

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., MONDAY, JANUARY 10, 2000**  
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 Larry Roe, Alton Smith, Harry Minton, Walter Clemments and Ed Morzak.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

**APPROVAL OF MINUTES OF DECEMBER 15, 1999 MEETING OF THE BOARD OF ADJUSTMENT** - There being no additions or corrections to the Minutes of the December 15, 1999 meeting, Walter Clemments moved that the Minutes be approved as distributed. Harry Minton seconded, and all were in favor.

**DISCUSS AND CONSIDER REQUEST FROM DANNY C. ROGERS FOR VARIANCE ON SIDE AND REAR SETBACKS ON A LOT LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 243 AND SOUTH BUFFALO, CANTON, TEXAS** – City Building Inspector Rick Malone told the Board that Mr. Rogers is requesting a variance of the 25 foot back and side setbacks to eight feet. City Secretary Rhita Koches reported that four responses had been received – 2 in favor and 2 opposed. Mrs. Shaw and Mr. and Mrs. McCauley, adjacent property owners, were present. Mr. Rogers answered questions by the Board and members of the audience and explained the proposed location of the building. In response to questions from Mr. McCauley, Mr. Rogers explained that he planned to construct a 5500 square foot building divided into four sections for storage rental. The building will be constructed on the existing slab and will have a loading dock with access between the existing grocery store and house. He is not planning any alterations to the house at 1178 South Buffalo. Chairman Roe asked Mrs. Shaw if she had any questions, and she did not. Both Mr. McCauley and Mrs. Shaw told the Board that they had no objection to the variance after hearing Mr. Rogers' plans. Alton Smith moved that the variance be approved as requested. Harry Minton seconded the motion, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM THE CITY OF CANTON FOR VARIANCE ON SIDE SETBACK FOR THE CONSTRUCTION OF AN EMS FACILITY ON THE BACK PORTION OF LOT LOCATED ON HIGHWAY 19 SOUTH (BEHIND FIRE DEPARTMENT BUILDING)** – City Building Inspector Rick Malone told the Board about the proposed construction of a 60 x 67 EMS facility behind the existing fire station on Highway 19 South. He explained that, due to existing construction and the contour of the property, additional room was needed on the east side of the property. A variance from the 20 foot side setback to 5 feet has been requested. Walter Clemments moved that the variance be granted. Ed Morzak seconded, and all voted in favor.

**ADJOURN** - There being no further items to come before the Board, Harry Minton moved that the meeting be adjourned. Ed Morzak seconded, and all were in favor.

ATTEST:

  
Rhita Koches, City Secretary

  
Larry Roe, Chairman

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, FEBRUARY 1, 2000**  
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 Larry Roe, Alton Smith, Walter Clemments and Ed Morzak. Harry Minton was absent.

CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

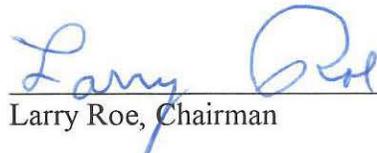
APPROVAL OF MINUTES OF JANUARY 10, 2000 MEETING OF THE BOARD OF ADJUSTMENT – There being no additions or corrections to the Minutes of the January 10, 2000 meeting, Alton Smith moved that the Minutes be approved as distributed. Walter Clemments seconded, and all were in favor.

DISCUSS AND CONSIDER REQUEST FROM CANTON AUTO PARTS FOR VARIANCE TO ADD SECOND ON-PREMISE SIGN AT 221 HWY. 243, CANTON, TEXAS – Alton Smith moved that the variance be granted as requested. Walter Clemments seconded, and all voted in favor.

ADJOURN - There being no further items to come before the Board, Walter Clemments moved that the meeting be adjourned. Ed Morzak seconded, and all were in favor.

ATTEST:

  
Rhita Koches, City Secretary

  
Larry Roe, Chairman

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, FEBRUARY 29, 2000**  
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 Larry Roe, Harry Minton, Walter Clemments and Ed Morzak. Alton Smith was absent.

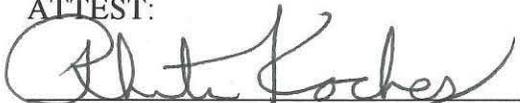
CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

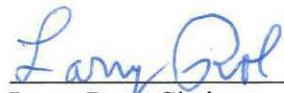
APPROVAL OF MINUTES OF FEBRUARY 1, 2000 MEETING OF THE BOARD OF ADJUSTMENT - There being no additions or corrections to the Minutes of the February 1, 2000 meeting, Walter Clemments moved that the Minutes be approved as distributed. Harry Minton seconded, and all were in favor.

DISCUSS AND CONSIDER REQUEST FROM BURNS ACE HARDWARE/RADIO SHACK FOR VARIANCE TO ADD SIGN TO EXISTING ON-PREMISE SIGN AT 221 HWY. 243, CANTON, TEXAS – City Secretary Rhita Koches reported that no objections to the request had been received. Building Inspector Rick Malone reported that there were no problems with visibility. Harry Minton moved that the variance be granted as requested. Ed Morzak seconded, and all voted in favor.

ADJOURN - There being no further items to come before the Board, Walter Clemments moved that the meeting be adjourned. Ed Morzak seconded, and all were in favor.

ATTEST:

  
Rhita Koches, City Secretary

  
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Larry Roe, Chairman

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, JUNE 8, 2000**  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS

CALL MEETING TO ORDER AND DECLARE QUORUM - The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Larry Roe, Harry Minton, Walter Clemments, Alton Smith, and Ed Morzak.

CALL MEETING TO ORDER AND DECLARE QUORUM - Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

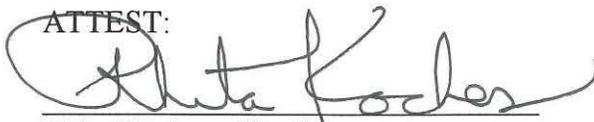
APPROVAL OF MINUTES OF FEBRUARY 29, 2000 MEETING OF THE BOARD OF ADJUSTMENT - Walter Clemments moved that the Minutes of the February 29, 2000 meeting of the Board be approved. Harry Minton seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST FROM FIRST ASSEMBLY OF GOD CHURCH FOR VARIANCE TO CLEARANCE PREVISION FOR ON-PREMISE SIGN AT 801 HWY. 243, CANTON, TEXAS - City Building Inspector Rick Malone explained that the request is for a new sign with a marquee-type reader board under the main sign. The ground clearance would be 6 feet instead of 8 feet as required by the City's ordinance. Mr. Malone stated that the requested sign height should not interfere with traffic accessing Highway 243. Alton Smith moved that the request be granted. Ed Morzak seconded the motion, and all voted in favor.

ADJOURN - There being no further items to come before the Board, Ed Morzak moved that the meeting be adjourned. Walter Clemments seconded, and all were in favor.

  
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Larry Roe, Chairman

ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., TUESDAY, JUNE 20, 2000**  
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 Larry Roe, Harry Minton, Walter Clemments, Alton Smith, and Ed Morzak.

CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

DISCUSS AND CONSIDER REQUEST FROM PAUL E. HUTCHISON FOR VARIANCE TO CONSTRUCT ON-PREMISE SIGN WITH MULTIPLE FACES AT 1190 TRADE DAYS BLVD., CANTON, TEXAS – City Secretary Rhita Koches told the Board that seven notices were mailed, and no responses received. Mr. Paul Hutchison told the Board that he wanted to install a two-pole sign with three double faces for his tenants, Sears, Good Will, and Dollar General. The faces of those signs will be 4 ft. tall by 16 ft. wide. He said he felt the request was within the limit of the square footage allowed by the City's ordinance. His request is for multiple signs in excess of the number of signs allowed by the ordinance. Alton Smith moved that the request be granted. Harry Minton seconded, and all voted in favor.

ADJOURN - There being no further items to come before the Board, Ed Morzak moved that the meeting be adjourned. Walter Clemments seconded, and all were in favor.

ATTEST:

  
Rhita Koches, City Secretary

  
Larry Roe, Chairman

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, AUGUST 10, 2000**  
**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 Larry Roe, Harry Minton, Walter Clemments, Alton Smith, and Ed Morzak.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JUNE 8 AND JUNE 20, 2000 BOARD OF ADJUSTMENT MEETINGS** – Walter Clemments moved that the Minutes of the June 8, 2000 meeting be approved. Alton Smith seconded, and all voted in favor. Ed Morzak moved that the Minutes of the June 20, 2000 meeting be approved. Walter Clemments seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM CANTON BAND BOOSTERS FOR VARIANCE OF CITY'S BUILDING CODE REGARDING REQUIREMENT TO INSTALL COMMERCIAL VENT HOOD WITH EXTINGUISHER SYSTEM AND ALLOW VENT HOOD WITH INDIVIDUAL MOUNTED EXTINGUISHERS** – Building Inspector Rick Malone explained to the Board that the 1997 Code requires a vent hood with an automatic extinguisher system. He said the applicant is seeking relief to allow portable extinguishers only. Mr. Malone explained that the automatic system extinguishes the fire and turns off the gas or electricity. Mr. Minton asked how often the facilities would be used. Band Boosters Vice President Bill Weatherford told the Board that the facility would be used approximately thirty hours per year. He explained that the group is non-profit and that no minors would be allowed to use the facility. He said the cooking units are table top units and are approximately 24 inches apart. The building is constructed of block with a heavy gauge metal roof. Mr. Weatherford noted that the cost difference will be approximately \$3,500. The power source will be electricity. Band Boosters President Debbie Crawford told the Board that they have contacted Tyler Restaurant Supply about building a five foot vent. She also noted that the CHS Band relies on the concession for funding. Mr. Malone told the Board that all other aspects of the new concession building are up to Code standards. He noted that he is unable to grant relief from the Code provisions and cannot differentiate between a restaurant and a concession. Alton Smith moved that the request to install a vent hood with portable fire extinguishers be granted. Ed Morzak seconded the motion. Mr. Minton questioned the requirement for cleaning vent hoods, and Mr. Malone said the minimum cleaning is once per year. Mr. Weatherford told the Board that they planned to have at least two portable fire extinguishers with one placed at each end of the cooking area. All voted in favor of the motion.

Prior to the presentation of the remaining agenda items, Ed Morzak presented the attached memorandum to the Board. He then asked if the Board felt the concerns addressed in Item No. 1 of the memo should be referred to the Planning and Zoning Commission for further review. Mr.

Smith said he did not think there was a problem and would prefer to see the Board of Adjustment consider each variance request, such as the carport requests currently on the agenda, on a case-by-case basis. Mr. Clemments said he would like to see the neighborhood decide through their responses to the variance requests. Mr. Minton said he thought the Board should also consider safety factors involved in the requests submitted. It was the consensus of the Board that variance requests be addressed on a case-by-case basis.

Referring to Item No. 2 on his memo, Mr. Morzak asked whether the variances granted apply to the property or to the property owner. Mr. Malone said it would be his opinion that the variance applied to the property. Mr. Morzak said it had come to his attention that, in the City of Van, variances apply to the applicant and any new owner must re-apply if the property is sold. Mr. Malone said he could see where a specific use permit could be limited to apply to a particular person; however, the variances granted generally apply to property setbacks. Mr. Minton noted that a setback variance previously granted to Marion Davis at Granada Square now applies to the current owner. Mr. Morzak acknowledged that the variance generally goes with the property but questioned whether the Board could limit the application to the current property owner only.

The Board then discussed the possible methods of notifying City residents of the requirements for building permits.

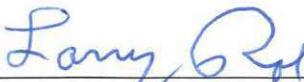
DISCUSS AND CONSIDER REQUEST FROM HATTIE FOSTER FOR FRONT SETBACK VARIANCE TO CONSTRUCT CARPORT AT 620 W. ELM, CANTON, TEXAS – Mr. Malone told the Board that the only three responses received had all been favorable. Mr. Morzak noted that he knew Mrs. Foster and felt this would be a hardship for her. Mr. Clemments moved that the Board grant the variance requested to reduce the front setback from 25 feet to 10 feet. Mr. Minton seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST FROM IKE BURK FOR FRONT SETBACK VARIANCE TO CONSTRUCT CARPORT AT 702 W. ELM, CANTON, TEXAS – City Secretary Rhita Koches told the Board that two responses had been received, and both were in favor of the request. Mr. Smith moved that the Board grant the variance requested to reduce the front setback from 25 feet to 12 feet. Mr. Clemments seconded, and all voted in favor.

DISCUSS AND CONSIDER REQUEST FROM RUBY NEWMAN FOR SIDE AND/OR FRONT SETBACK VARIANCE TO CONSTRUCT CARPORT AT 210 WEST BEARD STREET, CANTON, TEXAS – Mrs. Koches reported that one of the responses received was in favor of constructing the carport on the side of the property but not in front. The second response was an objection from an adjoining property owner who claimed that the property lines were not correct. Mr. Malone told the Board that the house itself does not meet the setback requirements and that there is only 14 feet of usable space on the east side of the property. Mr. Smith moved that the Board grant the request only for the reduction of the side setback to two feet with the front of a one-car carport not to extend beyond the front of the existing house. Mr. Clemments seconded the motion. Board members Roe, Minton, Clemments, and Smith voted in favor of the motion. Mr. Morzak voted against the motion. The motion carried.

DISCUSS AND CONSIDER REQUEST FROM CHARLES AND MARIE WRIGHT FOR SIDE AND FRONT SETBACK VARIANCE TO CONSTRUCT CARPORT AT 1221 TOWER, CANTON, TEXAS – Mrs. Koches reported that two responses had been received, and both were in favor of granting the requested variance. Mr. Malone explained that the house on this property is not in compliance with the required setback since it is only 26 or 27 feet from the property line instead of 30 feet. Mr. Clemments moved that the Board grant the variance from 30 feet to 14 feet on the front setback and from 8 feet to 4 feet on the side setback. Mr. Smith seconded, and all voted in favor.

ADJOURN - There being no further items to come before the Board, Mr. Minton moved that the meeting be adjourned. Mr. Clemments seconded, and all were in favor.

  
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Larry Roe, Chairman

ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., TUESDAY, OCTOBER 3, 2000  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

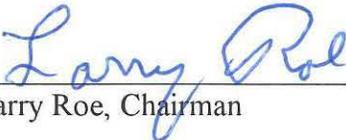
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Larry Roe, Harry Minton, Walter Clemments, Alton Smith, and Ed Morzak.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF AUGUST 10, 2000 BOARD OF ADJUSTMENT MEETING** – Alton Smith moved that the Minutes of the August 10, 2000 meeting be approved. Walter Clemments seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM TIM JAMES FOR VARIANCE OF SIGN ORDINANCE REQUIREMENT FOR MINIMUM GROUND CLEARANCE AT 548 W. HIGHWAY 243, CANTON, TEXAS** – City Secretary Rhita Koches told the Board that no objections had been received. Mr. James told the Board that, because the area is still somewhat residential, he would prefer to have a lower sign with a flower bed. He said the sign would be well off the roadway since the right-of-way is so far back and will not block the view of traffic. Building Inspector Rick Malone noted that approximately one-half of the yard of this property is actually in the right-of-way. He confirmed that the lowering of the sign would not hinder traffic. It was also noted that no improvements may be placed in the electric company's easement. Mr. James said the new sign will be 4 x 6 feet and will be lit. Ed Morzak moved that the request for the variance to allow the sign to be placed four feet off the ground instead of eight feet be granted. Harry Minton seconded, and all voted in favor.

**ADJOURN** – There being no further business to come before the Board, the meeting was adjourned.

  
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Larry Roe, Chairman

ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., TUESDAY, OCTOBER 26, 2000  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

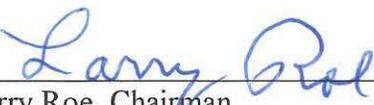
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Larry Roe, Harry Minton, and Alton Smith. Walter Clemments and Ed Morzak were absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

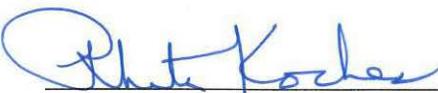
**DISCUSS AND CONSIDER REQUEST FROM MIKE AND CINDY MALOUF TO REDUCE SIDE SETBACKS TO ZERO AT 706 CHERRY CREEK LANE (LOTS 8 AND 9, GEORGE PITTS SUBDIVISION, PHASE II), CANTON, TEXAS** – Building Inspector Rick Malone noted that the Maloufs have proposed constructing a residence in the center of two lots which would require a variance on the side setbacks on the property line in the center of the lots to zero. Harry Minton moved that the request be granted. Alton Smith seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM LAKESIDE BAPTIST CHURCH TO REDUCE SIDE SETBACKS TO ZERO AT 315 AND 317 CURRY LANE (LOTS 6-02 AND 7-01, CURRY #2 SUBDIVISION), CANTON, TEXAS** – The Board reviewed the responses received from adjacent property owners. Mrs. Virginia Jones told the Board that she was not in favor of the requested variance. Mr. David Wilkerson spoke on behalf of Lakeside Baptist Church and as the proposed builder of the improvements to be constructed between the two existing houses. Board Chair Larry Roe abstained from voting due to his membership in Lakeside Baptist Church. No vote was taken on the request, and it was announced that the meeting would be re-scheduled.

**ADJOURN** – There being no further business to come before the Board, the meeting was adjourned.

  
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Larry Roe, Chairman

ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, NOVEMBER 16, 2000**  
**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 Larry Roe, Harry Minton, Walter Clemments and Ed Morzak. Alton Smith was absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Chairman Larry Roe called the meeting to order at 1:30 p.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF OCTOBER 3 AND OCTOBER 26, 2000 BOARD OF ADJUSTMENT MEETINGS** – Walter Clemments moved that the Minutes of the October 3, 2000 meeting be approved. Harry Minton seconded, and all voted in favor. Larry Roe moved that the Minutes of the October 26, 2000 meeting be approved. Harry Minton seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM JERRY NORMAN TO REDUCE SIDE AND BACK SETBACKS AT 1790 DESERT WILLOW, CANTON, TEXAS** – The Board reviewed the responses received which contained no objections. The Board noted concerns which had been raised that the proposed construction was a garage. Area property owners had expressed concerns that the garage not be used for commercial purposes which would be contrary to the area's zoning. Ed Morzak moved that the request for a back variance from 8 feet to 5 feet and a side variance from 8 feet to 3 feet be granted. Harry Minton seconded the motion. Walter Clemments noted that the property owner should be notified of the concerns that the improvements not be used for commercial purposes. All voted in favor of the motion.

**DISCUSS AND CONSIDER REQUEST FROM LAKESIDE BAPTIST CHURCH TO REDUCE SIDE SETBACKS TO ZERO AT 315 AND 317 CURRY LANE (LOTS 6-02 AND 7-01; CURRY #2 SUBDIVISION), CANTON, TEXAS** – Board Chairman Larry Roe announced that he would be abstaining from voting in this matter due to his membership at Lakeside Baptist Church. The Board reviewed responses received from Virginia Jones, Kellis Kirkland, and Walter Shipman. It was noted that Mr. Shipman's original objection had been withdrawn after he had met with representatives of Lakeside Baptist Church who resolved his opposition.

Ed Morzak stated that he had reviewed the responses and visited the site and that he was opposed to granting the requested variance. He said there were a lot of issues with the requested and stated that Curry is a solid middle-class neighborhood. He said that the Church's linking the two houses would create a structure of a size which is totally out of character and would be a white elephant as far as re-sale. He said it might be different if the residences were in a more commercial area as opposed to being right in the middle of a neighborhood. Mr. Morzak said, as a realtor, he thought it would hurt the surrounding property. Mr. Morzak said he thought there should be other alternatives which would not affect surrounding property.

Larry Roe noted that the Church is planning construction of a \$1.7 million sanctuary.

Virginia Jones told the Board that she and the Kirklands would be the most affected. She said the two joined houses would be the only thing they will be able to see out the front of their house. She said when she purchased her property, she wanted the right location and, at the time, there were two families living in those houses. She said they were willing to compromise on the design of the proposed construction but at the last meeting, there was no proposed design. She said at this meeting she had given a design she had never seen before. She said Mr. Wilkerson had told them they could not guarantee what the Church might do. Mrs. Jones told the Board that the Church's Christian rock band uses the facility. Mrs. Jones noted that she felt the band was a good thing but it is so loud it can be heard throughout her house. She said she opposed the new plan since it would be an auditorium and meeting room. She suggested that the new construction be moved to the back of the property owned by the Church. Mrs. Jones said she believed in going to Church and getting kids into Church but she did not believe the surrounding property owners should suffer. Mrs. Jones said they had been told the Church could do whatever they wanted, and the property owners did not have any say in the matter. She said they were willing to work with them toward some other resolution.

Mr. Kellis Kirkland told the Board that he would go along with the proposal if they would move the building back and if the improvements would be brick. He said that did not appear in the current proposed plan. He said it looks like it will be an eyesore. He suggested building to the back instead of joining the two houses together which he thought would probably be more useful in the future. Mr. Kirkland stated that the traffic will be there anyway and that did not bother him. He said he thought the construction might hurt property values.

Mr. Rick Badgett (318 Curry) told the Board that his mother is a member of Lakeside, and he contributed a considerable amount of time to area youth. He said he was also able to hear the Christian rock band recently, and he was concerned about the use of the property as an auditorium. He said he would feel better if the area remained a residential neighborhood. Mr. Badgett expressed concerns about noise. He also noted that the City had recently re-built the street and he was afraid the extra traffic would deteriorate the street. He said the proposed stage should have some acoustical treatment. Mr. Badgett told the Board that he realized he did not have a vote in the matter since he was not an adjacent property owner but he feared the construction would decrease the value of his property.

Mr. Jones told the Board that it did not seem fair for the Church to be exempt from the City's Zoning Ordinance. He said the Church is saying the improvements will face the back but the building would still be coming out toward the street and people will still be entering from the street. Mr. Jones said he opposed the request.

Mr. Badgett told the Board that the construction of the \$1.7 million building out on the corner would change the entire neighborhood. He said he thought the building would be wonderful, but he was probably going to sell his property.

Mrs. Virginia Jones said that she had always heard that the Church's ultimate goal was to own the whole block and she enjoyed the activity there. She then told the Board that during prior construction, the builders continuously blocked her mailbox. She said the City told her there was nothing that could be done. Mrs. Jones said she thought there was probably an acre between Brother Moore's house and these houses and suggested any new construction be placed there and leave the front of the two houses on Curry intact. She said she was opposed to the construction because it would be a detriment to her property value and daily living.

Mr. David Wilkerson, representing Lakeside Baptist Church, told the Board that the exits proposed were for fire protection. He said there also seems to be some confusion in that some people think the Church is not subject to the City's laws and ordinance. He stated that the Church is not exempt, and that was the reason they were coming before the Board of Adjustment. He explained that the construction could not be turned around to the back of the property because the Church is trying to provide off-street parking for all cars visiting the Church. He noted that the parking lot would provide 313 parking places. Mr. Wilkerson said that the members of the Church would love to have the whole block. He said if the problem is just the sound from the building, they could take out the windows. Mr. Wilkerson said they have to look at fire safety. He said they want to be good neighbors, but they also have to look at the Church's needs and be good stewards of the Church's money.

Mr. Jones said he the construction would deteriorate their property values.

Mr. Morzak asked if the Church could move construction behind 315 Curry. Mr. Wilkerson responded that they are trying to make their improvements as economically as possible and use all of the property they have available. He said that area will be the Church's parking lot.

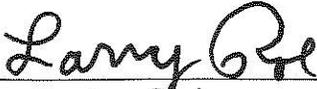
Mrs. Jones said they were willing to compromise. She said the parking lot was what the Church wants. Mrs. Jones told the Board that, if they voted to allow the variance, she would consider her civil rights had been violated. She said this was just a big rich church doing what it wants to do regardless of what the rest wanted. She said they should build the building further back. Mrs. Jones then stated that she would hope any members of the Church serving on the Board of Adjustment would have ethical consideration and not vote. Mr. Roe acknowledged that he had already stated he would be abstaining from voting.

Mr. Roe then stated that there cannot be a better place for children, and the Church had just run out of space. He said the building could not be behind the Curry houses because that will be parking space. Mr. Roe noted that the only thing the Board of Adjustment would be considering would be the request to build across the property line between the two houses.

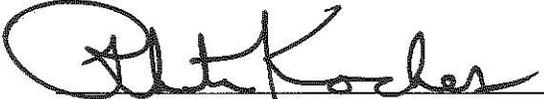
Mrs. Jones said there appeared to be considerable yard space near the office building. Mr. Roe said the Church needed access to its buildings.

Ed Morzak moved that the requested variance to build to the property line on both lots be denied. Walter Clemments seconded the motion. Ed Morzak and Walter Clemments voted in favor of the motion. Harry Minton voted against the motion, and Larry Roe abstained. The motion carried.

ADJOURN - There being no further business to come before the Board, the meeting was adjourned.

  
\_\_\_\_\_  
Larry Roe, Chairman

ATTEST:

  
\_\_\_\_\_  
Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, DECEMBER 14, 2000**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

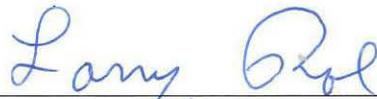
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Harry Minton, Walter Clemments and Alton Smith. Larry Roe and Cindy Malouf were absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – In the absence of Chairman Larry Roe, Mr. Minton called the meeting to order at 1:30 p.m. and declared that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF NOVEMBER 16, 2000 BOARD OF ADJUSTMENT MEETING** – Mr. Smith moved that the Minutes of the November 16, 2000 meeting be approved. Mr. Clemments seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM CHRIS HOWARD TO REDUCE SIDE SETBACKS AT 1201 TOWER, CANTON, TEXAS** – City Secretary Rhita Koches told the Board that two responses had been received, and both were in favor of the request. Mr. Smith moved that the request to reduce the south side setback from 8 feet to 3 feet be granted. Mr. Clemments seconded, and all voted in favor.

**ADJOURN** - There being no further business to come before the Board, the meeting was adjourned.



Larry Roe, Chairman



Harry Minton, Acting Chairman

ATTEST:



Rhita Koches, City Secretary