

Exhibit 1

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

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

Owner's Name: Steve + Marilyn Addison Phone: 214-213-1998 Fax: 940-464-3660

Mailing Address 568 Seals Road

Legal Description: Lot 1 Block A Addition Addison farm

Present Use and Improvements on Property: homestead, hay production, beekeeping, agricultural use, horse lessons for special needs children + adults.

Description of Variance or Special Exception Requested:

See attached:

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. 7

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.

Marilyn Seals Addison
Signature

8-4-2023
Date

Application complete? _____	Fee Paid: \$ <u>450.</u>	Date: <u>8-10-23</u> <i>payment receipt # 6889</i>
Date to appear before: P&Z _____	TC _____	BOA _____
Remarks: _____		

Why 568 Seals Road is Requesting a Variance

- 1) No buffer was required in the approved plans for the road and cul-de-sac.
- 2) There is a denser use of land RE-5, next to an open agricultural one.
- 3) Our property line was well defined in both the sale of the surrounding family farmland and with an old existing fence.
- 4) There is no fencing permit required for fencing an agricultural property. When we were investigating for our fence to be constructed, we asked the town, and were told that the town **did not require a permit** for this fence.
 - a) We were also told that there were **no** town ordinances that would impact our proposed fence and location. We asked several times about this to make sure before we invested money installing this security fence.
 - b) We built our fence under this fact.
- 5) We hired a surveyor to re-survey our property line prior to erecting our security fence.
 - a) This cost us a total of \$1,000.
 - b) We set our security fence back inside our property line 6”.
- 6) The Town Inspector inspected our security fence and stated that it meets all standards required. (I believe there is record of this inspection done with the Town Administrator.)
 - a) Refer to Town of Bartonville Inspection Report for 568 Seals Road.
- 7) The construction on the cul-de-sac was started the week of June 13th, 2022, and we began building our security fence on May 9th, 2023, almost a year later.
- 8) Our security fence cost us approximately \$10,700 to build.
- 9) Our property is a working agricultural farm and has been since 1955.
 - a) Both sides of our fence were once part of the same large working agricultural farm (for the last 68 years).
 - b) The allowing for the public road on the new owner’s land was approved by the town of Bartonville, thus making a change to a residential property where a long-standing agricultural property had once been.
 - c) Our property of 67.748 acres is and will continue to be a working agricultural farm.
 - d) The cul-de-sac is 439’ from the back of my house, through a fenced in pasture of agricultural use, past our agricultural barn, to the road.
 - i) This distance from the house that goes well into our active agricultural pasture, is not what we understand to be a side yard.
 - ii) The street is not a through street along our property to Seals Road. It ends in a cul-de-sac. Again, supporting our understanding that our agricultural field was only that and not a side yard.
 - iii) A side yard doesn’t support agricultural use in that it implies it is the homestead acreage immediately surrounding the house.
 - iv) Agricultural requirements are different than residential requirements and one is not the same as the other. Therefore, requiring different ordinances.
 - v) The entire issue appears to be the interpretation of what constitutes a side yard.

- vi) The plans and roads for Deer Hollow subdevelopment were approved by the temporary Town Administrator without notifying adjacent properties who would be affected by the decisions of specific locations of roadways.
- e) When a variance is requested, all neighboring properties are mailed a letter informing them of the request and an opportunity to protest is given at a planned Town meeting.
- f) We were **never notified** of Deer Hollow subdevelopment or the proposed roads.
 - i) Hence, we **never** had the opportunity to protest the proposed road locations.
 - ii) We would have **never** been okay with the placement of a public road ending in a cul-de-sac right against our existing property line.
- g) Our Security fence does not run the entire perimeter of our property. It does not run the length of one whole fence line. It is, in comparison, a small length of the total property line (approximately 8,350').
- h) Our agricultural farm is surrounded on **three** sides by Deer Hollow, and we have experienced many security issues including:
 - i) Trespassing on a **regular** basis (please see the many police reports)
 - ii) Workers urinating in full view of adults and children!
 - iii) Workers defecating **on** our property Multiple times.
 - iv) In the 11 months before our security fence was erected, we experienced hundreds of people using the unsecured and unmonitored subdivision to access our property. Some would trespass. Others would stop in the cul-de-sac to call out to us and our livestock, take photos and videos of us, attempt to pat, and feed our livestock, walk their dogs off leash to trespass and defecate on our property, and make us feel extremely unsafe and very vulnerable.
 - (1) We had concerns about vehicles coming off road and onto our property without a solid fence.
 - (2) We witnessed (and have videos) on many occasions, vehicles racing up and down the road to and from the cul-de-sac.
 - (3) This activity happens at all **hours day and night**.
 - (4) We have many photos and videos of the aforementioned issues.
 - (5) There are plans for the new construction of homes in this area which will **continue** to impact our safety and the security of ourselves, our horses, our property, and our land.
 - (6) Hence the need for a solid, security fence at the location of our most vulnerability.

Of the 500' of our security fence, only 45' fall short of the 15' ordinance with the closest point being 10.7' at the cul-de-sac.

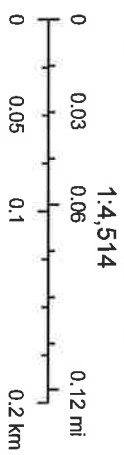


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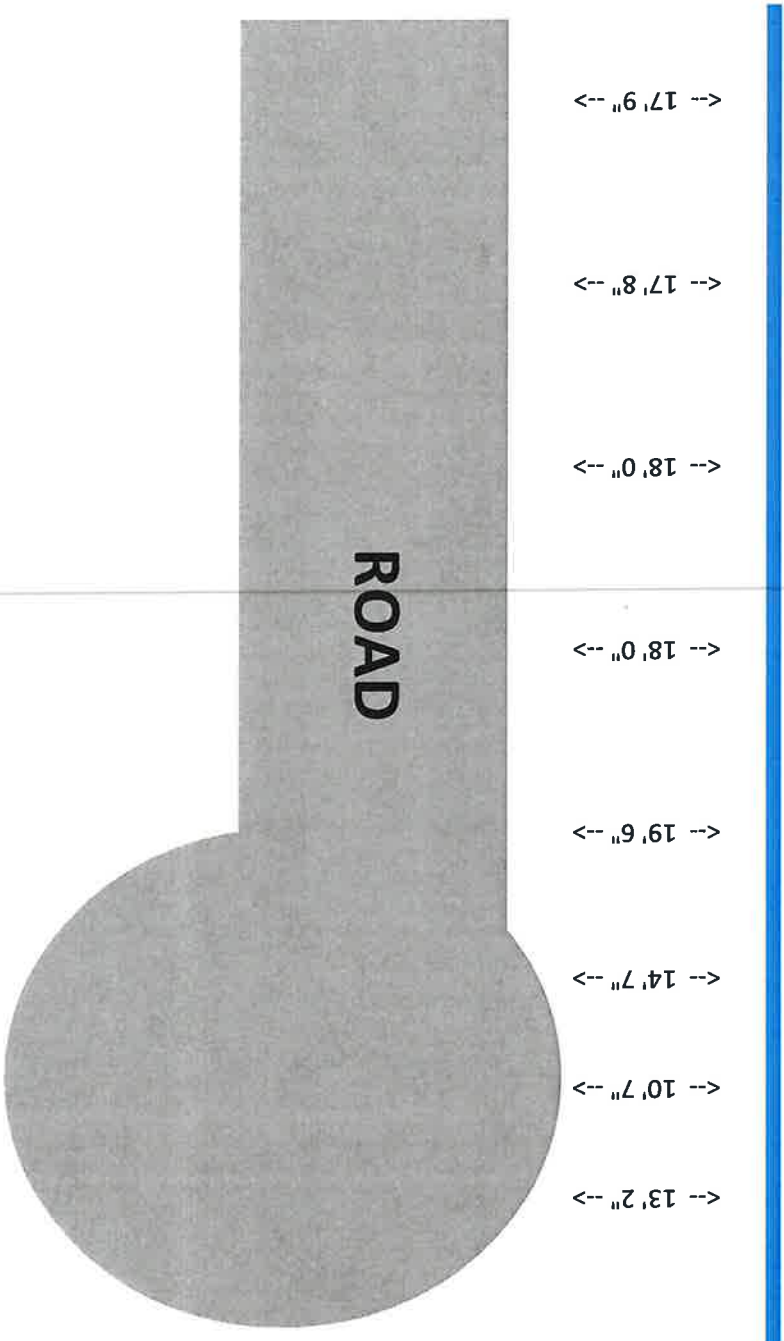
— Roads



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SECURITY FENCE



MEASUREMENTS BETWEEN FENCE AND ROAD

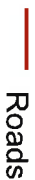
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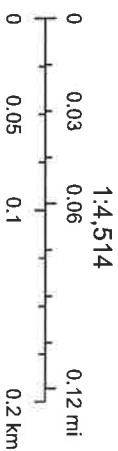
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Parcels



Roads



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Exhibit 2

