

MINUTES

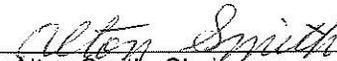
CANTON BOARD OF ADJUSTMENT

12:30 P.M., THURSDAY, APRIL 26, 2007  
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 Alton Smith, Tina Ingram, Dan McLemore and Bob Moore. Member Walter Clemments was absent.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:47 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF NOVEMBER 30, 2006, MEETING – The minutes of the November 30, 2006, Board of Adjustment meeting were unanimously approved upon motion by Dan McLemore and second by Bob Moore.
3. DISCUSS AND CONSIDER REQUESTS FROM THE FIRST UNITED METHODIST CHURCH OF CANTON FOR A VARIANCE TO THE BUILDING CODE AND MECHANICAL CODE, ADOPTED BY THE CITY OF CANTON IN ORDINANCE 2006-01, REGARDING FIRE ALARM SYSTEM AND VENT-A-HOOD REQUIREMENTS – Debra Johnson advised that thirteen notices were sent out to adjoining property owners and two responses were received back, both in favor. Nathan Hodge explained the Church would like to install a domestic vent-a-hood system over the electric range in the kitchen rather than a commercial system because the kitchen would not be used as a commercial kitchen. The Church has also requested a one-year extension to install the fire alarm system required in order to schedule the installation over the summer when the Church has less traffic. Rick Malone pointed out the plans the Church submitted called for a commercial vent-a-hood. Mr. Hodge and Coy Prather have come to an agreement on a homeowners' firehood. Mr. Malone said he was satisfied with this compromise. Mr. Malone further said the new Church building has a daycare in the building and a fire alarm system was required by state and federal law. The Church has been in violation since opening the daycare in this building. Nathan Hodge said the Church has asked for a one-year extension to install the fire system although they hoped to have the system installed over the summer. Rick Malone suggested an extension of not more than six months. Bob Moore made a motion to grant the request from the First United Methodist Church of Canton for a variance to the building code and allow the installation of the residential vent-a-hood in the kitchen and grant an extension of six months from the date of this meeting for the Church to install its Guardian III fire alarm system. Dan McLemore seconded and all voted in favor.

ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 1:03 p.m. upon motion by Tina Ingram and second by Dan McLemore.

  
Alton Smith, Chairman

ATTEST:

  
Debra Johnson, Assistant City Secretary

## MINUTES

### CANTON BOARD OF ADJUSTMENT

12:30 P.M., THURSDAY, JUNE 28, 2007  
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 Alton Smith, Dan McLemore, Bob Moore and Alternate Walter Clemments. Member Tina Ingram was absent. Josh Smetak was present but did not participate.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:34 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF APRIL 26, 2007, MEETING – The minutes of the April 26, 2007, Board of Adjustment meeting were unanimously approved upon motion by Dan McLemore and second by Bob Moore.
3. DISCUSS AND CONSIDER REQUEST FROM THE BRIDWELL CENTER DEVELOPMENT PARTNERSHIP FOR A VARIANCE TO ORDINANCE 2003-03, AS SUBSEQUENTLY AMENDED, REGULATING THE MINIMUM EXTERIOR STANDARDS FOR STRUCTURES INSIDE THE CITY LIMITS OF CANTON, TEXAS, AT 400 E. HIGHWAY 243 – Rick Malone reported ten notices were sent to neighbors with only two responding, both in opposition. Alton Smith stated he would rather have the ordinance rewritten than continue to have variances granted. Robert Henson, representing the owner, explained EIFS was an exterior insulation finishing system with greater energy efficiency ratings. It had a better weight-to-strength ratio and gave more versatility in design. The project design lent itself pretty well to the use of EIFS. The owner's intent was to do stone on the front in a four-foot perimeter around the sides and the back and a stone column. Rick Malone pointed out the ordinance called for a maximum of 50% EIFS on any side and could not be closer than four feet to the ground. Bob Moore asked what the difference would be in the construction from the credit union which has already been constructed. Robert Henson said the building would have a wood frame as did the credit union but this building would be more a commercial or industrial type of building. Rick Malone explained the amount of glass and doors were not used when calculating the percentage of EIFS used. Mr. Malone also explained the infrastructure would be done in tandem with the construction of the building. The utility crews should be on site within the next two weeks. Walter Clemments questioned the maintenance of the building if leakage or seepage occurred. Mr. Malone said a negative to EIFS was it trapped moisture and must be constructed with weepholes just like brick. He also explained the variance was for this property only and did not permanently change the ordinance. Bob Moore expressed his feeling that the Board should be very careful before making changes that affected an ordinance passed by the Council. Mr. Moore felt the request for a variance was a way for the owner to cut his costs. Mr. Malone stated the ordinance was in place for Canton for the future. Mr. Malone said cost was probably the reason the owner wanted to use EIFS. Bob Moore made a motion to deny the request from

the Bridwell Center Development Partnership for a variance to Ordinance 2003-03, as subsequently amended, regulating the minimum exterior standards for structures inside the city limits of Canton, Texas, at 400 E. Highway 243. Dan McLemore seconded. Walter Clemments voted against the motion, Josh Smetak abstained, and all others voted in favor of denying the request.

ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:57 p.m. upon motion by Dan McLemore and second by Walter Clemments.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson, Assistant City Secretary

## MINUTES

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, JULY 26, 2007  
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 Alton Smith, Dan McLemore, Bob Moore, Josh Smetak and Alternate Walter Clemments. Member Tina Ingram was absent. City Attorney, Richard Davis, and City Building Inspector, Coy Prather, were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:35 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF JUNE 28, 2007, MEETING – The minutes of the June 28, 2007, Board of Adjustment meeting were unanimously approved as corrected upon motion by Bob Moore and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM DENISE ROBERTSON AND JUANITA BARTON OF NETWORK REALTORS JABEZ TEAM AT 402 E. COLLEGE, CANTON, TEXAS, FOR A VARIANCE TO THE 1985 ZONING ORDINANCE, AS SUBSEQUENTLY AMENDED, REGULATING THE GATEWAY DISTRICT INSIDE THE CITY LIMITS OF CANTON, TEXAS – Debra Johnson reported that thirteen notices were sent to adjoining property owners. Three responses were returned, two in favor and one opposed. Denise Robertson explained the property was so much lower than the highway that they were at a disadvantage with a six-foot height limitation for the sign. Coy Prather said the actual sign was sixteen feet in length but that four feet would be set below ground. The variance would allow the owners six feet above the site line from the road. Walter Clemments made a motion to grant the request from Denise Robertson and Juanita Barton of Network Realtors Jabez Team at 402 E. College, Canton, Texas, for a variance to the 1985 zoning ordinance regulating the Gateway District and allow the eight feet variance as requested. Josh Smetak seconded the motion and all voted in favor.
4. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:40 p.m. upon motion by Walter Clemments and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

## MINUTES

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, AUGUST 30, 2007  
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 Alton Smith, Tina Ingram, Dan McLemore, Bob Moore, and Alternate Walter Clemments. Member Josh Smetak was absent. City Building Inspector, Coy Prather, was also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:39 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF JULY 26, 2007, MEETING – The minutes of the July 26, 2007, Board of Adjustment meeting were unanimously approved upon motion by Walter Clemments and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM HENRY LEWIS FOR A VARIANCE TO ORDINANCE 2004-01, AS SUBSEQUENTLY AMENDED, TO CONSTRUCT A FENCE AT 1155 BIG ROCK, CANTON, TEXAS – Rick Malone noted fifteen notices were sent to adjoining property owners and four responses were received, all in favor. After a brief discussion regarding the location of the fence and whether or not it blocked the view to the road and if the ordinance should be changed, Walter Clemments made a motion to grant the request of Henry Lewis for a variance to Ordinance 2004-01, as subsequently amended, to construct a fence to be built twelve feet past the front of the house and fifty feet across the front at 1155 Big Rock, Canton, Texas. Bob Moore seconded and all voted in favor.
4. DISCUSS AND CONSIDER REQUEST FROM CURRY TRADE GROUNDS & RV PARK, LP FOR VARIANCE TO FRONT SETBACK TO CONSTRUCT A PAVILION AT 555 EAST TYLER, CANTON, TEXAS – One notice was sent to an adjoining property owner and no response was received. Rick Malone sketched the area showing where the pavilion would be constructed in relation to the drainage ditch, roadway and other buildings in the area. Dan McLemore made a motion to grant the request from Curry Trade Grounds & RV Park, LP for a variance to the front setback to construct a pavilion six feet from the front property line. Walter Clemments seconded and all voted in favor.
4. ADJOURN -- There being no further business to come before the Board, the meeting was adjourned at 12:45 p.m. upon motion by Tina Ingram and second by Walter Clemments.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

## MINUTES

### **CALLED MEETING CANTON BOARD OF ADJUSTMENT 12:30 P.M., THURSDAY, SEPTEMBER 27, 2007 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 Alton Smith, Bob Moore, Josh Smetak and Alternate, Walter Clemments. Members Tina Ingram and Dan McLemore were absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also present.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:30 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF AUGUST 30, 2007, MEETING – The minutes of the August 30, 2007, Board of Adjustment meeting were unanimously approved upon motion by Bob Moore and second by Walter Clemments.
3. DISCUSS AND CONSIDER REQUEST FROM MR. AND MRS. BILLY JACK DEEN FOR A VARIANCE TO ORDINANCE 2004-30, AN AMENDMENT TO ORDINANCE 2004-01, REGULATING MINIMUM EXTERIOR STANDARDS TO WAIVE THE MASONRY REQUIREMENT ON A WAREHOUSE AT 680 WEST DALLAS, CANTON, TEXAS – Rick Malone announced two notices were mailed out to neighboring property owners and two responses were received, both in favor. Walter Clemments made a motion to approve the request from Mr. and Mrs. Billy Jack Deen for a variance to Ordinance 2004-30, which is an amendment to Ordinance 2004-01, regulating the minimum exterior standards, and allow them to waive the masonry requirement on a warehouse to be constructed behind the new office building at 680 West Dallas, Canton, Texas. Josh Smetak seconded and all voted in favor.
4. DISCUSS AND CONSIDER REQUEST FROM DR. MIKE HACKNEY FOR A VARIANCE TO THE 1985 ZONING ORDINANCE, AS SUBSEQUENTLY AMENDED, TO CONSTRUCT AN ACCESSORY BUILDING WITHIN THE MINIMUM SIDE AND REAR SETBACKS AT 110 EUBANK DRIVE, CANTON, TEXAS – Rick Malone reported six notices were sent to property owners. One was returned in favor and one against. Pruitt Ashworth stated he thought the proposed building was too large and was against such a large structure so close to his property line. He was concerned the space might become living quarters in the future. Coy Prather pointed out a mother-in-law's house was allowed on property in R-1 zoning. Mr. Ashworth said he had no objection to the storage building currently on the Hackneys' property. He was just concerned a larger structure would one day be converted to living quarters. Rick Malone said the building would have no plumbing to it, only electricity. To add plumbing and water, the Hackneys would have to contact the City. Dr. Hackney was contacted, and the item was temporarily tabled until he was able to appear.

After Dr. Hackney arrived, Mr. Ashworth reiterated his concern about the size of the building and the fact that it might be converted to living space. Dr. Hackney assured Mr. Ashworth that the building would only be a garage and he would discuss downsizing the building with his wife. Dr. Hackney agreed to work with Mr. Ashworth and come up with a compromise regarding the size of the building. Rick Malone reminded all parties that the requested variance had nothing to do with the size of the building but was about the

setback from the property line. Coy Prather said the setbacks were mainly for fire separations. Some cities did four-foot and some did zero setbacks. Bob Moore made a motion to grant the request from Dr. Mike Hackney for a variance to the 1985 Zoning Ordinance, as subsequently amended, and to allow them to construct an accessory building at a four-foot minimum of the side and rear setbacks at 110 Eubank Drive, Canton, Texas. Walter Clemments seconded and all voted in favor.

5. DISCUSS AND CONSIDER REQUEST FROM JANICE AND DAN WELOCK FOR A VARIANCE TO ORDINANCE NO. 2004-01, AS SUBSEQUENTLY AMENDED, REGULATING MINIMUM EXTERIOR STANDARDS, TO CONSTRUCT A FENCE AT 1901 MILL CREEK, CANTON, TEXAS – Janice Welock explained they had put an extension on an existing fence and a 2x8 at the base of the fence with metal poles. It was an attempt to divert water going through a neighbor's backyard to the drainage easement. The Welocks were unaware of an ordinance regarding front-yard fences. She said there was a clear view of the street when backing out of the driveway. Coy Prather said the fence was thirty feet from the street and did not block the sightline. It was to prevent ponding on the side of the house. In the Welock's case, Mr. Prather agreed the fence actually improved the property. Bob Moore made a motion to grant the request from Janice and Dan Welock for a variance to Ordinance No. 2004-01, as subsequently amended, regulating minimum exterior standards, and allow them to construct a fence which would extend sixteen to twenty feet past the front of the house at 1901 Mill Creek, Canton, Texas. Josh Smetak seconded and all voted in favor.
6. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 1:04 p.m. upon motion by Walter Clemments and second by Bob Moore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

## MINUTES

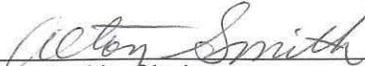
**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, NOVEMBER 1, 2007  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Alton Smith, Bob Moore, Tina Ingram and Dan McLemore. Member Josh Smetak was absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also present.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:38 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF SEPTEMBER 27, 2007, MEETING – The minutes of the September 27, 2007, Board of Adjustment meeting were unanimously approved upon motion by Tina Ingram and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM HENRY LEWIS FOR A VARIANCE TO ORDINANCE 97-03, REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, TO ALLOW AN OFF PREMISE SIGN ON PROPERTY LOCATED APPROXIMATELY 1 MILE NORTH OF THE JUNCTION OF HWY. 19 AND HWY. 64 ON THE EAST SIDE OF HWY 19 OUTSIDE OF THE CITY LIMITS OF CANTON, TEXAS – Rick Malone commented there were four letters were sent to neighboring property owners and there were no responses. He said the City had done away with off-premise signs except in the area around I-20. Bob Moore stated he would like to have someone in the advertising business come up with classy signage for the area. Alton Smith stated the sign was already on the property but there was nothing on it. Rick Malone informed them the existing sign was a ground structure not a pole sign. Bob Moore made a motion to approve the request from Henry Lewis for a variance to Ordinance 97-03 to allow an off-premise sign on the property located approximately one mile north of the junction of Hwy. 19 and Hwy. 64 on the east side of Hwy. 19 to the immediate north of the farmers' market. Tina Ingram seconded and all voted in favor.
4. DISCUSS AND CONSIDER REQUEST FROM VAN ZANDT COUNTY FARM BUREAU FOR A VARIANCE TO ORDINANCE 97-03, REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, TO ALLOW A SECOND POLE SIGN TO BE ERECTED AT 281 E. HIGHWAY 243, CANTON, TEXAS. – Rick Malone stated 22 notices were sent out twice. The first time, one response was received in favor. The second, there were four responses and three were in favor. Mr. Malone said the ordinance only allowed one pole sign per platted lot but there were two separate businesses now located on that piece of property. The variance would mean each business could have its own sign. Mr. Puckett said the additional sign would be for NE Texas Farm Supply. Dan McLemore made a motion to grant the request from Van Zandt County Farm Bureau for a variance to Ordinance 97-03 regulating the construction and use of signs

within the city limits and in the extraterritorial jurisdiction of the city to allow a second pole sign to be erected at 281 E. Highway 243, Canton, Texas. Bob Moore seconded and all voted in favor.

5. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:50 p.m. upon motion by Dan McLemore and second by Tina Ingram.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**CALLED MEETING  
CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, DECEMBER 13, 2007  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

**MINUTES**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Alton Smith, Bob Moore, Dan McLemore and Josh Smetak. Member Tina Ingram was absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also present.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:31 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF NOVEMBER 1, 2007, MEETING - The minutes of the November 1, 2007, Board of Adjustment meeting were unanimously approved upon motion by Dan McLemore and second by Josh Smetak.
3. DISCUSS AND CONSIDER REQUEST FROM BROOKSHIRES GROCERY COMPANY FOR VARIANCES TO ORDINANCE 97-03 TO ALLOW LARGER WALL SIGNS AND AN ADDITIONAL MONUMENT SIGN; ORDINANCE 2007-13 TO ALLOW REDUCTION OF PARKING REQUIREMENTS; ORDINANCE 2005-21 TO ALLOW THE USE OF LIGHT-DUTY CONCRETE PAVING IN THE PARKING LOT; ORDINANCE 2004-30 TO ALLOW EXEMPTION FROM A BARRIER TO THE REFUSE STORAGE CONTAINER, A REDUCTION IN THE SCREENING HEIGHT, A REDUCTION IN THE MINIMUM HEIGHT FOR EIFS AND REDUCTION OF THE MASONRY REQUIREMENT ON PROPERTY LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF HWY. 64 AND HWY. 243 IN THE CITY LIMITS OF CANTON, TEXAS – Keith Lybrand from Brookshires Grocery Company stated he was present to answer any questions the Board might have. Rick Malone explained lightweight concrete was used more for light-duty use such as parking of cars. Usually in a parking lot, there would be a mixed use for both light-duty and heavy-duty. Brian Ballard of Ballard Engineering said Brookshires hired a geotechnical firm who did soil tests and gave a recommendation based on the actual construction site. Mr. Malone said as long as the geotechnical team gave the City a recommendation that did not exceed the set standards, it could be accepted. Mr. Malone reported three notices were sent to neighboring property owners and there were no responses. Mr. Lybrand said the parking ratio requested was a common standard used by Brookshires. They had only one store in Tyler who had a problem with that during busy holiday seasons. Bob Moore asked if the Canton store would be patterned after one of the other area stores. Mr. Lybrand said this store was bigger than the one in Van but would have similar materials, especially stone and EIFS. The insulated panels requested would be similar to the Van store. Bob Moore made a motion that the following variances be approved:
  - a. to Ordinance 97-03 to allow 290 square feet for wall signage rather than 25 square feet;
  - b. to Ordinance 97-03 to allow 220 square feet for an on-premise pylon sign on Hwy. 243 rather than 200 square feet;

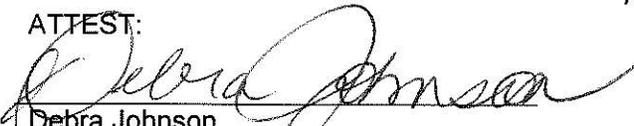
- c. to Ordinance 97-03 to allow one additional on-premise monument sign on the platted lot;
- d. to Ordinance 2004-30 to allow 100% prefinished insulated metal panels for the back of the building rather than 75% masonry;
- e. to Ordinance 2004-30 the requirement for a screen around the refuse storage container at the back of the store;
- f. to Ordinance 2004-30 waiving the requirement for a screen for the roof-mounted equipment higher than the four foot parapet wall;
- g. to Ordinance 2005-09 allowing EIFS to be installed at three feet above ground level rather than four feet;
- h. to Ordinance 2005-21 allowing the owner to adopt and utilize the recommendations of the geotechnical engineer for the weight of the concrete in the parking lot;
- i. to Ordinance No. 2007-13 revising the minimum stall size from nine feet by twenty feet to nine feet by eighteen feet; and
- j. to Ordinance No. 2007-13 allowing the off-street parking standard to be changed from one parking space for each 150 square feet of gross floor area to one parking space for each 200 square feet of gross floor area.

Dan McLemore seconded and all voted in favor:

4. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:46 p.m. upon motion by Josh Smetak and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary