

**CALLED MEETING  
CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, JANUARY 3, 2008  
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, Walter Clemments, Bob Moore and Dan McLemore. Members Tina Ingram and Josh Smetak 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 DECEMBER 13, 2007, MEETING - The minutes of the December 13, 2007, Board of Adjustment meeting were unanimously approved upon motion by Bob Moore and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM SAM FEAGINS FOR SIDE SETBACK VARIANCE TO THE 1985 ZONING ORDINANCE TO INSTALL AN ACCESSORY BUILDING AT 700 WATERCREST, CANTON, TEXAS – Rick Malone reported eleven notices were sent to neighboring property owners with one favorable response. He explained the building faced a road that ended at the old water plant. Walter Clemments made a motion to grant the request from Sam Feagins for a side setback variance from eight feet to three and one-half feet from the property line to install an accessory building at 700 Watercrest, Canton, Texas. Dan McLemore seconded and all voted in favor.
4. DISCUSS AND CONSIDER REQUEST FROM ALICIA SMITH FOR VARIANCE TO THE 1985 ZONING ORDINANCE TO INSTALL AN ACCESSORY BUILDING AT 676 SIDES CIRCLE, CANTON, TEXAS – Rick Malone reported fourteen neighboring property owners were notified. One response was returned in favor and four responses were received against granting the variance. Several neighbors were in attendance and expressed their concern that granting the variance for one person on the street would set a precedent for others to construct carports. They felt it would affect property values. They had no objection to the structure being located on the side or back of the property, but, in front, it was offensive. Alicia Smith said she was told by the salesman she did not need a permit to construct the carport. She had it installed to protect her vehicle. The house had an enclosed garage and there was no room on the side to place the structure. James Pruitt said he felt the ordinance should be followed. Coy Prather informed the Board the carport actually was over the front property line. The yards in that area were so small, a twenty-five foot setback actually came close to the front of the house. Becky Estep, Mrs. Smith's daughter, said the carport could not be moved to the back because of utility lines. Alton Smith pointed out that, since Mrs. Smith did have an option of placing the structure in the back, there did not seem to be a hardship. Mr. Malone said nothing could be constructed across the property line. Bob Moore made a motion to deny the request from Alicia Smith for a front variance to install an accessory building at 676 Sides Circle, Canton, Texas. Walter Clemments seconded and all voted in favor of denying the request.

5. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:48 p.m. upon motion by Dan McLemore and second by Bob Moore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, FEBRUARY 21, 2008  
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, Tina Ingram, Bob Moore, Dan McLemore and Josh Smetak. Public Works Director Rick Malone and City Attorney Richard Davis were also in attendance.

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. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JANUARY 3, 2008, MEETING - The minutes of the January 3, 2008, Board of Adjustment meeting were unanimously approved upon motion by Bob Moore and second by Josh Smetak.
3. DISCUSS AND CONSIDER REQUEST FROM HIBBITT SPORTS FOR VARIANCE TO SIGN ORDINANCE 97-03 REGULATING MINIMUM SQUARE FOOTAGE FOR WALL SIGN ON STORE AT BRIDWELL CENTER, 400 E. HIGHWAY 243, CANTON, TEXAS – Debra Johnson reported nine notices were sent to adjoining property owners. There were two responses, both in favor. Robert Henson indicated the store in question would be the next to last one in the shopping center facing Hwy. 243 South. Mr. Smith acknowledged the variance requested a little over double the square footage than what was allowed in the ordinance. Rick Malone said there would probably be more requests of this nature coming up. The ordinance probably should be revised to allow for larger signs because the size of signs now was double what it was when the ordinance was adopted. Bob Moore felt it would be a terrible disadvantage for the store to have a sign that could not be seen from the road. The representative from Hibbitt Sports said the sign would be individual letters eight to ten inches thick. Bob Moore made a motion to grant the request from Hibbitt Sports for a variance to sign Ordinance 97-03 regulating the minimum square footage for the wall sign on the store at Bridwell Center at 400 E. Highway 243, Canton, Texas. Josh Smetak seconded and all voted in favor.
4. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 12:39 p.m. upon motion by Tina Ingram and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

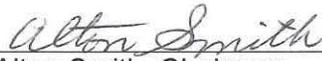
**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, APRIL 17, 2008  
CITY HALL, 290 E. TYLER STREET  
CANTON, TEXAS**

**MINUTES**

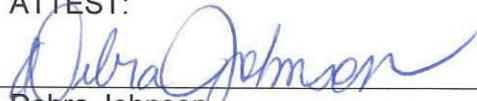
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Alton Smith, Tina Ingram, Bob Moore, Dan McLemore and Josh Smetak. Public Works Director Rick Malone and Building Inspector Coy Prather were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:30 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF FEBRUARY 21, 2008, MEETING - The minutes of the February 21, 2008, Board of Adjustment meeting were unanimously approved upon motion by Dan McLemore and second by Josh Smetak.
3. DISCUSS AND CONSIDER REQUEST FROM LEANOTHA PIER FOR VARIANCE TO 1985 ZONING ORDINANCE REGARDING MINIMUM SETBACKS FOR BUILDINGS AT 500 E. TYLER, CANTON, TEXAS – Coy Prather explained Mrs. Pier thought the property was zoned as First Monday when she purchased the business. The zoning went from First Monday to General Business District (B-2) at the edge of her property. Zoning for B-2 required Mrs. Pier to have a twenty-five foot setback from the property line for the front of the buildings and to have at least eleven parking spaces. She refurbished the existing building and built the edge of the porch to the property line. Mr. Prather had her redo the porch to bring back five feet from the property line. She currently has a small portable building and is in the process of adding a third building on the premises. Mrs. Pier has asked for a variance so all buildings could be located five feet from the property line in front. Alton Smith noted this building was in line with other buildings in the area. Mr. Malone said there was nothing in the zoning that prevented a business from operating during First Monday only. Mr. Smith questioned whether constructing a third building would leave adequate room for a driveway. Mrs. Pier said there would be room for a drive on both sides of the property. Debra Johnson said five neighboring property owners had been notified. Two responded against and one in favor. Bob Moore made a motion to approve the variance and reduce the front setback from twenty-five to five feet. Tina Ingram asked if granting the variance would make the parking problem worse. Mr. Moore said to grant the variance would not help the traffic problem Mr. McLemee referred to in his response. Mrs. Pier said her customers did not block traffic into Mr. McLemee's property. There was a no parking sign across the street. Mr. Malone said originally a lumber company was located on this property and that was why the zoning there was B-2. The tract was not large enough to be zoned First Monday. He said the hill on the property did limit them somewhat in the location of the buildings. Bringing the porch back from the property line also allowed cars to pull off the street a little. Alton Smith suggested Mr. McLemee hire someone to monitor the traffic onto his property. Mrs. Pier said she had tried to follow the rules and make the property attractive. Dan McLemore seconded Mr. Moore's motion and all voted in favor. Mrs. Pier requested the City look into a cover for the culvert by her property. She was afraid someone might be injured. Mr. Malone said he would have someone look into the matter.

4. DISCUSS AND CONSIDER REQUEST FROM THE PAUL MICHAEL CO. FOR VARIANCE TO ORDINANCE 2007-38 REGULATING MINIMUM EXTERIOR STANDARDS FOR ALL STRUCTURES INSIDE THE CITY LIMITS TO ALLOW ALL METAL ON SIDES AND BACK OF BUILDING TO BE CONSTRUCTED AT 1900 N. TRADE DAYS BLVD., CANTON, TEXAS – Lucia Deen said the front of the building would be all brick and would face Highway 19. No sides of the building faced a public street. She presented drawings from Athens Steel. She said Mr. Surles of the Mill Creek RV Park had agreed to do some landscaping on the back side to beautify the view of the building from his park. Tina Ingram noted this type variance had previously been granted for Ace Hardware and John Logsdon. Ms. Deen said their intention was for the building to be attractive because that would bring in customers. Dan McLemore made a motion to grant the request from The Paul Michael Co. for a variance to Ordinance No. 2007-38 regulating the minimum exterior standards for all structures inside the city limits to allow all metal on the sides and back of the building to be constructed at 1900 N. Trade Days Blvd., Canton, Texas. Tina Ingram seconded and all voted in favor.
5. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 1:04 p.m. upon motion by Tina Ingram and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, JUNE 5, 2008  
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, Bob Moore and Dan McLemore. Member Josh Smetak was absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:49 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF APRIL 17, 2008, MEETING - The minutes of the February 21, 2008, Board of Adjustment meeting were unanimously approved upon motion by Dan McLemore and second by Bob Moore.
3. DISCUSS AND CONSIDER REQUEST FROM KYLE ADAMS FOR VARIANCE TO ORDINANCE NO. 2007-38 REGULATING MINIMUM EXTERIOR STANDARDS FOR ALL STRUCTURES INSIDE THE CITY LIMITS AT 17200 STATE HWY 19, CANTON, TEXAS – Rick Malone announced five adjoining property owners were notified. Two were returned in favor and one opposed. Mr. Malone explained the characteristics of EIFS. Coy Prather apologized for not realizing the stucco as set out in the building plans referred to EIFS. Tina Ingram made a motion to grant Kyle Adams' request for a variance to Ordinance No. 2007-38 regulating the minimum exterior standards for all structures inside the city limits at 17200 State Hwy. 19, Canton, Texas, to allow 100% rather than 50% EIFS on the front and to start the EIFS at ground level rather than four feet from ground level. 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 1:00 p.m. upon motion by Tina Ingram and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, OCTOBER 9, 2008  
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, Walter Clemments, Tina Ingram, Bob Moore and Dan McLemore. Member Josh Smetak was absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:39 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JUNE 5, 2008, MEETING - The minutes of the June 5, 2008, Board of Adjustment meeting were unanimously approved upon motion by Tina Ingram and second by Bob Moore.
3. DISCUSS AND CONSIDER REQUEST FROM VAN ZANDT FAMILY BIBLE FELLOWSHIP FOR A VARIANCE TO ORDINANCE NO. 2005-21 REGULATING ADOPTING VARIOUS INTERNATIONAL AND STANDARD CODES RELATING TO INSPECTION ACTIVITIES AND PROVIDING FOR THE ENFORCEMENT AND ADMINISTRATION OF BUILDING PROVISIONS IN THE CITY LIMITS AT 17375 STATE HWY 19, CANTON, TEXAS – John Crow stated the church was trying to construct the building before winter. The church would put in the full six inches of base as required and was asking to be able to then use a chip and seal layer. He said what they proposed was similar to what was used on city and county roads. After construction was completed, they would put on a finish topping. Mr. Malone confirmed the soil was good in that area. John Crow added that they would only have light traffic two to three times a week on the parking lot after construction was completed. He said there was good drainage and water would not be an issue. Mr. Crow said putting the base pursuant to the code was the key to any topping holding up. Tina Ingram stated it might make the final parking lot hold up better once the chip and seal layer had an opportunity to settle. Mr. Crow said they would take no shortcuts on the base. Mr. Malone said a couple hundred square feet would have to be asphalted now to allow for handicapped parking. Mr. Crow said there would be a breezeway from the handicapped parking area to the building. The final finish coat would be watered and rolled several times. Mr. Moore expressed appreciation to those in attendance. Mr. Moore made a motion to allow the variance requested by the Van Zandt Family Bible Fellowship to Ordinance 2005-21 to allow construction of a parking lot with a six-inch base with a chip seal coat topping until such time as they can install a finish coat at their location at 17375 State Hwy 19, Canton, Texas. 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 12:56 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

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, OCTOBER 23, 2008  
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 Tina Ingram, Bob Moore, Dan McLemore and Josh Smetak. Member Alton Smith was absent. Public Works Director Rick Malone and Building Inspector Coy Prather were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Tina Ingram called the meeting to order at 12:33 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF OCTOBER 9, 2008, MEETING - The minutes of the October 9, 2008, Board of Adjustment meeting were unanimously approved upon motion by Bob Moore and second by Josh Smetak.
3. DISCUSS AND CONSIDER REQUEST FROM HENRY LEWIS FOR A VARIANCE TO THE FRONT SETBACK AS REGULATED IN THE 1985 ZONING ORDINANCE ON THE BUILDING LOCATED AT 1131 S. HWY. 19, CANTON, TEXAS – Rick Malone stated thirteen neighboring property owners had been notified. Five responses were returned in favor and one opposed. Bob Reese of Rose Realty felt the building did not comply with Gateway District regulations. Coy Prather explained the Gateway District front setback was 25 feet. The building was currently set back 15 feet. If the variance were granted, the porch would only be 11 feet from the front property line. Bob Moore asked what TxDot's position was in this matter. Rick Malone said they had no position. Tina Ingram asked whether or not the porch would be ADA compliant. Mike Phillips said they were building a porch cover over the existing steps. Mr. Malone said the building was grandfathered in because it existed at the time the Gateway District zoning went into effect. Dr. Ingram felt an addition to an existing structure should be ADA compliant. Mike Phillips said the owner was just adding an awning. Coy Prather said any remodel or renovation was subject to the ADA rule although it was usually left to the local jurisdiction for a porch or canopy unless it was closed in. Rick Malone said usually anything under \$5000 did not have to comply. Bob Reese said he was not sure the cover was consistent with the intention of the Gateway District or that it would be in compliance with the ADA. From a community standpoint, he was concerned about whether the zoning was applied consistently and uniformly. Bob Moore asked if a new commercial building in the city would have to comply with the ADA. Mr. Malone said yes. Bob Moore agreed the building should be consistent or the ordinance should not exist. He also expressed concern about ingress and egress into the building. He felt it was a hazard to pull out onto Highway 19. Mr. Moore said he agreed a cover would make the property look better. It bothered him that the setback would be changed from 25 to 11 feet. He felt TxDot should examine whether or not the driveway was a hazard. Mr. Malone said TxDot did not generally regulate this type of issue, although they did have standards regarding stacking driveways on the right-of-way. Josh Smetak said the building did need to be dressed up but the Board was not here to address the safety issue. He was not in favor of the circumstance of where the building was or how it looked. Dr. Ingram said she agreed the building should be dressed up. She just felt it should also be ADA compliant. Mr. Prather said ADA compliance was currently on a complaint basis only. If there is a complaint, the property owner must comply. Dan McLemore said he was also worried about the ADA compliance of the addition. Dr. Ingram suggested the owner change the plans to become ADA compliant and then return to the Board. Josh Smetak made a motion to approve the request from Henry Lewis for a variance to the front setback as regulated by the 1985 Zoning Ordinance on the building located at 1131 S. Highway 19, Canton, Texas. There being no second, the motion failed.

4. DISCUSS AND CONSIDER REQUEST FROM TWO LOCO BROS. LLC DBA BAKER'S RIB FOR A VARIANCE TO ORDINANCE NO. 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS OF THE CITY OF CANTON AT 18089 I-20, CANTON, TEXAS – Mr. Malone stated two neighboring property owners were notified and there were no responses. He also said there was a letter from TxDot in Dallas stating the sign would be acceptable to them. However, the Dallas office did not have jurisdiction over the property in question. Mark McClanahan from the Tyler office said no to the LED sign requested due to its proximity to an intersection. Mr. Malone said the State regulated electronic devices on the interstate. All of the message signs in the city limits had a 5-second delay. TxDot was only concerned about signs by I-20 exits. Barbara Onstot with Datatronic said she worked a great deal with TxDot all over the state. She said LED products were being embraced as the preferable style of advertising. Even digital billboards were being approved by the State. This property did not have a lot of visibility due its location. The owner was asking to add electronics to its existing sign package and to extend the height ten feet to give more visibility from the highway. The proposed sign had a visibility of 2400 feet. She had contacted the Dallas TxDot office because she worked with them quite a bit. She did not mean to sidestep the Tyler office. The code was supposed to be uniform across the state. Bakers' Ribs wanted to add electronics to its sign so it could stay in business in Canton. Everyone was embracing the LED signs. Mr. Malone recommend the board deal with everything except the LED sign in order to allow Datatronics to do due diligence with the Tyler TxDot office. Bob Moore said he did not want to take a verbal denial from TxDot. Mr. Malone said the TxDot rule was no LED signs were allowed within 1000 feet from the intersection. The proposed sign would not be in compliance with TxDot regulations. The city could not give variances on state law. Dr. Ingram clarified the variance they were considering only had to do with the size of the sign. Coy Prather said Mr. McClanahan had told him a flashing sign would not be allowed within 1000 feet of the intersection. The question was whether or not the sign was flashing. Mr. Malone felt it was important for Datatronics to make a presentation to the Tyler TxDot office and get its approval. Ms. Onstot said she did not have a good understanding of Mr. McClanahan's objection. The sign did not have movement. There were signs along the interstate itself that changed messages. Dan McLemore stated the issue still went back to the proximity to the intersection. Bob Moore made a motion to grant the request from Two Loco Bros. LLC dba Baker's Rib for a variance to Ordinance No. 97-03 regulating the construction and use of signs within the city limits of the City of Canton at 18089 I-20, Canton, Texas, to allow the second sign (approximately 14' x 4') and the LED sign subject to the owner obtaining written approval from the Tyler TxDot District Office. Dan McLemore seconded and all voted in favor.
5. ADJOURN – There being no further business to come before the Board, the meeting was adjourned at 1:20 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

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, DECEMBER 4, 2008  
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, Tina Ingram, Bob Moore, Dan McLemore and Josh Smetak. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:32 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF OCTOBER 23, 2008, MEETING – The minutes of the October 23, 2008, meeting were unanimously approved upon motion by Bob Moore and second by Tina Ingram.
3. DISCUSS AND CONSIDER REQUEST FROM ST. EDWARDS (ST. THERESE) FOR A VARIANCE TO THE REAR SETBACK AS REGULATED IN THE 1985 ZONING ORDINANCE ON THE TOWER TO BE LOCATED AT 14786 FM 859, CANTON, TEXAS – Coy Prather explained the church had been granted a specific use permit to construct a tower on the property. Nothing was behind the tower location except a field. Debra Johnson reported four neighboring property owners were notified and none responded. She advised the tower was for internet purposes only. Dan McLemore made a motion to grant the request from St. Edwards (St. Therese) for a variance from ten feet to a nine-foot rear setback as requested for the tower to be located at 14786 FM 859, Canton, Texas.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Tina Ingram and second by Josh Smetak at 12:37 p.m.

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Alton Smith, Chairman

ATTEST:

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Debra Johnson  
Assistant City Secretary