



FebCity of Farmington
354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)

PLANNING COMMISSION AGENDA
April 22, 2013

**A meeting of the Farmington Planning Commission will be held on
Monday, April 22, 2013 at 6:00 p.m. at City Hall
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - March 25, 2012
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARING**
 - A. **Renewal of Conditional Use Request – renewal of home daycare**
Property Location: 46 Saxony
Presented by: Candice Sawin
5. Final review of Landscape Ordinance. (draft ordinance will be provided at meeting)

PLANNING COMMISSION MINUTES

MARCH 26, 2013

1. ROLL CALL:

PRESENT

Toni Bahn
Gerry Harris
Matt Hutcherson
Judy Horne
Robert Mann
Josh Clary

ABSENT

Sean Schader
Bobby Wilson

2. APPROVAL OF MINUTES:

3. COMMENTS FROM CITIZENS: NONE

4. A. Renewal of Conditional Use Request: For home daycare 46 Saxony.

Candice Sawin was present and stated she has 8 kids. She has 3 school aged kids that do not count towards 10. She has 1 child under 3 that is included in the 8 count.

Comment: Mr. Barry Ward who owns the home at 47 Rob Street says noise is excessive. He says she has various play/climbing towers in yard plus trampoline. He states kids pop up over the fence. Mr. Ward stated his wife is homebound and disabled and this bothers her. He says they do not see owner of the home (Sawin) but another woman running operation. He said it is intrusive on private areas of home especially during summer it seems over 20 kids in yard. He says they climb towers in yard which are over 6 ft. tall and can see into their private area.

Candice Sawin back to podium: Stated she does have drop ins from state. Never been over in number of kids since 2006. She states no one else works for her-did a few years ago but not now.

Neighbor's wife came over screaming and belligerent. She told her to call police, which she did. She said she has 2 infants, all others 3 and 4 year olds.

Steve Tennant clarified numbers she can have, based on our ordinance and State Law.

Her Licensing Specialist is Ainsley Brown.

Toni asked to confirm all play things are on her property and within her fence. She stated yes.

Judy asked if there were trees in yard and she stated yes.

Candice stated she would like for Officer Bowen to come and talk with the Planning Commission.

Josh asked if City had any other complaints, none in attendance had been made aware of.

Judy moved to table for further research until April meeting and talk to officials. Gerry 2nd motion. The vote was unanimous to table until next meeting on April 22nd.

4. B. Renewal of Conditional Use Request: For home daycare at 81 Double Springs. Summer Lunsford was present and she stated she has 9, licensed For 10. She stated 2 are hers and 1 is her assistants. There have been no complaints reported on Ms Lunsford's daycare operation since 2010.

The Commission voted unanimously to approve the renewal of conditional use for Ms Lunsford's daycare.

5. REVIEW OF DESIGN STANDARDS FOR MASTER TRAIL:

There were questions and comments from members of the public. Hutcherson pointed out that the Commission is taking citizen's comments into consideration. Josh made a motion to send Master Trail Plan/ Resolution w/ Public comments to the City Council. Matt seconded motion. Robert read copy of Resolution out loud. The Commission voted unanimously to send to City Council.

Matt Hutcherson made a motion to adjourn and Toni 2nd.

Secretary, Planning Commission

Chairman, Planning Commission.



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Farmington, AR 72730
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MEMO

To: Farmington Planning Commission
From: Melissa McCarville
Re: Conditional Use Request: Candice Sawin
Date: April 15, 2013

A few questions regarding conditional use requests have come to light since the last planning commission meeting. The reason for my memo is to attempt to answer those questions.

Let's begin with basic definitions (directly from our zoning ordinance):

Day care, limited (child care family home) *"A home where day care services are provided to a maximum of ten children, with a maximum of two adults in attendance. It shall be limited to one license per home. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four children shall not be subject to provision of these regulations."*

Home Occupation *"Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein."*

In addition the following statements/questions are also a part of our zoning ordinance concerning conditional use requests:

- Are public services and utilities adequate?
- Is fire protection adequate?
- Is the proposed use compatible with the surrounding area and the planned use for the area?
- Is screening and egress safe and convenient?
- Are off-street parking and loading area adequate?
- Will refuse and service areas not cause adverse effects on adjacent property?
- Will off-street parking and loading area not cause adverse effects on adjacent property?
- Will signs be in compliance with city ordinance?

We have spoken with Ainsley Brown from the Division of Child Care & Early Childhood Education, Division of the Department of Human Services regarding this conditional use request. Ms. Brown is the person who evaluates daycare providers in this area. She has been through the house recently and there is every indication that Candice is living in the house. Also, Candice is currently licensed for 10 children; her own

children are not a part of that count. According to Ms. Brown, Candice does not currently have a helper. From the stand point of the Division of Child Care & Early Childhood Education, they have no issues with other children who are there to play with Candice's children being present during day care hours, that also does not affect her count. In Ms. Brown's various inspections she has not seen an overabundance of children in the back yard. The Division of Child Care & Early Childhood Education has no issues with this daycare family home.

CITY OF FARMINGTON

CONDITIONAL USE ON APPEAL APPLICATION

Initial Application

Renewal Application

CONDITIONAL USE ON APPEAL MUST BE RENEWED EACH YEAR.

Applicant's Name Candice Sawin Date 2/15/13
Address 46 Saxony St Farmington Zoning _____
Phone # 502-2486 Email cwestsawin@pgtc.com

Description of proposed use:
Daycare

The following criteria must be answered with a "yes" finding before the Farmington Planning Commission will hold a public meeting on the Conditional Use on Appeal application. For #3 through #10, provide a brief explanation.

- Yes 1. A written application has been filed with the City and the \$50.00 permit application fee or renewal application fee has been paid.
 No
- Yes 2. The applicant has provided proof that each adjacent property (this includes property owners across the street) have been notified by Return Receipt mail or personal contact. If personal contact is used, a signed affidavit by the owner must be submitted. The affidavit must contain information notifying of the proposed intent and the date of the public hearing, at a minimum.
 No
- Yes 3. Are public services and utilities available and adequate?
 No electric, trash, water, gas
- Yes 4. Is fire protection adequate?
 No electric fire detectors, fire extinguisher
- Yes 5. Is the proposed use compatible with the surrounding area and the planned use for the area. close to school and park
 No
- Yes 6. Is screening and egress safe and convenient?
 No n/a
- Yes 7. Are off-street parking and loading areas adequate?
 No on a cul de sac with extra parking
- Yes 8. Will refuse and service areas not cause adverse effects on adjacent property?
 No on a cul de sac with extra space
- Yes 9. Will off street parking and loading areas not cause adverse effects on adjacent property?
 No on a cul de sac with extra parking
- Yes 10. Will signs be in compliance with the City's sign ordinance? (In some zoning classifications signs are not permitted.) no signs
 No

APPLICANT MUST BE PRESENT AT THE PLANNING COMMISSION MEETING FOR THIS CONDITIONAL USE PUBLIC HEARING.

AFFIDAVIT

I hereby certify that I Candice Sawin
Print name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the application and that the notice information provided is to the best of my knowledge true and factual. I am hereby enclosing the following supporting documents: copies of the notice, mailing receipts, return cards, and nay notices that were undeliverable.

Signature: Candice Sawin

Date: 2/15/13

CITY OF FARMINGTON
354 WEST MAIN STREET
P.O. BOX 150
FARMINGTON, AR 72730

RECEIPT

DATE	2-15-13	No.	212371
RECEIVED FROM	Candice Seavin		\$50.00
FOR	City of no 1st Rental		DOLLARS
<input checked="" type="radio"/> FOR RENT	<input type="radio"/> CASH	FROM	TO
<input type="radio"/> ACCOUNT	<input type="radio"/> MONEY ORDER	BY: B. Coleman	
<input type="radio"/> PAYMENT	<input checked="" type="radio"/> CHECK		
<input type="radio"/> BAL. DUE	<input type="radio"/> CREDIT CARD		

NOTICE OF HEARING BEFORE THE FARMINGTON PLANNING COMMISSION ON AN APPLICATION FOR CONDITINAL USE

To all Owners of land laying adjacent to the property at:

46 Saxony St

Location:

Candice Sawin

Owned by:

NOTICE IS HEREBY GIVEN THAT an application has been filed for CONDITIONAL USE at the above property.

The purpose of this request is to use this property for:

Explanation:

In home daycare

A hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main Street, on march 25, 2013 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place, or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main St., Farmington, Ar. 72730. Ph. #267-3865.

55 ROB ST.

X-Stent

417 Rob st

(Letter)

39 Rob st.

X Krista Miller

38 SAXONY ST.

X Jada Pitt

[Signature]
37 Saxony

45 SAXONY ST.

X Miranda

7012 3640 0000 6505 3303

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

FARMINGTON AR 72730

OFFICIAL USE

Postage	\$ 0.46	0230 02 Postmark Here 03/19/2013
Certified Fee	\$3.10	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.56	

Sent To	Resident +
Street, Apt. No., or PO Box No.	47 Rob St
City, State, ZIP+4	Farmington AR 72730

PS Form 3800, August 2006

See Reverse for Instructions

March 20, 2013

City Business Manager at City Hall (Farmington, Arkansas)

354 W. Main Street

Farmington, Arkansas 72730

Dr. Barry Ward and Mrs. Traci Parnell-Ward (and family)

47 Rob Street

Farmington, Arkansas 72730

SUBJECT: COMPASSIONATE PLEA FOR DENIAL OF (SO-CALLED) "IN-HOME DAYCARE" RENEWAL AND COMPLAINT AGAINST (ACTUAL) FULL-TIME PROFESSIONAL BUSINESS AT #46 SAXONY STREET --LOCATED ALONG BACKYARD OF REAL AND LONGTERM NEIGHBORHOOD FAMILY RESIDENCE

To Farmington City Business Manager and Planning Commission:

Today, our family received a notification letter – the first of its kind to be sent to us in many years – regarding the FULL-TIME, YEAR-AROUND, PROFESSIONAL DAYCARE BUSINESS, located at 46 Saxony Street, bordering the rough entirety of our 47 Rob Street property's back and side yards, as well as EVERY SINGLE MAJOR WINDOW AND THE PORCH of our FAMILY HOME / PERMANENT RESIDENCE (47 Rob Street). We would greatly appreciate their time if the "City Business Manager", "the Planning Commission", and whomever else might need to see this letter, would please read carefully ALL of the reasons that we are begging for the return of our family life to a more usual RESIDENTIAL circumstance. PLEASE DO NOT PERMIT THE RENEWAL OF THE PROPERTY AT 46 SAXONY STREET FOR USE AS A BUSINESS. The renewal request copy, which we received, states that this property is an "IN-HOME BUSINESS" and, as such, implies that it is also a permanent or regular residence. As we share the largest border with this property, we are forced to be made painfully aware of its very loud, overbearing, and invasive operation on a daily basis. It bears no resemblance whatsoever to the "small, mom-and-pop" style "after-school babysitting service for a few friends, on a few days per week", which the proprietor deceptively led us to believe. Neither is the business administered as the PART-TIME, TEMPORARY SERVICE BROUGHT ABOUT BY FINANCIAL NEED, which she originally described to us.

As it has now continued to operate, it has grown larger and larger with each passing year. In the warmer months, we (and visitors to our home) have witnessed over twenty children of mixed ages in the backyard playground. Clearly there is nothing TEMPORARY or RESIDENTIAL about this property. Due to the proprietors' unwillingness to compromise or recognize that we live in a neighborhood not a business park and her outright hostility to any requests for some

shared quality living time, we have lost the use of our own backyard for anything other than storage and cannot even open the drapes of our home's public rooms due to the constant noise and large climbing equipment that precludes any privacy for ourselves (except for the brief days that it is too cold to leave the BUSINESS'S children outside all day). If we had wanted to live with a loud and intrusive business outside our windows and dominating every aspect of our homelife, we would not have purchased (over eight years ago) a family home in what we believed was a RESIDENTIAL NEIGHBORHOOD. (Has the area been rezoned commercial without residential notification?)

The business, as currently managed by the proprietor, does not appear to be a full-time residence at all. In fact, it is extremely difficult to find her on the property or "at home". However, it is without doubt a FULL-TIME, DAILY, and mostly OUTDOOR BUSINESS that crowds as many unfortunate children as possible, of all mixed ages, into the backyard playground from morning to dusk. There is seldom ever more than one elderly "caregiver" –and almost never the proprietor herself – either sitting outside in a rocking chair (in front of our only den windows) or leaving the children unattended with only the backdoor propped open. On any clear day, all of the houses windows or doors are open, further negating any possibility of privacy even on the rare occasions that the many Daycare Children are absent. We have learned to cherish rainy or cold days for the small amount of peace they bring.

Almost every possible foot of the property is covered by a FULL PLAYGROUND with an average of eight to twelve pieces of playground equipment at any given time. Some of these large pieces are moved around, while the tallest and most intrusive are never removed. As the children are poorly supervised, they are allowed to climb to the tops of playhouses, use age-inappropriate towers, and the tops of climbing and bouncing equipment, in such a manner that one cannot visit any public room of our home, nor the back or side yards, nor even the master bathroom (!) without faces peering in – even above the height of our privacy fence! People expect to have interaction with neighbors, however, they also expect some common decency and a little privacy. This BUSINESS denies us any of the joys of home-ownership. With each passing year, it has become increasingly invasive and shows no signs of cutting back growth.

This lack of any neighborly compassion has become especially upsetting as the proprietor has been informed that Traci (the lady of the house) is disabled and for the most part can hardly ever leave the house. Often, Traci is also confined to a chair due to her chronic illness. Ultimately, the road to hell must be paved with good intentions as the proprietor has informed us that she frankly, does not give a damn about her business's impact on our homelife or Traci's chronic illness, handicapped status, and overwhelmingly housebound condition. This is not at all in keeping with the original promises we were made when the supposed "small afterschool babysitting service" was described to us to gain our sympathy.

We ask that you consider the events, which led to this current situation (as we are best able to recount them). As you read, try to imagine yourselves and your own families living with what we must every day. Consider how you might feel if forced into the seemingly impossible, frustratingly powerless position that this business's and its owners' complete lack of regard for even the most basic neighborly consideration has placed our family in—a period that has now stretched into years. The Full-time Daycare has so taken over what should be SHARED OUTDOOR PRIVACY and SHARED TIME in a residential neighborhood to such an

inconsiderate degree that their business has greatly reduced our family's quality of life. Neither we, nor our children, can enjoy the normal use of our own home and back-garden.

Our family was one of the first to move onto this street, in this new residential neighborhood, over eight years ago. We chose our house and our lot because it backed onto the last house of a cul de sac by a wooded area. The porch and the dining room windows allowed a nice view of the woods and the mountains beyond. This was the part of the property that least overlapped with the backing property. Because our property is slightly higher than that behind us, even a privacy fence or a standard garden shed could not block this view. We were assured at the time that one of the only neighborhood rules was that no structure could be erected higher than a garden shed (standard) or a privacy fence. We were also assured that no other houses would be built further down than 46 Saxony, behind us, so our wooded mountain dining-room view could never be blocked. Likewise, we specifically asked about construction, fences, etc. and were told that you could have a small shed or a fence, but you could not block off your neighbors' windows or anything "that inconsiderate" without their consent. This was important to us. It is/was the reason that we purchased this lot. Traci paints (when she is able) and often worked in the Dining Room.

Over the years, different people moved in and out, however we had few problems. We did put up a privacy fence of regulation height and made sure to leave enough room for walkways behind us and beside us for utility access, as recommended by the utility companies. The fence was installed to allow our children a safe, private place to play. Other than occasional noisy pitbulls, we never had any problems with any of our neighbors. We minded our own business and tried to be decent neighbors ourselves.

Things were fine, with the two or three families who moved into the house behind us, over the years at 46 Saxony Street. Then, the current owners moved into 46 Saxony Street behind our home. **The current owner, a woman, showed up at our door, and introduced herself as our new neighbor, behind us. This woman told us many things – that later proved to be untrue. She said that her FAMILY would be LIVING in the house behind us –i.e. that it would primarily be a residence. She told us that they were suffering financial hardship and that she really needed extra income. She said that she wanted to open a “small mom-and-pop style after-school service to keep a few of her friends’ children”. She asked us to sign a paper saying that this would be “OK”. We specifically asked her about the size of the business, asked her if there would be anything too noisy –like dogs or too many children, etc. –because we were then both academics and Traci worked at home, particularly in the mornings, doing research and sometimes painting. She was very reassuring. She promised that it was only a “few kids” and probably only a “few days per week, after school”. We believed her. We told her that as long as it did not cause us problems and was not noisy, we did not mind her earning extra-money babysitting. SHE PROMISED US THAT IF THERE EVER WERE ANY PROBLEMS, ALL WE NEEDED TO DO WAS TO “DROP BY, LET HER KNOW, AND SHE COULD GUARENTEE THEY WOULD BE TAKEN CARE OF”. She promised us that her small babysitting service would not cause us any inconvenience. We believed her and signed to help out. At first things were more or less as she said and so we signed again, with the same promises and understandings.**

At this time, anyone could see, that we were people who liked to let our children play in the fenced backyard a lot and often kept our drapes open because the den and the dining room (with

the view) are on the back-side of our home. She knew this from being in our house to get her paper signed and from living behind our house.

Then, slowly, things began to change. Traci became very sick and had to spend more and more time at home. **We started to notice that the numbers of children were slowly increasing, that they were adding a new small piece of playground equipment here and there, and there were now often children of different ages outside in the mornings as well. While this made us a little nervous, we chose to trust our neighbor. This time when she came again to get her paper signed, we asked more questions: She wasn't going to add many more children, was she? Why were they outside on some mornings now? Traci specifically asked about the noise and if she was going to add anymore equipment. We explained to her that Traci was sick and would now be working or staying at home much more to let her know our concerns. Traci even told her that she was working in the dining room more now (with the view). She made all of the usual promises and assured us that if we had any problems, just to let her know and she would be happy to fix them! She convinced us not to worry. She also said that any additional "toddler equipment" shouldn't affect us...but to let her know. She led us to believe things would remain small and basically the same.**

Shortly thereafter, things began to change very rapidly. As the weather got warmer, more and more children turned up. When we came back from vacation, she had placed a trampoline right in front of our den windows. The jumping children and the increased numbers and the screaming and now full days, upset us. We could no longer open our bathroom or den drapes without children staring in at us from the tops of playhouses, trampolines, and fence-high climbing devices. She knew Traci was stuck home sick now all of the time and she put a trampoline in front of our den windows! We decided not to say anything yet, because at least we still had our important dining room windows – where we liked to have meals and Traci, sick, now mostly housebound, liked to try and paint or read. So, we could still leave these drapes open. It was, however, very upsetting that sometimes there were so many children screaming and on the trampoline that the windows would vibrate or sometimes they would drown out the TV or the radio. We could no longer have people over – because how do you explain not being able to open the den drapes? We grew concerned, but hoped this was just a summer thing. Increasingly, our children could not even use the back garden without having unattended mixed age children yell at them, sometimes throw things, and even threaten them from the rooftops of toddler and taller permanent towers. It was not a summer change, it was permanent.

WHEN WE DID APPROACH HER TO COMPLAIN, WE WERE AVOIDED AND REPEATEDLY TOLD BY THE ONLY ADULT ON THE PREMESIS—AN ELDERLY CHILD-MINDER—THAT THE OWNER COULD NOT SEE US BECAUSE SHE WAS OUT OF TOWN; AT THE LAKE; AT THE BEACH; ON A FAMILY VACATION, ETC. SHE KNEW WHAT WE WANTED. SHE HAD BLOCKED OUR ONLY REMAINING WINDOW —THE ONE WITH THE VIEW—WITH A ROOF-HIGH TOWER PLAY-COMPLEX. FOR TRACI, THIS WAS THE WORST POSSIBLE THING SHE COULD DO TO DESTROY ANY REMAINING HOMELIFE. IT MEANT NO MORE EVEN OCCASIONAL PAINTING OR READING OR EVEN MEALS AT OUR OWN DINING ROOM TABLE.

Thus, our act of kindness years ago and her promises (then) to fix any problems that her business caused us immediately –to get us to sign her forms--was rewarded with petty lies,

deceptions, and refusals to compromise or to keep agreed-upon parameters. WHEN WE FINALLY MANAGED TO CATCH HER AT HER SUPPOSED RESIDENCE TO RESOLVE THE BLOCKING OF THE DINING ROOM WINDOWS, ULTIMATELY, HER GENERAL / FINAL RESPONSE (AFTER MUCH DEBATE) WAS THAT WE HAD NO RIGHT TO COMPLAIN AND THAT SHE “WOULD NEVER AGAIN NEED US TO SIGN ANYTHING” THUS, OUR NEEDS FOR SOME GARDEN AND HOME-USE WERE UNIMPORTANT AND SHE WOULD NOT ALTER ANYTHING.

Barry (the man of our house) visited the woman’s husband (and the woman)—as the proprietor had instructed us to do if there was a problem years ago. Barry was sure that the woman would “do the right thing” and move the giant tower. He politely explained the situation to the couple and reminded her of Traci’s health. He asked that they move the tower to the other side of the yard away from the dining room windows. Her first response was indignation and irritation. She tried to come up with every reason not to move the newest and most offensive eyesore. Even though we had watched this largest tower erected by a couple of people in only one day, she actually denied it. The woman claimed that if they moved it at all, it would take several. Barry asked that it please be moved as soon as possible.

After watching the giant tower erected in one day and watching it block out her last remaining windows with the only item tall enough to kill any view, Traci became very upset and decided to confront the proprietor from whom our family had put up with so much intrusion from – in person. Lying to our family, refusing the only request we had ever made, and lying to Barry in person seemed entirely too much. It seemed that she was simply giving her three-week number to stall and be petulant after weeks of dodging us and being permanently unavailable or out-of-town.

When visited by (handicapped and very ill) Traci and asked not to block our one remaining window-set with roof-high climbing towers, the woman angrily refused to move the tower even an inch, denied that we had ever helped her out, denied all of her former promises, and even denied that she had lied to Barry in person! The proprietor also threatened and attempted to blackmail Traci (who could hardly stand even with a cane and had informed the woman that she was extremely sick and medicated and having a hard time getting her point across). The woman did not care. When Traci asked to please keep just her dining room window unblocked as she is/was housebound. Traci tried her best to be polite, even addressing the woman as “Ma’am” and explaining that she was medicated so might seem odd. The proprietor responded with attempted blackmail and threatened that if Traci ever spoke to her again “in front of her kids” –who were playing, after work hours, in the driveway and the street at the time –that she would “call the police and report Traci for harassment”. Traci only spoke to the woman –at great physical pain to herself—to remind her of their former agreement and her promises to handle any problems immediately. Traci had no idea what she meant. She had talked to the woman in the same manner that she would to any adult – this seemed like more stalling and posturing. Traci also let the woman know how upset she was to be lied to about the business and how ridiculous it was not to accommodate this comparatively small request. The Proprietor was rude, defensive, abusive, and irate. Traci reminded her of her former promises and said she would hate to do so, but she would complain to the police if need be. The woman said to complain away

and that she no longer needed us for any reason or to sign anything, so we should call the police. Traci did. Only with the aid of a sympathetic officer--who saw the blocked windows, and suggested to the woman that a good neighbor would move the tower—did she very resentfully agree to unblock the dining room windows within three weeks to a month – when it only took one day to put up!!!!

When over two weeks had passed and the tower had not been moved one inch, Barry very politely approached the woman’s husband (?) and actually offered to help him to move the tower. The proprietor yelled at him and said that she did not have to do anything for us ever and that if either of us ever “came over” again, she would call the police and report US (?) for harassment. She also said that if she could avoid it, she would never move the tower and that she hated Traci. Her reaction was out of all scale. She was the one who kept lying, stalling, and ruining our lives with her obnoxious BUSINESS. EVENTUALLY, SHE MOVED THE TOWER OUT OF THE WAY OF ONLY ONE OF THE PAIR OF WINDOWS. WITHIN TWO MONTHS< SHE UNBELIEVABLY PUT IN A SECOND TALL TOWER IN FULL VIEW OF OUR DINING ROOM WINDOWS. Barry asked her to move the second tower. She moved it over about one foot.

Because of our large, shared property boundary, of all the residential neighbors surrounding this full-time business, we are uniquely and most dramatically affected by the running of this all-day (daylight until dark), all-year, and at-the-least, an all-year, mostly OUTDOOR professional business compound. **Not only has this business rendered the enjoyment of our own backyard and the principle public rooms of our home UNUSABLE for the majority of the time, but it has also left our property UNSALABLE –as no-one would purchase a RESIDENCE with a FULL-TIME BUSINESS making the property generally USELESS. Thus, we do not even have the option of trying to move. Our property value has been virtually obliterated by the presence of: a constant source of daily noise pollution far beyond what anyone might expect in a residential neighborhood; an overcrowded Full-Size playground / eyesore crammed with as many pieces of equipment as the property will hold; and, most horrifically, an abundance of privacy-fence-high climbing devices that allow children to stare directly into the master bathroom window, block off the only two windows in the entire den / family room, and, the near total blockage of the dining room windows by roof-high climbing towers!**

Our backyard has become simply a storage area. We gave up any plans of gardening with our children or improving our backyard, as it is no longer usable outdoor space. Why continue to landscape or improve an area we cannot use? There is no longer even one semi-private space to enjoy our porch or backyard that has not been overtaken by the overbearing presence of the principally “outdoor” daycare. Our children cannot even play in their own fenced backyard – unless it is mid-winter—the only time that the unfortunate mixed- age daycare children do not seem to be left outside from earliest morning until latest afternoon. Almost all of the time – any day that it is even slightly warm outside, these unfortunate and often unsupervised children of all ages, may be found climbing, snooping, shouting, screaming and generally only attended by one elderly woman (not the proprietor) no matter how many children are present.

Ask yourselves, Who would want to live in a home where you can never open your drapes during the day without people staring in at you –even above the height of a privacy fence? Moreover, who would want to try and work in a home-study where, rather than the soft sounds

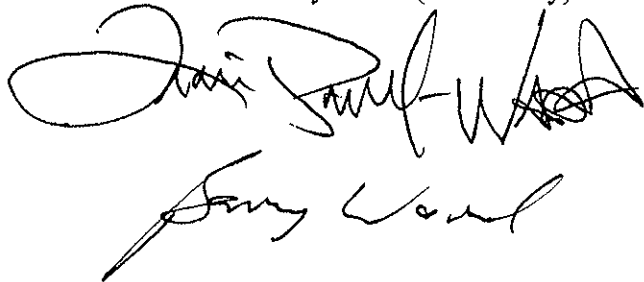
of children playing that you might expect in a neighborhood after school, the screaming and all-day crying of sometimes over a dozen children drown out the radio, the television, make it impossible to try and read or research –and have often even caused the glass in all of the rear windows (the public / shared family places) to VIBRATE?! Until now, despite our best efforts, we have lacked any outlet to express just how awful it can be to live with a full-time business in your backyard. We are extremely grateful to the City Business Manager's office to finally allow us the opportunity to express our concern and distress, after begging the proprietors for compassionate understanding – to no avail—and years of trying to find the proper channels for community help. It is difficult to express what an overwhelming and inconsiderate nuisance this professional business has become. THE CURRENT FULL-TIME, PROFESSIONAL BUSINESS AT 46 SAXONY STREET IN NO WAY RESEMBLES THE CHARACTER, USE, OR TYPE OF ESTABLISHMENT, WHICH THE PROPRIOTER DECEPTIVELY DESCRIBED TO US THAT IT WOULD BE WHEN SHE TOOK POSSESSION OF THE PROPERTY. We ask you to please, please deny their request. Please do not give this woman—who cares neither for her neighbors nor her charges—to continue to diminish our family's quality of life. We cannot even enjoy our property as a residence. Nor can we move. Nor do we have any way to voice our concerns over this obnoxious BUSINESS in the middle of our RESIDENTIAL NEIGHBORHOOD.

Though we truly hate to complain about any business in these difficult financial times, the proprietor's complete lack of concern for the effect the business has had on our home-life, our children's' ability to enjoy our garden, Traci's health, nerves, illness, and general anxiety level, – not to mention our property values—has now gone on with no end in sight for years. This kind of business does not belong in a residential neighborhood, especially one such as our own, where the properties share almost entire backyard boundaries. Please end our suffering and do not renew the proprietor's request to continue her uncompromising and most un-neighborly Full-Time Business.

Thank you very much for reading this letter. If not for Traci's poor health, the length and history of our complaints, and the proprietor's threats of accusations of "harassment" if we complain, we would appear in person. Incidentally, Traci is still hoping to one day be able to use our backyard again or to open the dining room and den drapes at least half the week, and to get our dining room window view back from both of the window-pair.

Sincerely,

Traci and Barry Ward (and family)

The image shows two handwritten signatures in black ink. The top signature is a large, cursive signature that appears to be 'Traci Ward'. The bottom signature is a smaller, cursive signature that appears to be 'Barry Ward'.

Tuesday, March 26, 2013

9:00 A.M.

City Business Manager at City Hall (Farmington, Arkansas)

354 W. Main Street

Farmington, Arkansas 72730

Dr. Barry Ward and Mrs. Traci Parnell-Ward (and family)

47 Rob Street

Farmington, Arkansas 72730

**NOTE: CRUCIAL NEW INFORMATION ON RETALIATION AND HARRASSMENT:
PLEASE ADD THE FOLLOWING INFORMATION TO THE FILE (?) OR CASE
CONCERNING THE MATTER OF THE FULL_TIME DAYCARE BUSINESS AT 46
SAXONY STREET BEFORE THE MATTER IS DELIBERATED UPON.**

**SPECIAL NOTICE : FOLLOW-UP SUBJECT TO FARMINGTON PLANNING
COMMISSION MEETING AND COMPLAINT AGAINST THE FULL TIME-
PROFESSIONAL DAYCARE BUSINESS LOCATED AT 46 SAXONY STREET :**

**SUBJECT: 8:30 A.M. (?) RETALIATION ON THE MORNING OF MARCH 26, 2013,
TOWER ERRECTED IN FRONT OF LAST REMAINING ½ WINDOW BY BUSINESS
RENTAL PROPRIETOR (OF 46 SAXONY STREET FULL TIME DAYCARE)
AGAINST THE RESIDENTIAL PROPERTY OWNERS OF 47 ROB STREET FOR
SPEAKING OUT AT MONDAY MARCH 25, PLANNING COMMISSION AGAINST
BUSINESS NUISANCE.**

TO THE FARMINGTON PLANNING COMMISSION AND THE FARMINGTON BUSINESS
MANAGER (AND WHOMEVER ELSE MAY NEED TO READ THIS LETTER):

As the Commission members are aware, our family (Property Owners of 47 Rob Street, Farmington, Arkansas), represented by Barry Ward (Property Owner), spoke out at last night's meeting against the nuisance and lack of neighborly concern or co-operation on the part of the (property renters) at the primarily large-scale PROFESSIONAL DAYCARE located at 46 Saxony Street. He addressed (in a calm and factual manner) the large numbers of OUTDOOR, FULL-TIME, DAYCARE CHARGES (including as many as 18-20 in the warmer months); the lack of supervision; the proprietor's misleading original description of the business; the proprietor's promise to solve any problems (noise, etc. immediately – before the business opened); the noise, lack of any privacy, the blocking of rear public room windows, and the rude manner in which we were treated after our one and only complaint to the proprietor.

NEIGHBORHOOD? TO WHOM MIGHT WE EVEN COMPLAIN? THEY COULD ALWAYS RELOCATE A BUSINESS, WHILE WE NEITHER HAVE THE OPTION OF RELIEF THROUGH MOVING NOR A PROPERTY THAT ANYONE WOULD (NOW) PURCHASE.

This has now further decreased our basic level of expected home-life in a residential community. Please help us.

Fanny Ward
Joan Powell Ward

Blocked
→
1st
Window
MA
Business
Owner
Promised
to
Not
block
when
Mr
Agreed
(untrue).

* View AS of 8:30 AM, March 26, 2013 - we woke to find last remains
Dinner Room window / tower in Middle / Retention for Meritua Complaints,



Best
The
Sparrows -
Vivids
with
mass
from
Fishes -
great -
Sparrow,
WOWWW
promised
not to
block.



↑ New Tower moved to block last yr window more
easy - NO
in an Asian

→ LAST
window
N/Now
Hovel
SOIL
WINDOWS
NOW
files
View
from
Dining
Room
Tables



