

**CANTON BOARD OF ADJUSTMENT**  
**1:00 P.M., TUESDAY, JANUARY 21, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Board of Adjustment met at the above named time and date in the City Hall Council Chambers. Members present were Chairman Ben Shirey, Alton Smith, and Walter Clemments. Those absent were Harry Minton and Don Hackney. Others present were City Manager Johnny Mallory, City Secretary Michelle Wilson, and City Building Inspector Rickey Malone.

1. CALL MEETING TO ORDER - Chairman Shirey called the meeting to order at 1:25 p.m.
2. DISCUSS AND CONSIDER REQUEST FROM MR. DONALD FULFORD FOR A FOOT VARIANCE ON THE FRONT PROPERTY LINE SET BACK AT 244 DODSON STREET - Michelle Wilson informed the Board that the agenda wording is in error as Mr. Fulford is actually requesting a variance to build up to one foot of his curb line. No responses had been received from adjoining property owners.

The Board discussed potential problems with constructing to a curb line and the set backs of other carports in the vicinity not meeting the 30 foot set back zoning requirement. Following further discussion, Ben Shirey made a motion to deny this request and offer Mr. Fulford the opportunity to make another request for a variance in line with others in the area to be determined by the Building Inspector. Alton Smith seconded and all were in favor.

3. DISCUSS AND CONSIDER REQUEST FROM MR. RUSSELL WILSON FOR A VARIANCE ON THE SIDE PROPERTY LINE SET BACK AT 1780 LAZY U DRIVE - The Building Inspector, Rickey Malone, informed the Board that after receiving the plat and field notes on this property, his measurements found the recently moved storage building to be located over the side property line. As the Board could not grant a variance which would allow any structure to extend past a property line, it was determined the storage building would need to be moved. Ben Shirey made a motion to deny this request and have the owners move the storage building. Alton Smith seconded and all were in favor.
4. ADJOURN - There being no further items for discussion, the meeting adjourned at 1:35 p.m.

**CANTON BOARD OF ADJUSTMENT**  
**1:00 P.M., THURSDAY, APRIL 3, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Chairman Ben Shirey, Alton Smith, Walter Clements, Harry Minton, and Don Hackney. Others present were City Manager Johnny Mallory, City Secretary Rhita Koches, and City Building Inspector Rickey Malone.

1. CALL MEETING TO ORDER - Chairman Shirey called the meeting to order at 1:30 p.m.
2. DISCUSS AND CONSIDER REQUEST FROM MICHAEL AND DEBBIE MURDOCK FOR SPECIAL EXCEPTION TO OPERATE DAY CARE AT 1140 SOUTH BUFFALO - Debbie Murdock, Claudette Anderson, and Mary Pitts were present. The Board discussed whether any action would be necessary by the Planning and Zoning Committee. Johnny Mallory explained that day care centers may be located in any district by special exception of the Board of Adjustment. Rhita Koches reported that no opposition to the request has been received. Don Hackney moved to permit the requested special exception. Alton Smith seconded, and all were in favor.
3. DISCUSS AND CONSIDER REQUEST FROM MR. MARION H. DAVIS FOR A VARIANCE ON THE FRONT PROPERTY LINE SETBACK ON TRACT 3 AND ON THE REAR PROPERTY LINE SETBACK ON TRACT 8, MITCHELL ADDITION (GRANADA SQUARE SUBDIVISION) - Mr. Davis was present. Rhita Koches reported that two telephone calls had been received and both expressed no objection. The Board discussed the ten foot easement across the back of these lots. Alton Smith moved that the variance requested on the rear of Tract 8 be granted as requested. Don Hackney seconded, and all were in favor. The Board then considered the front variance requested for Tract 3. Rhita Koches reported that two telephone calls had been received and both expressed no objection. Rickey Malone reported on his inspection and measurements of the property and discussed the radius in the street. Mr. Malone confirmed that the setback requested ranges from approximately 19 to 24 feet; however, the setback reduces to as little as 14 feet in the arc of the radius. Mr. Davis explained that it is his intention to align his house with others on the street. Alton Smith moved that the variance requested on the front of Tract 3 be granted. Harry Minton seconded, and all were in favor.
4. DISCUSS AND CONSIDER REQUEST FROM MR. RUSSELL WILSON FOR A VARIANCE ON THE SIDE PROPERTY LINE SET BACK AT 1780 LAZY U DRIVE - The Board noted that a request regarding this matter has previously been considered. The Board discussed the proposed location of the storage building with Building Inspector

**CANTON BOARD OF ADJUSTMENT**  
**1:00 P.M., THURSDAY, JUNE 5, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Chairman Ben Shirey, Alton Smith, Walter Clemments, and Larry Roe. Others present were City Manager Johnny Mallory and City Secretary Rhita Koches.

1. CALL MEETING TO ORDER - Chairman Shirey called the meeting to order at 1:00 p.m.
  
2. APPROVAL OF MINUTES OF APRIL 3, 1997 BOARD OF ADJUSTMENT MEETING - Alton Smith moved that the Minutes of the April 3, 1997 meeting be approved as presented. Walter Clemments seconded, and all were in favor.
  
3. DISCUSS AND CONSIDER REQUEST FROM MR. STEPHEN BOX FOR A VARIANCE ON THE MINIMUM LOT AREA, WIDTH, AND DEPTH IN THE DIVISION OF TRACT 5, BLOCK 2, E. B. JONES SUBDIVISION - Stephen Box, J. T. Lemley, and Charles B. and Glenda Tucker appeared. In addition to Mr. Lemley and Mr. and Mrs. Tucker, the Board had received written opposition from Clinton Howell. The Board reviewed the written opposition filed and the report of the Building Inspector, Rickey Malone. Chairman Shirey asked for comments from area property owners. Mr. and Mrs. Tucker and Mr. Lemley voiced their opposition. Board members commented on their inspection of the property and the size of the lot. Mr. Box explained that the house to be moved in is a solid house that is about 1,300 square feet. Chairman Shirey summarized the comments of the area property owners and Board members by saying that the proposal to divide the tract into two lots would negatively impact the area and would result in an arrangement which is not typical to the neighborhood. Chairman Shirey stated that, for those reasons, he would move that the application for zoning variance be denied. Larry Roe seconded, and all were in favor of the motion.
  
4. DISCUSS AND CONSIDER REQUEST FROM MR. JOHN TRAVIS FOR A VARIANCE ON THE REAR PROPERTY LINE SETBACK AT 1353 SHADY LANE - The Board reviewed the findings of the Building Inspector, Rickey Malone, and Mrs. Havah Thurman's note in favor of the application. Board member Walter Clemments explained that he lives across the street from the subject property and did not have any

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, AUGUST 5, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

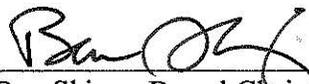
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Chairman Ben Shirey, Alton Smith, Harry Minton, and Larry Roe.

1. **CALL MEETING TO ORDER AND DECLARE QUORUM-** Chairman Shirey called the meeting to order at 1:30 p.m. and declared that a quorum was present.
2. **APPROVAL OF MINUTES OF JUNE 5, 1997 BOARD OF ADJUSTMENT MEETING** -Larry Roe moved that the Minutes of the June 5, 1997 meeting be approved as presented. Alton Smith seconded, and all were in favor.
3. **DISCUSS AND CONSIDER REQUEST FROM MR. E. J. TAYLOR FOR A VARIANCE ON THE FRONT PROPERTY LINE SETBACK (GRANADA SQUARE)** - Richard L. Ray, attorney for Mr. McWilliams, presented a letter to the Board stating that Mr. McWilliams had no objection to the request so long as it did not affect a fence situated on the property line between Mr. McWilliams' lot at 156 Granada Square and Mr. Taylor's tract. Harry Minton stated, as a property owner in this subdivision, that although Mr. McWilliams' fence was not in compliance with the subdivision's deed restrictions, the Board had no authority to enforce those restrictions. Ben Shirey concurred. Mr. Taylor stated that the existing fence was not an issue, did not interfere with his use of his property, and there was no contention concerning the fence. Harry Minton moved that the request be approved. Alton Smith seconded, and all were in favor.
4. **DISCUSS AND CONSIDER REQUEST FROM FRANK AND LISA ELLIOTT FOR A VARIANCE ON THE SIDE PROPERTY LINE SETBACK AT 975 ATHENS** - Ben Shirey noted that the responses received were in favor of the request. Larry Roe moved that the request be approved. Alton Smith seconded, and all were in favor.
5. **DISCUSS AND CONSIDER REQUEST FROM DAVID YATES FOR VARIANCE TO ALLOW ACCESS FROM RESIDENTIAL STREET** - David Yates addressed the Board and distributed renditions of the proposed entry, angled parking, and exit onto Mulberry Street for the property located at 602 South Trade Days Boulevard. Larry Roe moved that the variance be granted. Harry Minton seconded, and all were in favor.
6. **DISCUSS AND CONSIDER REQUEST FROM BILLY JACK DEEN FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES (HIGHWAY 64 WEST AT FM 859)** - The Board considered Mr. Deen's request that the zoning district boundary lines on the subject property be interpreted to include the entire tract instead of cutting through the tracts. The subject property, fronting on Highway 64 West, was zoned B-1 across the Highway 64 side

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, SEPTEMBER 2, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Ben Shirey, Alton Smith, and Walter Clemments.

1. **CALL MEETING TO ORDER AND DECLARE QUORUM** - Chairman Ben Shirey called the meeting to order at 1:30 p.m. and declared that a quorum was present.
2. **APPROVAL OF MINUTES OF AUGUST 5, 1997 BOARD OF ADJUSTMENT MEETING**  
Walter Clemments noted that the proposed Minutes inaccurately reflected that he was present for the August 5th meeting and that Harry Minton was absent. Walter Clemments moved that the Minutes of the August 5, 1997, meeting be approved as amended. Harry Minton seconded, and all were in favor.
3. **DISCUSS AND CONSIDER REQUEST FROM GERALD MOORE FOR SPECIAL EXCEPTION TO OPERATE 'AN ASSISTED LIVING FACILITY (NURSING/ CONVALESCENT HOME) AT 503 HIGHWAY 243** - Harry Minton moved that the special exception be granted. Walter Clemments seconded, and all were in favor.
4. **ADJOURN** - There being no further items to come before the Board, Harry Minton moved that the meeting be adjourned. Walter Clemments seconded, and all were in favor.

  
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Ben Shirey, Board Chairman

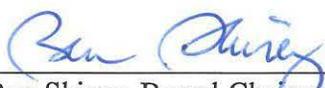
ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, OCTOBER 14, 1997**  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Ben Shirey, Alton Smith, Larry Roe, Harry Minton, and Walter Clemments.

1. CALL MEETING TO ORDER AND DECLARE QUORUM - Chairman Ben Shirey called the meeting to order at 1:30 p.m. and declared that a quorum was present.
2. APPROVAL OF MINUTES OF SEPTEMBER 2, 1997 BOARD OF ADJUSTMENT MEETING - Alton Smith moved that the Minutes of the September 2, 1997, meeting be approved. Walter Clemments seconded, and all were in favor.
3. DISCUSS AND CONSIDER REQUEST FROM FRANK STRINGER FOR VARIANCE ON REAR SETBACK AT 1809 MILL CREEK ROAD - City Secretary Rhita Koches advised the Board that a rear property line variance from twenty feet to eight feet had been granted on this property in 1991. However, the improvements had been constructed only three feet from the property line. Mr. Smith expressed concerns regarding water runoff from the improvements on the property. Walter Clemments moved that the variance requested be approved for the existing improvements only and not for any future additions. Harry Minton seconded, and the motion carried with Walter Clemments, Harry Minton, Alton Smith, and Ben Shirey voting in favor. Larry Roe abstained from voting due to his firm's interest in the sale of the subject property.
4. ADJOURN - There being no further items to come before the Board, Larry Roe moved that the meeting be adjourned. Walter Clemments seconded, and all were in favor.

  
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Ben Shirey, Board Chairman

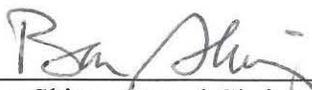
ATTEST:

  
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Rhita Koches, City Secretary

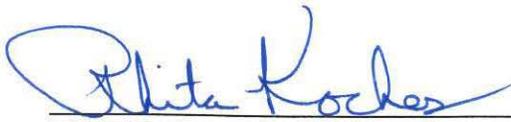
**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, DECEMBER 4, 1997**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Ben Shirey, Alton Smith, Larry Roe, Harry Minton, and Walter Clemments.

1. **CALL MEETING TO ORDER AND DECLARE QUORUM** - Chairman Ben Shirey called the meeting to order at 1:30 p.m. and declared that a quorum was present.
2. **APPROVAL OF MINUTES OF OCTOBER 14, 1997 BOARD OF ADJUSTMENT MEETING** - Larry Roe moved that the Minutes of the October 14, 1997, meeting be approved. Alton Smith seconded, and all were in favor.
3. **DISCUSS AND CONSIDER REQUEST FROM FRANK STRINGER FOR VARIANCE ON REAR SETBACK AT 1809 MILL CREEK ROAD** - City Secretary Rhita Koches advised the Board that a rear property line variance from twenty feet to eight feet had been granted on this property in 1991 and that a variance to three feet had been granted October 14, 1997. Upon receipt of the survey of the property it was discovered that the improvements had been constructed three feet from the fence line, but only one and a half feet from the actual property line. Board members discussed concerns that the property owner had flagrantly violated the setback restrictions established by the City's zoning ordinance. It was noted that the property has now been sold, and the new owners had inherited an existing problem. Mary Pitts, real estate agent for the new purchasers, stated that the variance considered in October should have been for one and a half feet; however the survey was not yet available, and there was no evidence showing that the fence was not on the property line. Ben Shirey moved that the variance be granted. Harry Minton seconded, and Ben Shirey, Alton Smith, Walter Clemments, and Harry Minton voted in favor. Larry Roe abstained from voting due to his firm's involvement in the transaction.
4. **ADJOURN** - There being no further items to come before the Board, Larry Roe moved that the meeting be adjourned. Harry Minton seconded, and all were in favor.

  
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Ben Shirey, Board Chairman

ATTEST:

  
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Rhita Koches, City Secretary