

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, FEBRUARY 8, 2001**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

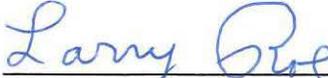
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Walter Clemments, Larry Roe, Cindy Malouf, and Alton Smith. Harry Minton was absent.

**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.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF DECEMBER 14, 2000 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's December 14, 2000 meeting be approved as presented. Alton Smith seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM TRENT BRIGHT/YATES ESTATE TO REDUCE SIDE SETBACK AT 1285 WEST DALLAS (SH 64), CANTON, TEXAS** – The Board reviewed the responses received from adjacent property owners. Two responses noted approval conditioned upon the construction of a 6 foot cedar fence, no lighting which would shine on to their property, no noticeable noise level, and no drainage on to their property. City Building Inspector Rick Malone told the Board that Mr. Bright was planning to construct a warehouse type building which should not present problems with noise or drainage. Mr. Bright had previously notified adjoining property owners of his intent to construct a privacy fence between the subject property and the homes on Dodson Street. Walter Clemments moved that the request to reduce the side setback from 25 feet to 10 feet be approved. Cindy Malouf 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:

  
Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, FEBRUARY 15, 2001**  
**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 Walter Clemments, Larry Roe, and Harry Minton. Cindy Malouf and Alton Smith 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 APPROVAL OF MINUTES OF FEBRUARY 8, 2001 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's February 8, 2001 meeting be approved as presented. Harry Minton seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM KEITH BROYLES TO REDUCE BACK SETBACK AT 971 SOUTH CHERRY CREEK, CANTON, TEXAS** – City Secretary Rhita Koches reported that only one response had been received, and it was in favor of the request. City Building Inspector Rick Malone told the Board that the subject lot was unusual due to its triangular shape. Keith Broyles told the Board that the garage addition will face the front of the property. It was noted that the front setback is not affected. Mr. Minton asked if the proposed addition would be located where the existing portable building is situated. Mr. Broyles said the addition will not be that far back. Harry Minton moved that the request to reduce the back setback from 20 feet to 8 feet be approved. Walter Clemments 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., THURSDAY, MARCH 8, 2001  
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 Cindy Malouf, Larry Roe, Alton Smith, and Harry Minton. Walter Clemments 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 FEBRUARY 15, 2001 BOARD OF ADJUSTMENT MEETING** – Alton Smith moved that the Minutes of the Board's February 15, 2001 meeting be approved as presented. Harry Minton seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM EMMA BLACKBURN TO REDUCE BACK SETBACK AT 204 DODSON STREET, CANTON, TEXAS** – Harry Minton questioned the proposed location of the new storage building. Building Inspector Rick Malone explained that the building is to be placed in approximately the same location as the current building, and it was his understanding that Mrs. Blackburn's neighbors had agreed to the placement of the building. City Secretary Rhita Koches told the Board that no responses had been received from area property owners. Alton Smith moved that the requested variance to reduce the back setback from 8 feet to 4 feet be approved. Cindy Malouf seconded the motion, 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** – City Secretary Rhita Koches told the Board that three responses had been received with two in opposition to the request and one in favor. The Board reviewed the written responses received. Alton Smith asked whether the Zoning Commission had been brought in to address this request. Rick Malone told the Board that the request was a setback reduction only and that the zoning had to be proper before the matter could come to the Board of Adjustment. Cindy Malouf asked if there were any plans for the proposed construction. Alton Smith said that would really not be the Board's business. Mrs. Malouf noted that the responses of Mr. Kirkland and Mrs. Virginia Jones cite the de-valuation of their property because the construction would not blend in. She asked if the proposed construction blended more, would there still be opposition. Mr. Malone said an owner would not spend money on plans until the variance was resolved. Mr. Jones said there were some plans to begin with. Mr. Malone said that normally the Board would not be involved in aesthetics, and that building codes would address that issue. Mrs. Malouf asked how the Board could get past the opposition of adjacent property owners if the Board was voting clearly on the setback request. Mr. Malone said the applicant would still have to following zoning restrictions. Mr. Minton noted that this was the third time this request had come before the Board and that some action needed to be taken. He said the Board would just be looking at whether to grant the setback variance.

Mrs. Virginia Jones told the Board that she owned the property at 314 Curry, across the street from the proposed construction. She said that, although there were only three adjacent property owners, there were four families involved. She said that originally Mr. Shipman had disapproved the request because of drainage issues. She said she had contacted the Kirklands and Mr. Rick Badgett because they were most affected. Mrs. Jones said Mr. Shipman told her he met with the Church and they had assured him they would address the drainage, put up a fence, and would buy his house if he wanted to sell. She said they were originally told that the Church wanted to connect the two houses with a small breezeway. Mrs. Jones said subsequently they saw a drawing that goes 45' x 45'. Mrs. Jones told the Board that Rick Badgett is critically ill in a hospital in Dallas but she had been assured that he was still very much against the requested variance.

Mrs. Jones told the Board that they chose to retire to Canton, and it took a year and a half to find a house to buy. She said they compromised on a smaller house to get the location. At the time, the two houses across the street were occupied by individual families. She said they had no idea the Church would want to build a large building. Mrs. Jones told the Board that all of the houses on the street keep nice yards. She said at the Board's last meeting to consider this matter, she and Rick Badgett were willing to compromise, but the Church's representative, Mr. Wilkerson, said they would not talk. She said the Church has nearly the whole block. She said they want to build the building where they want it instead of across the block where they will have parking. Mrs. Malouf asked Mrs. Jones if she would rather have parking in front of her instead of the building. Mrs. Jones said she understood that the Church's parsonage was being converted for other use and asked why the youth center could not be put on that side of the property where it would not disturb anyone. Mrs. Jones said the Church has a large youth program with a rock and roll band that can be heard in her house. Mrs. Jones said that was certainly a nuisance for them. Mrs. Jones said her objections to the proposed variance and construction would be the noise from the Christian rock band, lowering property values, more traffic, the unsightly size and location of the building which will be a story and a half. Mrs. Jones said she spoke with a member of the City Council who told her the Board of Adjustment was to protect the interests of area property owners. Mrs. Jones said this was the third meeting on this issue and she felt she was being harassed. Mrs. Jones said Lakeside is uncompromising in that they want to build what they want where they want. Mrs. Jones said Church representatives had stated they wanted to be good neighbors, but they were not good enough neighbors. Mrs. Jones said there was no one to protect her rights except the Board and asked that the Board abide by the Golden Rule.

Mr. Jones said they had previously been told that the Zoning Ordinance does not apply to churches. He said this matter had already been turned down and asked why it had been brought back to the Board. City Secretary Rhita Koches stated that the Zoning Ordinance requires three members to concur in any action by the Board. It was noted that at the last meeting on this issue, the vote was 2 to 1 and therefore did not comply with the Ordinance provisions that three members concur.

Building Inspector Rick Malone said that zoning does apply to churches and that the ordinance states that churches may, by right, be located in an area zoned R-1 which is the zoning on Curry. Mr. Jones said he thought that, in R-1, construction could not be closer than five feet from the side property line. Mr. Malone said the setback is eight feet and that was exactly what the Board was addressing. He cited the Board's consideration of the first matter on the day's agenda which was to lessen a setback to allow a storage building.

Mrs. Jones said that they had been given two different drawings of what the Church intended to do. She asked how the Board could vote on the matter if they don't know what will be constructed. Chairman Roe said the only thing to be considered by the Board is the setback.

Mrs. Jones said at the last meeting of the Board to consider this matter, one of the Board members said this construction would greatly lower standards and value of the neighborhood. She noted that several members of the Board had changed in what appeared to be an attempt to get a Board that would finally pass this request. Mr. Malone explained the absences of different members at past meetings and that Mrs. Malouf was the only new member of the Board.

Mrs. Jones said the Church has other options. She said they could put their band hall on Cherry Creek. Mrs. Jones said the Church did not care what poor little old folks thought about what they were doing.

Mrs. Malouf asked Mrs. Jones if the request would be okay with her if the construction was the same, but the Church did not put the youth group there. Mrs. Jones said her objection was to building the building there.

It was noted that the Church is building a new sanctuary.

Mrs. Jones said she had asked Mr. Roe and would ask any other Board member who was a member of Lakeside to abstain. She said if they tithe, they would have a vested interest in the matter.

Mrs. Koches told the Board that an attorney with Texas Municipal League had advised that provisions of the Local Government Code pertaining to conflicts of interest would not extend to membership in a church.

Mrs. Jones told Mr. Roe to look at his ethics as a Christian man. She said she attends a church in Terrell which is located in the middle of a neighborhood. She said she would never vote for her church to do anything to harm that neighborhood. She said she may have different ethics, but she wouldn't want to harm the neighborhood near her church.

Mr. David Wilkerson said he would like to address a couple of issues raised and that questioned where Mrs. Jones got her information. Mrs. Jones objected and said Mr. Wilkerson had implied that she was lying.

Chairman Roe intervened and stated that the Church is building a million dollar building and would not want to do anything to take away from that million dollar building.

Mr. Wilkerson said they had attempted to address two of Mrs. Jones' concerns by turning the building around to make the entrance on the back toward the parking lot and by installing sound board to improve the sound problem. He noted that the Christian rock group only plays about two hours per week. Mr. Wilkerson said the Church did not want to put in anything that would be detrimental to the community.

Mr. Minton asked what would happen next if the request was granted. Mr. Malone said the Church would have to present plans and go by building codes and the rest of the Zoning Ordinance. He said there was no request to build any further toward the front property line, and the ordinance contained a 35 ft. height limitation. Mrs. Malouf asked how one could get a story and a half out of 35 feet. Mr. Malone said the Church had talked about higher ceilings such as 10 to 12 feet for an assembly room. Mr. Smith clarified that the Board was not addressing any variance to the front setback.

Mr. Jones said he knew the Church was growing and asked what they planned to do with the existing metal building. Mr. Wilkerson responded that the Church was totally and completely out of room for classrooms. Mrs. Jones asked why the student building couldn't be put there instead of putting it on their side of the property. Mr. Jones asked who appointed the Board of Adjustment, and Mrs. Koches told him they were appointed by the City Council.

Larry Roe moved that the requested variance to reduce the side setbacks on the lots at 315 and 317 Curry Lane to zero be approved. Harry Minton seconded the motion. Larry Roe, Alton Smith, and Harry Minton voted in favor of the motion. Cindy Malouf voted against the motion. The motion carried.

Mrs. Jones told Mr. Roe that she felt her rights had been violated. Mr. Jones said that most of the Church's members did not know what was going on. He said he felt that a wrong had been done since this issue was voted and turned down and brought back to the Board again.

ADJOURN - There being no further business to come before the Board, Harry Minton moved that the meeting be adjourned. Alton Smith seconded the motion, and all voted in favor.

  
Larry Roe, Chairman

ATTEST:

  
Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., THURSDAY, APRIL 12, 2001  
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 Walter Clemments, Cindy Malouf, Larry Roe, Alton Smith, and Harry Minton.

**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 MARCH 8, 2001 BOARD OF ADJUSTMENT MEETING** – Harry Minton moved that the Minutes of the Board's March 8, 2001 meeting be approved as presented. Walter Clemments seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR SPECIAL EXCEPTION FROM PAT HAMEL TO OPERATE DAY CARE AT 1702 LAZY U DRIVE, CANTON, TEXAS** – The Board reviewed the responses received from area property owners. City Secretary read the provisions of the Zoning Ordinance relating to R-1 provisions for "Uses permitted by special exception" and Section 15-4 relating to child day care centers. Ms. Pat Hamel told the Board she had a detached garage she planned to use as a day care. She said, according to state regulations, she can have only four children per caretaker. If she hired another person, she could take as many as eight children. Ms. Hamel said she had not yet applied for her state license since she was waiting for the outcome of the Board's decision. Ms. Hamel told the Board she was on Social Security and wanted something to do at her home to bring in additional funds. She said she planned on taking small children only, and they would not need outdoor area.

Mrs. Joe Anna Birdwell told the Board that she had lived in the neighborhood since 1962. She said it was a residential addition. With two schools located on Highway 243, there was a lot of traffic. Mrs. Birdwell told the Board that she did not think her property would hold the same value with a day care next door. Mrs. Birdwell said she had seen the creek behind the property rise to her back door. She said she would like to see the neighborhood remain residential. Mrs. Birdwell told the Board that if one business was allowed, they would have to allow others in the future.

Mrs. Bernie McLaughlin said she lived across the street from the subject property, and she was concerned about parking on both sides of the street with mothers dropping off and picking up children. She said the possible increase to six or eight children would create additional parking and traffic problems.

Board member Cindy Malouf asked those in opposition if it was the appearance of a day care that they objected to. Mrs. Birdwell said that was only part of the objection.

The Board then discussed the possibility of limiting the age and number of the children to be served if the exception were granted.

Harry Minton moved that the request for a special exception to operate a day care be denied. Alton Smith 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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Chairman

ATTEST:

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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., THURSDAY, JUNE 7, 2001  
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 Walter Clemments, Tina Ingram, Cindy Malouf, Harry Minton, and Alton Smith.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – The meeting was called to order at 1:30 p.m., and a quorum was present.

**ELECTION OF CHAIRMAN** – Walter Clemments moved that Alton Smith be elected Chairman of the Board of Adjustment. Cindy Malouf seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF APRIL 12, 2001 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's April 12, 2001 meeting be approved as presented. Cindy Malouf seconded, and all voted in favor

**DISCUSS AND CONSIDER REQUEST FROM JACK POLLOCK TO REDUCE BACK SETBACK AT 301 RIVER OAKS LANE (RIVER OAKS ADDITION), CANTON, TEXAS** – City Secretary Rhita Koches told the Board that only one response was received, and it was in favor of the requested variance. Mr. Pollock's builder, Wick Wilkerson, told the Board that the house presently under construction has a four foot porch which the owner would like to have covered. Mr. Wilkerson said they had measured from the front of the lot and should have had a 15 foot rear setback; however, the current overhand is on the 15 foot mark. Cindy Malouf asked how the slab was poured if it was over the setback. City Building Inspector Rick Malone said the slab does not encroach the setback until the owner starts to cover it. The overhang is the point of measurement. Mrs. Malouf noted that all of the lots in this subdivision are small and asked the Board if they would be willing to grant variances to all of the other lot owners in the subdivision.

Rick Malone pointed out the small strip of land located immediately adjacent to the back of Mr. Pollock's lot. Ownership of the lot was discussed, and Mr. Pollock said it had been offered to him by Mrs. Leroy. He is not interested in purchasing any additional property. Mr. Pollock said he was trying to reduce his mowing due to health problems. If he purchased the additional tract from Mrs. Leroy, he would be mowing all the way down to the back of Lot 3.

Mrs. Malouf asked if the original building plans called for the porch to be covered, and Mr. Wilkerson said it did. She then asked why the problem had not been caught before framing. Mr. Wilkerson said the house had been framed only to the 15 foot setback point. He said if the variance was approved they would proceed with framing out the covered porch area. Mr. Wilkerson said they felt the lot was actually shorter than it was supposed to be. Mrs. Malouf said if the porch area had not yet been covered then it would not matter if the Board denied the request. Mr. Wilkerson said the owner would like to have the area covered. He also noted that there will be a fence across the back of the property. Mr. Wilkerson said, when it was discovered that there was a setback problem, they poured concrete but did not frame over the area. He said they applied for the variance and waited on the framing pending the outcome of the Board's meeting.

Harry Minton asked if any objections had been received from area property owners. It was noted that only one response was received, and it was in favor of the request. Mrs. Malouf asked the Board if they would approve the next request in this subdivision if they approved this first one. Mr. Pollock said the owners of the next lots would have more room on their lot. The Board then reviewed the plat of the property.

Mr. Minton said, if there were no objections from adjacent property owners, he would grant the request. Mrs. Malouf said the lots in the subdivision were small so there may be a lot of variance requests coming before the Board. Mr. Pollock told the Board that he wanted a garden home without a lot of yard. Mrs. Malouf told Mr. Pollock that, even if he received a variance from the Board of Adjustment, he would probably need a written variance from the developer and any other property owner in the subdivision. She noted that this would be the time to accomplish that before there were many property owners involved.

Mr. Minton moved that the requested variance to reduce the back setback from 15 feet to 11 feet be granted. Walter Clemments seconded. Harry Minton, Walter Clemments, Tina Ingram, and Alton Smith voted in favor of the motion. Cindy Malouf voted against the motion, and the motion carried.

DISCUSS AND CONSIDER REQUEST FROM CHARLES W. BROWN TO REDUCE SIDE SETBACK AT 1300 TRADE DAYS, CANTON, TEXAS – City Secretary Rhita Koches told the Board that no responses had been received from adjacent property owners. Mr. Brown presented plans for his proposed addition to his car wash. The Board reviewed the plans and the plat of the property. It was noted that the property is zoned GI (Industrial) which requires a 20 foot side setback. If the property had been zoned B-2 (General Business District), there would be a zero side setback. Mr. Clemments moved that the requested variance to reduce the north side setback from twenty feet to twelve feet. Mrs. Malouf seconded the motion, and all voted in favor.

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

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Chairman

ATTEST:

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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., THURSDAY, JUNE 28, 2001  
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 Walter Clemments, Tina Ingram, Harry Minton, and Alton Smith. Cindy Malouf was absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Board Chairman Alton Smith called the meeting to order at 1:30 p.m., and announced that a quorum was present.

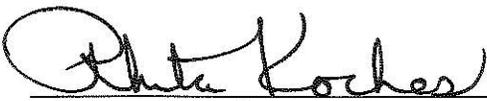
**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JUNE 8, 2001 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's June 8, 2001 meeting be approved as presented. Tina Ingram seconded, and all voted in favor

**DISCUSS AND CONSIDER REQUEST FROM TRENT BRIGHT TO REDUCE SOUTHEAST SIDE SETBACK AT 1285 WEST DALLAS (SH 64), CANTON, TEXAS** – City Building Inspector Rick Malone told the Board that Mr. Bright was proposing to build a metal building for a residence. He said Mr. Bright was requesting the setback to allow enough room for the drive back to the commercial building on the back portion of the property. Mr. Minton inquired about a building on adjacent property which appeared to be close to the property line. Mr. Bright said a survey prepared when he recently purchased the property determined that the building was an encroachment because it is on the property line and inside the setbacks. Mr. Bright said he had not objected to the encroachment. City Secretary Rhita Koches told the Board that only one response was received, and it had been withdrawn. Mr. Minton moved that the request to reduce the southeast side setback from 25 feet to five feet be granted. Dr. Ingram seconded the motion, and all voted in favor.

**ADJOURN** – There being no further business to come before the Board, Mr. Minton moved that the meeting be adjourned. Mr. Clemments seconded, and all voted in favor.

  
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Alton Smith, Chairman

ATTEST:

  
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Rhita Koches, City Secretary

**CANTON BOARD OF ADJUSTMENT  
1:30 P.M., THURSDAY, JULY 19, 2001  
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 Walter Clemments, Tina Ingram, Harry Minton, and Cindy Malouf. Alton Smith was absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – In the absence of Board Chairman Alton Smith, Acting Chairman Harry Minton called the meeting to order at 1:30 p.m., and announced that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JUNE 28, 2001 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's June 28, 2001 meeting be approved as presented. Tina Ingram seconded, and all voted in favor

**DISCUSS AND CONSIDER REQUEST FROM DANNY ROGERS TO REDUCE REAR SETBACK AT 410 HIGHWAY 243, CANTON, TEXAS** – City Secretary Rhita Koches told the Board that three responses had been received with one in favor and two opposed. The request was to reduce the rear setback from 25 feet to 4 feet. Mr. Rogers said he had spoken with one of the opponents, Mr. Vandeventer, who had questions about the size and type of building to be constructed. Mr. Rogers said it was his understanding that Mr. Vandeventer no longer had an objection to the request. Mr. Rogers said he was considering building two buildings – one west of the old feed store and one east facing the buildings constructed in the last year or so. He said the building on the west side will have openings facing Highway 243. Building Inspector Ricky Malone told the Board that the setback would ordinarily be zero since the property was zoned for commercial use. However, the setback is 25 feet since the commercial property adjoins residential property. Mr. Rogers said he had also spoken with another adjacent property owner, Mr. McCauley, who said he appreciated the construction of the buildings since it buffered some of the noise from Highway 243. Cindy Malouf inquired whether there was any way to get further than four feet from the property line. Mr. Rogers said he needed the front of the property for parking. He said the only thing to the back of the property is a privacy fence. Mr. Clemments noted that only two oppositions had been received from nine adjoining property owners. Mr. Rogers said that one of those, Mr. Vandeventer, had only wanted to know what type of building was being constructed. Mr. Minton inquired whether there would be any problems with water drainage, and Mr. Malone said the tract slopes from the back to the front toward Highway 243. After discussing Mr. Rogers' plans for the construction of the second building the subject of the request, it was determined that the contemplated third building would be entirely within the setbacks and no variance would be required. Mr. Clemments moved that a variance be granted to reduce the rear setback at 410 Hwy. 423 from 25 feet to four feet. Mrs. Malouf seconded the motion, and all voted in favor.

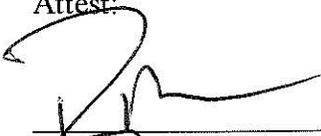
**DISCUSS AND CONSIDER REQUEST FROM MIKE AND LISA STAFFORD TO REDUCE SIDE SETBACKS AT 830 CHERRY CREEK, CANTON, TEXAS** – Mr. and Mrs. Stafford presented a plat of the proposed construction on Lot 4 of the George Pitts Subdivision, Phase II. Discussion was had regarding the setbacks as applied to the concrete slab and to the overhang. It was noted that surveyors generally do not consider overhangs and may not note City's setbacks unless they were platted on the subdivision plat. Mrs. Malouf also suggested that an underwriter may

require a variance from the developer. A forms survey was also recommended. Mr. Stafford said he would like to obtain a variance from the Board of Adjustment and then proceed with any other variances as may be required by his lender. Mr. Clemments moved that variances be granted for the side setbacks on both sides of the property reducing the side setbacks from eight feet to six feet on both sides of the property. Dr. Ingram seconded the motion. Mr. Clemments, Dr. Ingram, and Mr. Minton voted in favor of the motion. Mrs. Malouf voted against the motion. The motion carried, and the variance was granted.

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

  
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Acting Chairman Harry Minton

Attest:

  
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Ricky Malone, Building Inspector

**CANTON BOARD OF ADJUSTMENT**  
**1:30 P.M., THURSDAY, AUGUST 9, 2001**  
**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 Walter Clemments, Tina Ingram, Harry Minton, and Alton Smith. Member Cindy Malouf was absent.

**CALL MEETING TO ORDER AND DECLARE QUORUM** – Board Chairman Alton Smith called the meeting to order at 1:35 p.m., and announced that a quorum was present.

**DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JULY 19, 2001 BOARD OF ADJUSTMENT MEETING** – Walter Clemments moved that the Minutes of the Board's July 19, 2001 meeting be approved as presented. Harry Minton seconded, and all voted in favor

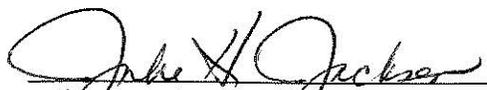
**DISCUSS AND CONSIDER REQUEST FROM TOMMY ROBERTS TO REDUCE BACK SETBACK AT 1800 MALINDA, CANTON, TEXAS** – Rick Malone explained that Mr. Roberts wanted to replace a storage building behind his house and keep it in line with an existing dog pen. Harry Minton moved that a variance be granted reducing the back setback at 1800 Malinda from twenty feet to four feet. Walter Clemments seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FROM JACK POLLACK TO REDUCE SIDE SETBACK AT 830 CHERRY CREEK, CANTON, TEXAS** – Wick Wilkerson explained that the property was not originally surveyed, and that existing stakes were used to lay out the house. When an adjacent property owner surveyed the property, the property lines were found to be off by eighteen to twenty inches. Alton Smith asked how this happened. No one could answer, but it had been resurveyed and all the lines were now correct. Walter Clemments moved that a variance be granted reducing the side setback at 830 Cherry Creek from 5 feet to 3 feet-6 inches. 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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Alton Smith, Chairman

ATTEST:

  
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Julie H. Jackson, City Secretary