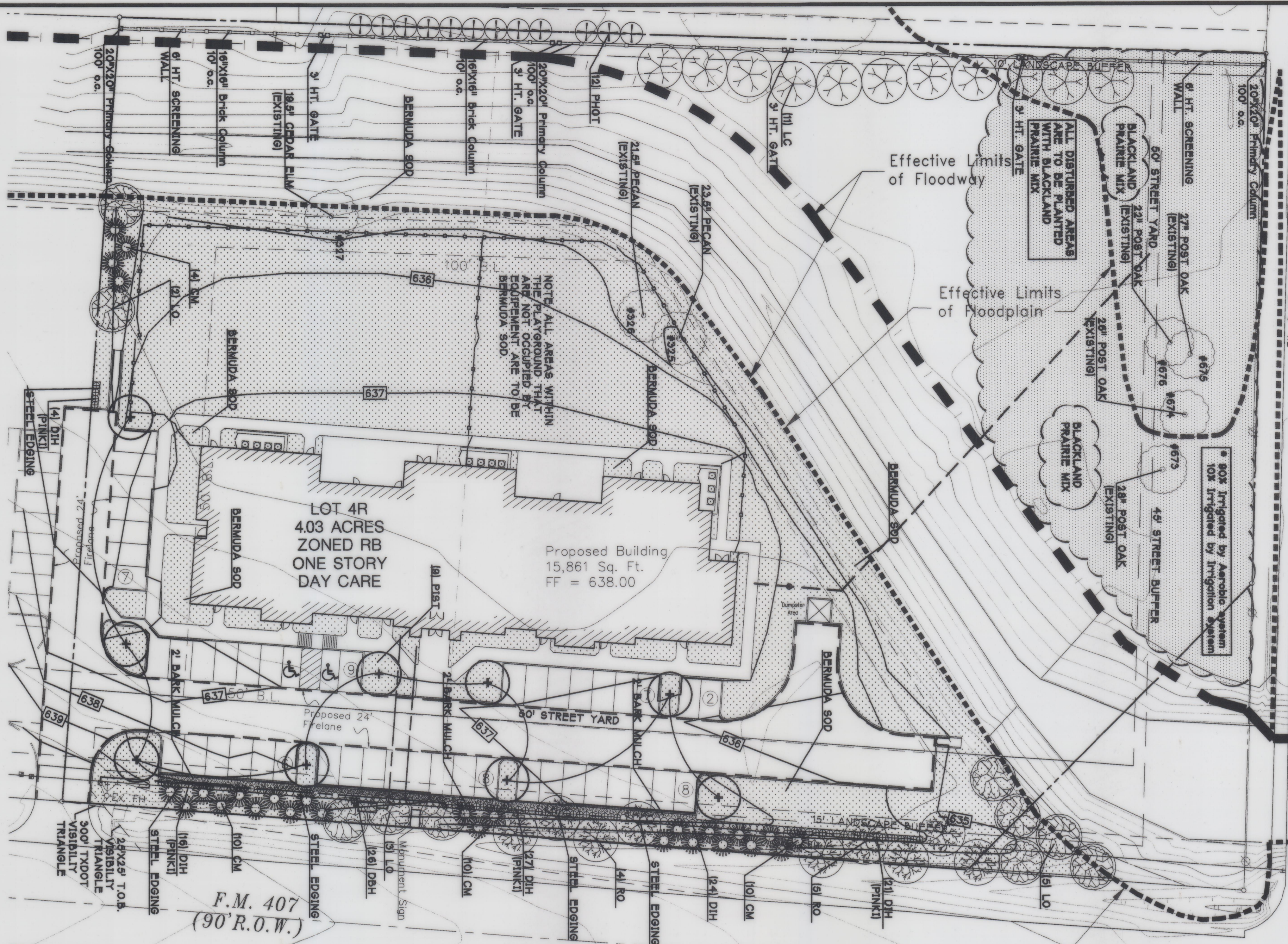


Kathryn Taylor
817-403-0382

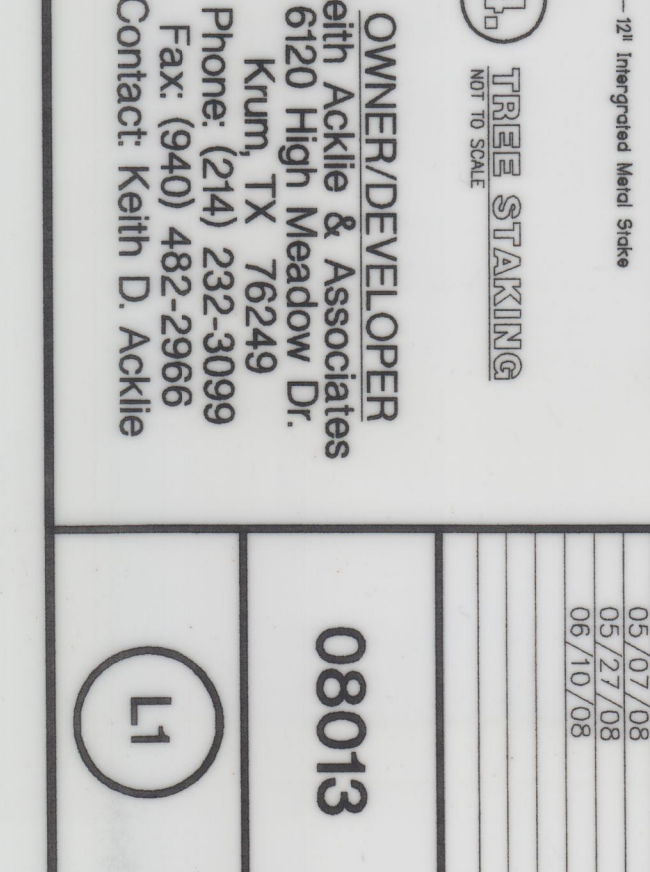
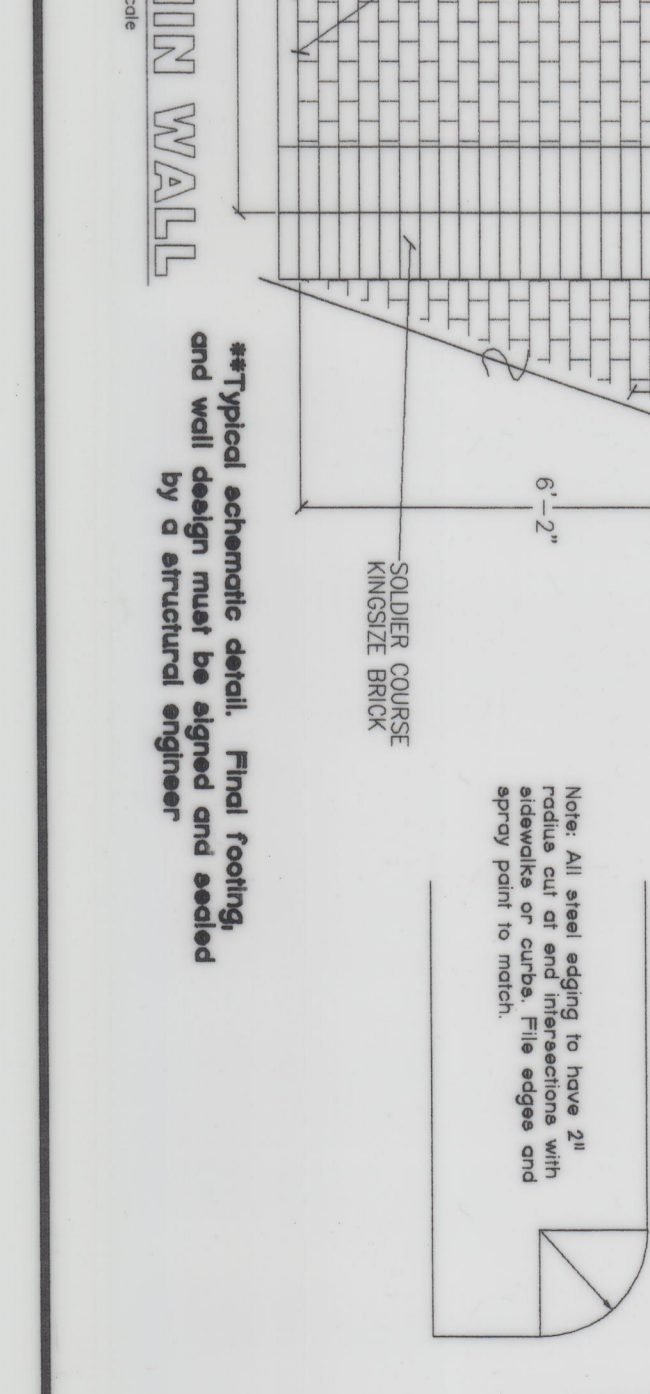
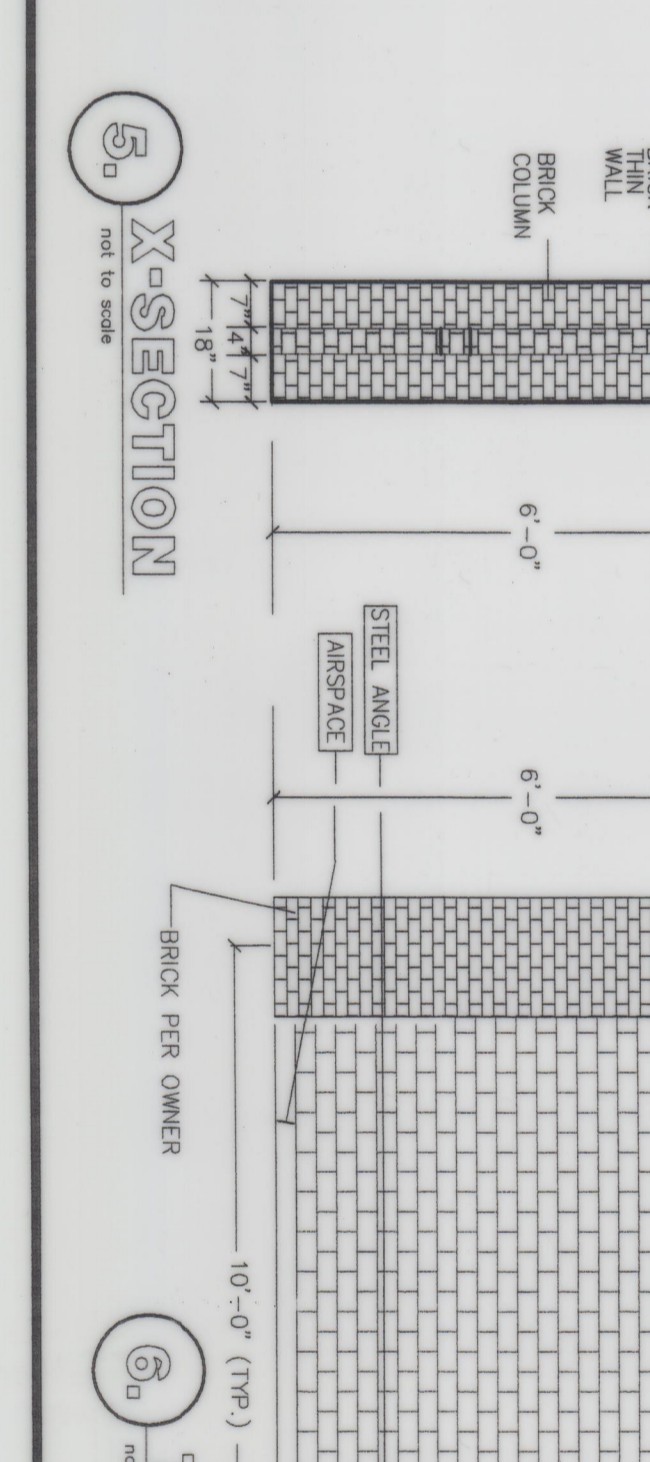


Exhibit 2

Post Oak Lane
(60' R.O.W.)



- LANDSCAPE NOTES:**
- Plant material shall be measured and sized according to the latest edition of the Texas Nursery and Landscape Association (NLA) grades and standards.
 - All trees shall be top-dressed with a minimum of 3 inches of hardwood or other mulch.
 - Trees shall be planted at least 4 feet from utility lines, curbs, walk, fire connection, and outside of utility easements.
 - Trees overhanging walk and parking shall have a minimum clear trunk height of 7 ft.
 - A visibility triangle must be provided at all intersections. Shrubs are not to exceed 30 inches in height. Trees shall have a minimum clear trunk height of 9 feet.
 - The owner, tenant, and/or other agents, if any, shall be jointly and severally liable for the maintenance of the landscape. All irrigation within drip lines of existing trees shall include, but not limited to, mowing, edging, pruning, fertilizing, watering, and other activities necessary for the maintenance of landscaped areas.
 - All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material that is damaged, destroyed, or removed shall be replaced with plant material of similar size and variety within 30 days unless otherwise approved in writing by the town of Bartonville.
- Before construction, landscape contractor and general contractor shall verify and locate all existing trees, shrubs, and irrigation specifications.
 - All landscape beds and turf areas to be protected with steel edging.
 - All landscape beds to be brought to +1/4" by site grading contractor.
 - Landscape contractor to bring all areas to final grade and remove all dirt.
 - Rock or debris > 10" diameter shall be removed. All irrigation within drip lines of existing trees to be hand dug, and line to be installed in a radial fashion toward the trunk.
 - Please note that the permeable grass under the drip line of specimen and protected trees should be left at natural grade. No cutting or filling is to occur in these areas.
 - Newly planted trees to be measured at 18" above ground.



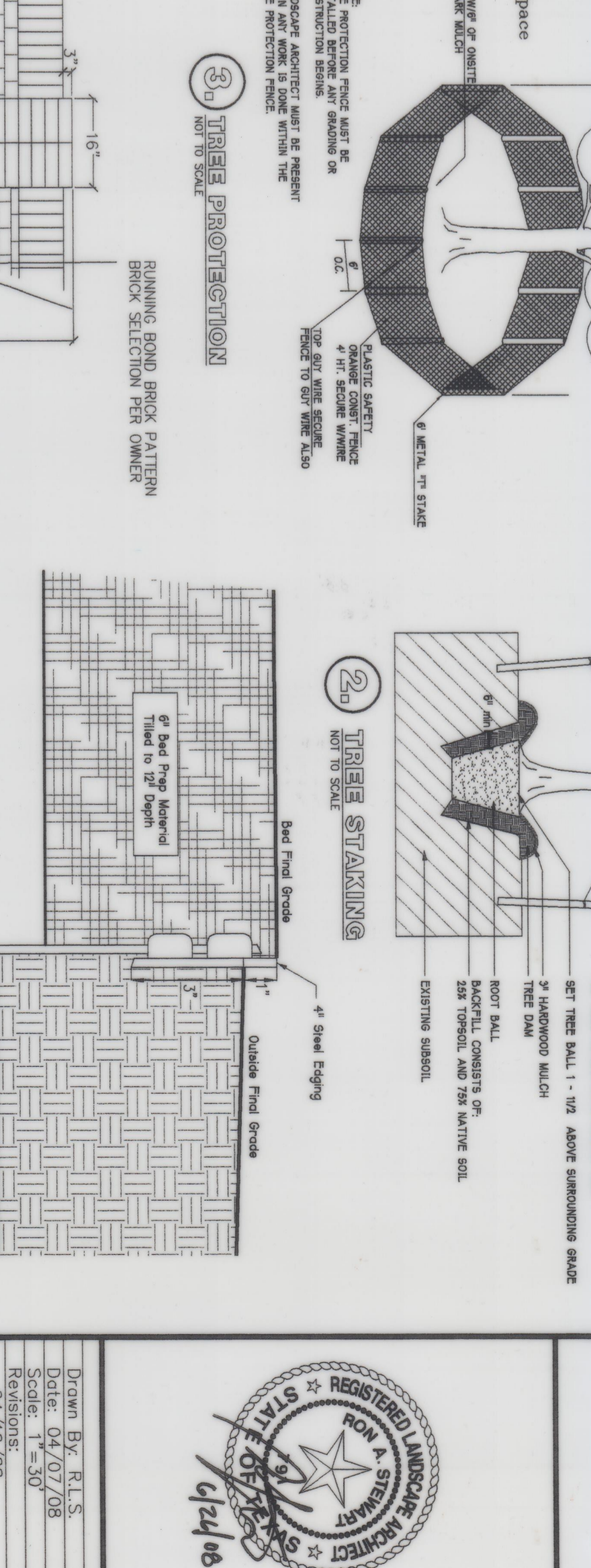
OWNER/DEVELOPER
Keith Ackle & Associates
6120 High Meadow Dr.
Krum, TX 76249
Phone: (214) 232-3099
Fax: (940) 482-2966
Contact: Keith D. Ackle

**LOT 4R
4.03 ACRES
ZONED RB
ONE STORY
DAY CARE**

Proposed Building
15,861 Sq. Ft.
FF = 638.00

Proposed 24' Frelane

**F.M. 407
(90' R.O.W.)**



THERE ARE NO PROTECTED TREES TO BE REMOVED FROM THIS SITE

Non-Vehicular Open Space: 96,181 s.f. / Total Site: 183,983 s.f. = 52% of Non-Vehicular Open Space
Non-Vehicular Open Space: 96,181 s.f. / 4,000 s.f. = 24 trees



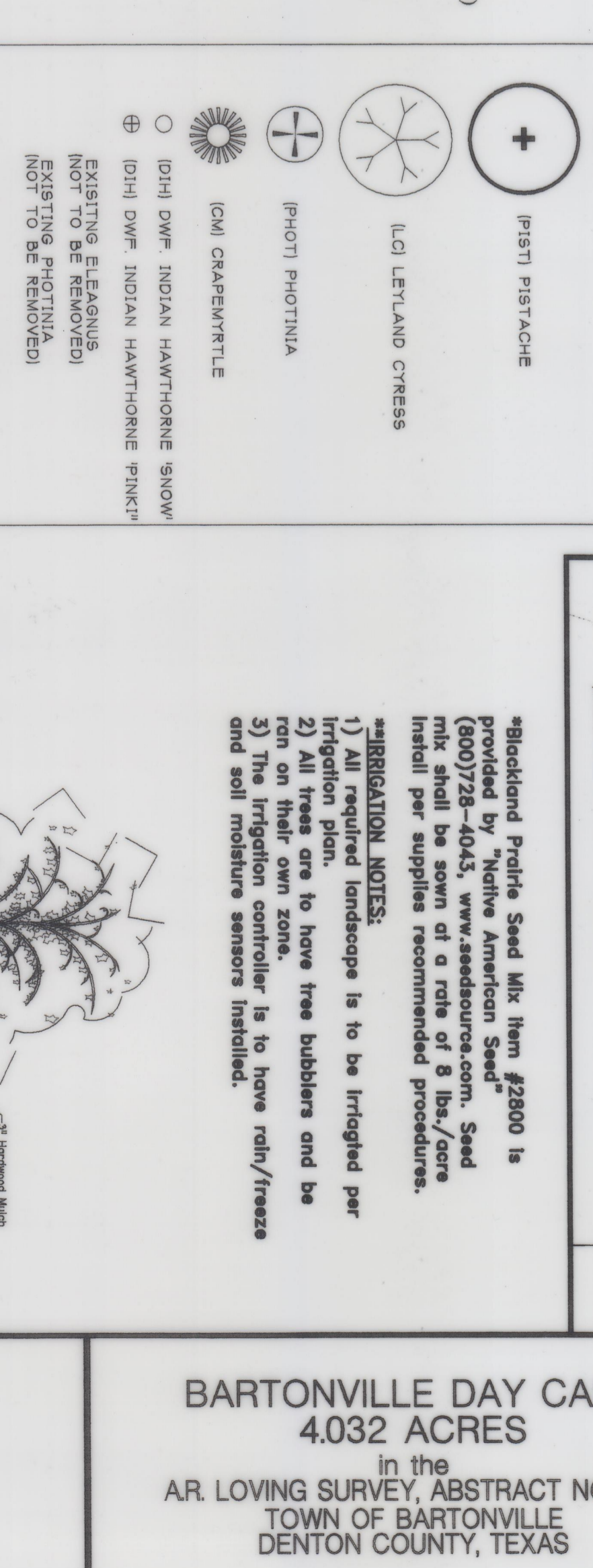
LANDSCAPE REQUIREMENT COMPLIANCE
TOWN OF BARTONVILLE
Adopted Addition on F.M. 407
Zoning - RB

PLANT LEGEND

- (LO) LIVE OAK
- (RO) RED OAK
- (PI) PISTACHE
- (LC) LEYLAND CYRESS
- (PH) PHOTINIA
- (CM) CAMELETTLE
- (DI) DWF. INDIAN HAWTHORNE 'SNOW'
- (DI) DWF. INDIAN HAWTHORNE 'PINKY'
- (EX) EXISTING ELEAGNUS (NOT TO BE REMOVED)
- (EX) EXISTING PHOTINIA (NOT TO BE REMOVED)
- (ER) EXISTING RED CEDAR (NOT TO BE REMOVED)
- (BL) BLACKLAND PRAIRIE MIX
- (BS) BERMUDA SOG

PLANT LIST

QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	SPACE	REMARKS
10	LIVE OAK	Quercus virginiana	3" cal.	See plan	single trunk
9	RED OAK	Quercus shumardii	3" cal.	See plan	single trunk
1	PISTACHE	Pinus edulis	3" cal.	See plan	single trunk
1	LEYLAND CYRESS	Cupressus leylandii	3" cal.	See plan	single trunk
27	CEAWEAVERTLE	Caryocarpus behavii	30 gal.	See plan	7.8m, 3" cal.
15	INDIAN HAWTHORNE	Rhamnus indica	15 gal.	7-8 cal.	6-7' H.
68	DWF. INDIAN HAWTHORNE	Rhamnus indica	3 gal.	3" cal.	min. 50' H.
50	DWF. INDIAN HAWTHORNE	Rhamnus indica	5 gal.	5" cal.	min. 50' H.
12	BLACKLAND PRAIRIE MIX	Blackland Prairie	5" cal.	5" cal.	Blackland Prairie



BARTONVILLE DAY CARE
4.032 ACRES
in the
AR. LOVING SURVEY, ABSTRACT NO. 736
TOWN OF BARTONVILLE
DENTON COUNTY, TEXAS

G & A Consultants, Inc.
SITE PLANNING • PLATTING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
Phone (972) 436-9712 • Fax (972) 436-9715
P.O. Box 1398 • Lewisville, Texas 75067

Drawn By: R.T.S.
Date: 04/07/08
Scale: 1" = 50'
04/16/08
05/27/08
06/10/08

LANDSCAPE PLAN

08013

L1

Exhibit 3



Exhibit 4



1941 E. Jeter Road, Bartonville, TX 76226 817-693-5280

July 18, 2024

«OWNER»

«ADDRESS»

«CITY», «ST» «ZIP»

Re: Proposed Variance, 64 McMakin Road

Dear Property Owner,

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on July 30, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to the following regulations: Bartonville Zoning Ordinance Section 18.6, relating to minimum landscaping requirements for nonresidential developments. The property subject to the variance request is located at 64 McMakin Road in Bartonville, Texas. The applicants are Mark and Kathryn Taylor. The Town of Bartonville file number for this application is VAR-2024-006. All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

VAR-2024-006 64 McMakin Road Variance Request Mailing List

OWNER	ADDRESS	CITY	ST	ZIP
A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
DAUM, SCOTT D & KATHY A	1590 POST OAK LN	BARTONVILLE	TX	76226-9461
FRICK, RONNIE & 1995 FRICK FAMILY TRUST	1487 POST OAK LN	BARTONVILLE	TX	76226-9463
JANKE OFFICE BUILDING LTD	145 S FOREST LN	LEWISVILLE	TX	75077-8284
KILPATRICK, WILLIAM SCOTT & SUSAN BECKETT LIVING TRUST	290 TIMBER OAKS CT	ARGYLE	TX	76226-7000
KROGER TEXAS LP	751 FREEPORT PKWY	COPPELL	TX	75019-4411
MCCRAY, J GREGORY	80 MCMAKIN RD	BARTONVILLE	TX	76226-8438
TFLH LLC	64 MCMAKIN RD	BARTONVILLE	TX	76226-8438

Exhibit 5

AFFIDAVIT OF PUBLICATION

Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755

I, Justin Mattos, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

Jul. 13, 2024

Notice ID: j8fbcBdd3gL8xm2W4Chz

Notice Name: 07.13.2024 BOA PH Notice for 07.30.24 Meeting

PUBLICATION FEE: \$45.04

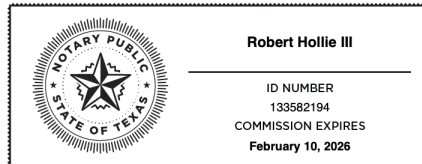
I declare under penalty of perjury that the foregoing is true and correct.

Justin Mattos

Agent

VERIFICATION

State of Texas
County of Bexar



Signed or attested before me on this: 07/16/2024

Notary Public
Electronically signed and notarized online using the Proof platform.

TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS

The Board of Adjustment for the Town of Bartonville, Texas will conduct Public Hearings beginning at 6:00 pm on Tuesday, July 30, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the following items:

- a variance to the following regulations: Bartonville Zoning Ordinance Section 18.6, relating to minimum landscaping requirements for nonresidential developments. The property subject to the variance request is located at 64 McMakin Road in Bartonville, Texas. The applicants are Mark and Kathryn Taylor. [Town File No. VAR-2024-006].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7, relating to minimum side yard setbacks for residential lots. The property subject to the variance request is located at 1189 W. Jeter Road in Bartonville, Texas. The applicant is Jeff Cash. [Town File No. VAR-2024-007.]

All interested parties are encouraged to attend.

drc 07/13/2024