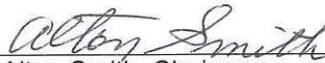


**CANTON BOARD OF ADJUSTMENT**  
**12:30 P.M., THURSDAY, JANUARY 15, 2009**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

**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, 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 12:40 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF DECEMBER 4, 2008, MEETING - The minutes of the December 4, 2008, meeting were unanimously approved upon motion by Bob Moore and second by Josh Smetak.
3. DISCUSS AND CONSIDER REQUEST FROM BROOKSHIRES GROCERY COMPANY FOR A VARIANCE TO ORDINANCE 97-03 TO ALLOW ADDITIONAL WALL SIGNS ON PROPERTY LOCATED AT 880 E. STATE HWY. 243, CANTON, TEXAS – Coy Prather explained owners had requested two additional signs at the front entrance to the building. The signs were approximately 32" x 48". After a brief discussion, a motion was made by Bob Moore to grant the request from Brookshires Grocery Company for a variance to Ordinance 97-03 to allow the two additional wall signs on the property located at 880 E. State Hwy. 243, Canton, Texas. Upon a second by Dan McLemore, all voted in favor.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Bob Moore and second by Dan McLemore at 12:55 p.m.

  
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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, MARCH 19, 2009  
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, and Dan McLemore. Member Josh Smetak was absent. 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 JANUARY 15, 2009, MEETING - The minutes of the January 15, 2009, meeting were unanimously approved upon motion by Tina Ingram and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM STEPHEN BOX FOR A SIDE SETBACK VARIANCE TO 1985 ZONING ORDINANCE TO INSTALL AN ACCESSORY BUILDING AT 660 ATHENS STREET, CANTON, TEXAS - Debra Johnson reported eighteen letters were sent to neighboring property owners. Two responses were received, both in favor. Mr. Box said the location of the carport was logical due to the landscaping and fencing. His neighbor had no objection. He would put in pavers so the carport was not on the grass. Coy Prather said it was an open-sided carport and there was no fire hazard. He had received a complaint about the structure from someone who did not live in the neighborhood. Mr. Box obtained a permit to build the carport and met all requirements except he was five feet over the eight-foot setback line. Mr. Prather said most of the lots made it difficult to meet the setback requirements. These type of structures were allowed in town. Bob Moore made a motion to allow the variance to the 1985 Zoning Ordinance for Stephen Box to allow a side setback variance from eight feet to five feet for the accessory building at 660 Athens Street, Canton, Texas. Dan McLemore seconded and all voted in favor.
4. DISCUSS AND CONSIDER REQUEST FROM LSC GROUP FOR A SPECIAL EXCEPTION TO 1985 ZONING ORDINANCE TO CONSTRUCT NURSING HOME/ASSISTED LIVING FACILITY IN MULTIPLE FAMILY RESIDENTIAL ZONING (MF-1) - Debra Johnson reported seven letters were sent to neighboring property owners. Two favorable responses were received. Larry Crosby from LSC Group said the facility would have several small residential-type buildings. Each building would have twenty-two units. The building's total footprint would be about 14,000 square feet. All units opened up into a common area. The tract was almost five-acres. They would start with three assisted living facilities and then have an assisted living facility for people who needed one-on-one care. Each building produced a thirteen job equivalent. Twenty-two units would wrap the perimeter of a building. Each suite was 400 square feet with a bed, bath, open living area and small kitchenette. A full-time staff would prepare meals on site. An RN would be on call and an LVN on the site at all times. The LVN would administer any necessary medications. Bob Moore felt the facility would give an economic impact to the town and create more upscale attractions for older people. Mercy Rushing felt Canton definitely needed this type of facility. Mr. Crosby said there would be a perimeter fence around the

property and security cameras on the outside. Access would be through a cul-de-sac. Each one of the buildings would have an enclosed backyard area for pets. Walking paths would probably be added later. Tina Ingram made a motion to grant the special exception to the 1985 Zoning Ordinance to allow a nursing and convalescent/assisted living facility in the Multiple Family (MF-1) zoning as requested at 1301 West College, Canton, Texas. Bob Moore seconded and all voted in favor.

5. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Bob Moore and second by Dan McLemore at 12:57 p.m.

  
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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, MAY 28, 2009  
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, and Dan McLemore. Member Josh Smetak was absent. 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 MARCH 19, 2009, MEETING - The minutes of the March 19, 2009, 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 THE ORDINANCE 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND ETJ OF CANTON IN ORDER TO TAKE DOWN AND RECONSTRUCT A SIGN AT 355 E. DALLAS, CANTON, TEXAS - Debra Johnson reported fourteen notices were sent to adjoining property owners. One response was received in favor of the request. Bob Harp, Mr. Lewis' representative, said a donut shop was going in at that location and the sign might have to be moved to get a drive-through on the property. The new sign would be identical to the existing sign. Coy Prather mentioned the sign was legal non-conforming. He said they could not change the sign to a legal use because a billboard would not be allowed at that location under the current ordinance. Mr. Moore mentioned the Board had to have a good reason not to go along with the current ordinance unless a hardship existed. He was opposed to the variance. Mr. Smith agreed that the ordinance was very clear with regard to the billboards. Mr. McLemore agreed. Mr. Harp said the sign needed to be moved because of the drive for the donut shop and the fact that Lamar Advertising would not work with Mr. Lewis on the sign. Mr. Moore said the ordinance stated the billboard could not be rebuilt. Dan McLemore made a motion to deny the request from Henry Lewis for a variance to Ordinance 97-03 regulating the construction and use of signs within the city limits and ETJ of Canton in order to take down and reconstruct a sign at 355 E. Dallas, Canton, Texas. Bob Moore seconded. Tina Ingram abstained and all others voted in favor of denying the request.
4. DISCUSS AND CONSIDER REQUEST FROM HENRY LEWIS FOR A VARIANCE TO THE ORDINANCE 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND ETJ OF CANTON IN ORDER TO TAKE DOWN AND RECONSTRUCT A SIGN AT 1850 N. TRADE DAYS BLVD., CANTON, TEXAS - Debra Johnson reported six notices were sent to adjoining property owners and no responses were received. Mr. Smith said this was the same situation as the previous request. Mr. Harp said in all of East Texas Canton was the only city that mandated signs in its extraterritorial jurisdiction. Mr. Lewis just wanted to move the sign out of the driveway about thirty feet. This sign would be a single pole. Mr. Harp said the sign was also owned by Lamar Advertising. Mr. Moore said he felt uncomfortable being in the middle of a dispute between Lamar and Mr. Lewis. Mr. Moore said he felt the Council should probably

review the sign ordinance, but the way it was now a new billboard could not be constructed. Bob Moore made a motion to deny the request from Henry Lewis for a variance to Ordinance 97-03 regulating the construction and use of signs within the city limits and ETJ of Canton in order to take down and reconstruct a sign at 1850 N. Trade Days Blvd., Canton, Texas. Tina Ingram seconded and all voted in favor of denying the request.

5. DISCUSS AND CONSIDER REQUEST FROM CANTON ISD FOR A VARIANCE TO THE 1985 ZONING ORDINANCE TO CONSTRUCT A COMMERCIAL COMMUNICATIONS ANTENNA AND SUPPORT STRUCTURE AT 1115 S. BUFFALO, CANTON, TEXAS – Ms. Johnson mentioned 54 neighboring property owners were notified. Six responded in favor and six opposed. Noah Taylor from the Canton ISD said the school currently received internet access through the Region 10 service center. The system was now saturated and costs were going up 20% each year until the ISD was paying 100% for the service. A wireless consortium had been developed with other school districts that allowed for point-to-point transmission. No outside frequency would operate on the new system. There would be a single pole at the Junior High. The High School was not an option because of the access into the switch room which was located at the Junior High. Mr. Prather said the City could not prohibit the school from putting up the dish. He said the proposed mast met safety requirements of the City. If the pole fell, it would be entirely on the school's property. Mr. Taylor said the maximum height of the pole would be ninety feet. Mr. Prather said the maximum height of a pole could be twenty feet and a variance would be necessary to allow a ninety-foot pole. Mr. Taylor said the system would not interfere with telephone or internet service of the surrounding residents. Mr. Moore made a motion to approve the request from Canton ISD for a variance to the 1985 Zoning Ordinance to construct a commercial communications antenna and support structure up to a maximum of ninety feet at 1115 S. Buffalo, Canton, Texas. Mr. McLemore seconded. Tina Ingram abstained and all others voted in favor of granting the request.
6. DISCUSS AND CONSIDER REQUEST FROM PEGGY HOLLOWAY FOR A VARIANCE TO THE 1985 ZONING ORDINANCE TO CONSTRUCT A CAR CANOPY AT 616 SIDES CIRCLE, CANTON, TEXAS – Ms. Johnson reported nineteen neighboring property owners were notified. Two responded in favor of the request, and four against. Ms. Holloway said there were many carports in the neighborhood which did not comply with the ordinance. The carport would be constructed to match her home. She needed shade for her car. The concrete slab was at the zero property line on the side of the lot. The carport would be built as close as possible to the side of the house. Ms. Holloway said there was a hill in the back of the property. Mr. Moore said the problem was the front setback. Mr. Prather said the front setback was twenty-five feet. This was a problem because of the size of the lots in the area. Tina Ingram mentioned they had a woman remove a carport in that neighborhood last year because it was built inside the front setback. Ms. Holloway said the house next to her had junk all over the yard. Dr. Ingram said allowing one carport set a precedent for others in the neighborhood. James Pruitt, 680 Sides Circle, was a neighbor of Ms. Holloway and opposed her building a carport. He felt it would devalue the property. Ms. Holloway said her garage was closed in at the time she bought the house eighteen years ago. She said there was a carport built on Forrest onto the front. Mr. Moore pointed out the carport on Forrest was to the side and was twenty-five feet back from the property line. Bob Moore made a motion to deny the request from Peggy Holloway for a variance to the 1985 Zoning Ordinance to the front and side setbacks at 616 Sides Circle, Canton, Texas. Tina Ingram seconded and all voted in favor of denying the request.

7. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Tina Ingram and second by Dan McLemore at 1:23 p.m.

  
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Alton Smith, Chairman

ATTEST:

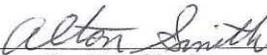
  
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Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, JULY 9, 2009  
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, Sandra Perry and Bud Surles. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM - Alton Smith called the meeting to order at 12:33 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF MAY 29, 2009, MEETING – Bob Moore made a motion to approve the minutes of the May 29, 2009 meeting. Dan McLemore seconded and all voted in favor.
3. DISCUSS AND CONSIDER REQUEST FROM MARK FOWLER OF SIGN-MART ON BEHALF OF DALE COBERN, OWNER OF PAPADALES, FOR A VARIANCE TO ORDINANCE 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND ETJ OF CANTON IN ORDER TO INSTALL A SIGN AT 17270 N. I-20 SERVICE ROAD, CANTON, TEXAS – Mr. Prather explained the restaurant had changed its name and the old sign was removed. The owner wanted to install a new sign which was smaller than the original but still did not comply with the sign ordinance. The ordinance had a maximum of 50 square feet for buildings over 100 linear feet. The dimensions for the new sign were 44' wide by 5' high, or 220 square feet. Debra Johnson mentioned six neighboring property owners were notified. One response was received in favor of the change. Bud Surles said he felt if this sign was smaller than the pre-existing one, he had no problem with the new sign. Sandra Perry made a motion to approve the variance as requested to Ordinance 97-03 regulating the construction and use of signs within the city limits and ETJ of Canton in order to install a 44' x 5' sign at 17270 N. I-20 Service Road, Canton, Texas. Dan McLemore seconded and all voted in favor.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Dan McLemore and second by Bob Moore at 12:38 p.m.

  
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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, AUGUST 13, 2009  
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, Sandra Perry and Bud Surles. Members Bob Moore and Tina Ingram were absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM - Alton Smith called the meeting to order at 12:46 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF JULY 9, 2009, MEETING – The minutes of the July 9, 2009, meeting were unanimously approved upon motion by Bud Surles and second by Dan McLemore.
3. DISCUSS AND CONSIDER REQUEST FROM FIRST BAPTIST CHURCH FOR A VARIANCE TO 2003 INTERNATIONAL BUILDING CODE REGULATING STANDARDS ON A BUILDING REMODEL AT 303 ATHENS, CANTON, TEXAS – Alton Smith inquired whether or not the proposed changes would change the safety of occupants of the building. Lester Davis said the changes increased the number of exits from the building and made it safer and improved ADA accessibility. Mr. Prather said the remodeling would add to the number of exits, widen a corridor width and add a choir room. He said the Board of Adjustments was hearing this matter in lieu of the City having a building board of appeals. The law stated the application should be based on a claim that the true intent of the code has been incorrectly interpreted or a better form of construction was proposed. The remodel of an older building required everything be brought up to the current code. The building was not up to code on the fire alarm or fire sprinkler systems. There would be an addition in the front on the exterior wall. Nothing on the interior would be changed. Sandra Perry expressed concern that the code existed for a reason and should be followed. For her, the issue boiled down to one of safety and she was not comfortable granting a variance because it would set a precedent. She felt code changes were created for a reason. Lester Davis said the addition of a choir room was being removed from the project due to lack of funds. Mr. Surles felt deleting the choir room would solve the problem because there would not be new construction and the whole building would not have to be brought up to code. Mr. Davis said the only new construction would be a foyer with an additional exit. Mr. Davis said they would never be able to add a choir room if the whole building had to meet code. Sandra Perry said her understanding was the Board of Adjustment only granted variances because of a real need for a change, not because the owner could not afford any other way. It all boiled down to a safety issue. Code was in place for a reason, usually because a lawsuit was brought. Mr. Davis felt the addition of the exits would improve the safety issue. The choir room was deleted from the project. Mr. Davis contended the front would be safer with an additional exit. Ms. Perry still felt granting a variance would set a precedent. Mr. Prather explained each variance was taken on a case-by-case basis to see if the change gave a better alternative. Mr. Prather said he was always in favor of the minimum code but the churches were built when the codes were less strict. Bud Surles made a motion to grant the variance for the sanctuary portion of the project, but not for the choir room, because the change would enhance the safety of the

people already worshipping there. Dan McLemore seconded. Sandra Perry abstained and all others voted in favor.

4. ADJOURN - There being no further business to discuss, the meeting was adjourned upon motion by Dan McLemore and second by Sandra Perry at 1:09 p.m.

  
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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, SEPTEMBER 10, 2009**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

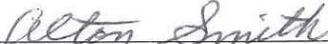
The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Alton Smith, Dan McLemore, and Sandra Perry. Member Bob Moore and Bud Surles were absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Alton Smith called the meeting to order at 12:42 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF AUGUST 13, 2009, MEETING – Upon motion by Dan McLemore and second by Sandra Perry, the minutes of the August 13, 2009, meeting were unanimously approved.
3. DISCUSS AND CONSIDER REQUEST FROM DBA WIRED FOR A VARIANCE TO ORDINANCE 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND ETJ OF CANTON IN ORDER TO INSTALL A SIGN AT 796 N. TRADE DAYS BLVD., CANTON, TEXAS – Debra Johnson informed the Board one notice was sent to a neighboring property owner and there was no response. Coy Prather said the maximum square footage the company could construct for a wall sign was 25 s.f. and for a pole sign 60 s.f. Owner was requesting a 212 s.f. sign. Shirley Mann said the sign they wanted was a 12' x 18' vertical, two-sided sign constructed on steel poles. The bottom of the sign would be 10 feet off the ground. The sign was being built with the option for lights to be added in the future. The sign would be placed approximately five feet behind the telephone or light poles. They wanted the sign to be seen by traffic coming off I-20 and going north on Hwy 19. Mr. Prather said the owners did not know they needed a sign permit because they were outside the city limits. The sign ordinance also applied to businesses in the city's ETJ. Ms. Mann said the bottom of the sign would be high enough to park cars underneath during First Monday. Mr. Prather said the owners already have signs on the property for which they did not obtain permits. Ms. Mann said the existing signs would be removed when the new sign was constructed. Mr. Prather said the minimum size for a billboard was 320 s.f. The proposed sign was 216 s.f. On a 10' pole, the sign would extend 22 feet up in the air. Under the sign ordinance, no new billboards were allowed in the city or the ETJ unless they were along I-20. Dr. Ingram felt the proposed sign was too much like a billboard. She felt allowing this sign would cause future problems. Ms. Mann said they needed a bigger sign because customers could not see their business from the road. Dr. Ingram said the proposed sign would look just like a billboard and others in the area would also want a larger sign. The law was no new billboards were allowed. Ms. Mann wanted to know what to do to get a permanent sign. Mr. Prather said she could have a 60 s.f. pole sign. He said she could also put a monument sign up but it could only be six feet high to the top of the sign. Mr. Prather said TxDot defined a billboard as 336 s.f. per side. Sandra Perry said Ms. Mann would be better off to construct a pole sign which can go 18 feet to the top with an eight-foot clearance and a maximum square footage of 60 s.f. Dr. Ingram made a motion to deny the request from DBA Wired for a variance to Ordinance 97-03 regulating the construction of signs within the city limits of Canton, Texas, and its ETJ. Sandra Perry seconded and

Supply's sign would not fit into the current ordinance requirements. He assured the Board there would be a lot of façade between each store's signs. He wanted the tenants to be able to use national branding. He felt requesting one variance for the entire center would be the easiest way to go through the process. Dr. Ingram made a motion to table the matter to a time when other Board members could be present. Dan McLemore seconded and Debra Johnson said she would check with the other members and schedule another meeting.

6. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Tina Ingram and second by Dan McLemore at 1:30 p.m.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**NOTE SPECIAL DATE AND TIME: 2:00 P.M., FRIDAY, OCTOBER 16, 2009**  
**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, Dr. Tina Ingram, Bob Moore, Dan McLemore, and Bud Surles. Member Sandra Perry was absent. Member Bob Moore and Bud Surles were absent. 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 2:06 p.m. and announced a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF SEPTEMBER 10, 2009, MEETING – Upon motion by Tina Ingram and second by Dan McLemore, the minutes of the September 10, 2009, meeting were unanimously approved.
3. DISCUSS AND CONSIDER REQUEST FROM TRADERS SQUARE INVESTMENTS, LTD. FOR A VARIANCE TO ORDINANCE 97-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND ETJ OF CANTON IN ORDER TO INSTALL SIGNS AT TRADERS SQUARE SHOPPING CENTER, 301 E. HWY 243, CANTON, TEXAS – Coy Prather instructed the members that, upon council's recommendation, if anyone claimed a legal or moral conflict of interest, they would be asked to leave the room until the issue in question came to a vote. Thomas Bain said they probably had included items in their request that were not necessary, such as the rotating can signs. He said this was the largest shopping center in Canton. The current sign ordinance allowed wall signs to be 3.5 feet across and 41" in height. It allowed 25 square feet of surface area for a sign on a building between 1-50 linear feet, which included most of the tenants in the shopping center. Since Family Dollar installed its sign, which was constructed under the current ordinance, he has had numerous questions about why the sign was so small. Traders Square suggested tenants with less than 5000 square feet be allowed letters to a maximum height of 42" and maximum length of 75% of the storefront width. He felt this was a pretty standard in the sign industry. They propose stores in excess of 15,000 square would be allowed 72 square feet in size (14'x18'). Bud Surles asked if Bridwell Shopping Center obtained a variance for their signs. Tina Ingram said Hibbetts Sports had gotten a variance for its sign. She observed this shopping center was further away from the road than Bridwell and the signs were more difficult to see. Coy Prather said the Council would review the new sign ordinance on October 20. The new ordinance allowed wall signs to be four feet in height. Mr. Bain said he was asking for 72" only for stores with more than 15,000 square feet. Bob Moore mentioned they had passed a variance for the Hibbetts store and for Brookshires. There was a building in front of this shopping center which obstructed the view of the signs. He felt the town should be receptive to people coming in with businesses. Mr. Prather said he talked with twenty different cities and several sign companies while developing the new sign ordinance. He said around the state wall signs were generally 75% with four foot high letters and that was what he put in the new ordinance. Mercy Rushing from the Canton Economic Development Corporation recommended allowing at least 75% and four or five feet high. That was what the national companies wanted. Signage was as important as location. She said Merritt

Partners had invested heavily in renovating the shopping center and working with the City. They have put money into the community. Mr. Bain said they had spent approximately \$1 million on the center. It had not been renovated in twenty years. Bob Moore made a motion to approve the request from Traders Square Investments Ltd. for a variance to Ordinance No. 97-03 regulating the construction and use of signs within the city limits and ETJ of Canton to install signs at Traders Square Shopping Center at 301 E. Highway 243, Canton, Texas. The variance would allow individual tenants with rentable space equal to or in excess of 15,000 s.f. to have letters up to 72" on their wall signs; individual tenants with rental space less than 15,000 s.f. but equal to or greater than 5,000 s.f. would be allowed to have up to 60 inches on wall signs; individual tenants with rentable space of 5,000 s.f. or less would be up to 42". Tina Ingram seconded and all voted in favor.

6. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Tina Ingram and second by Dan McLemore at 2:36 p.m.

  
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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 17, 2009**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

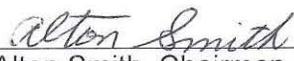
**MINUTES**

The Canton Board of Adjustment met at the above-named time and date in the City Hall Council Chambers. Members present were Alton Smith, Dan McLemore, Bob Moore, Sandra Perry and alternate Tina Ingram. Member Bud Surles was absent. Building Inspector Coy Prather and City Secretary Julie Seymore were also in attendance.

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Alton Smith called the meeting to order at 12:40 p.m. and declared a quorum present. Due to the absence of John Logsdon, Dan McLemore made a motion to recess the meeting until December 18, 2009, at 11:00 a.m. Sandra Perry seconded and all voted in favor. The meeting was recessed at 12:43 p.m. On December 18, 2009, at 11:01 a.m., the meeting reconvened with members Alton Smith, Dan McLemore, Bob Moore and Sandra Perry in attendance.
  
2. DISCUSS AND CONSIDER APPEAL FROM CANTON MARKETPLACE RV PARK APPEALING DECISION OF THE BUILDING INSPECTOR THAT RV TRAVEL TRAILERS ARE “TEMPORARY HOUSING” AND MAY NOT BE USED FOR RENTAL PROPERTY ON A PERMANENT BASIS – John Logsdon explained he did not know when he purchased the trailers they would be illegal. He said the trailers looked like other RV’s in the park and were in compliance with the Code. There were a lot of similar places in Houston where people could rent the trailers for the short term. Mr. Logsdon requested that, since the RV’s were up to code and would not be installed as permanent facilities, they be treated as the others in the park and rented to tenants up to a six-month period. He would rent to the tenants on a thirty-day basis up to 180 days. Mr. Prather said the Canton Housing Code addressed the health, safety and welfare of housing structures in the City. It defined temporary housing as “any tent, trailer or other structure for human shelter designed to be transportable or connected to any utility for more than thirty days”. The ordinance which addressed recreational vehicles defined them as “portable homes designed as temporary dwellings for travel and recreational uses”. If an RV were put on a site and rented, it would be more like a mobile home and there were zoning regulations for mobile homes in the city. The zoning for the location in question did not allow for mobile homes. Sandra Perry said there had been a lot of controversy about the little cabins at Mill Creek RV resort, which could not even be seen from the street. She was sorry Mr. Logsdon had not done his due diligence before purchasing the RV’s. She said the Board was in a position to override the city’s ordinance, but a lot of citizens did not like seeing the RV’s from the road. She felt it could hurt the values of Highway 19 property to have the RV’s there for a lengthy period of time. Mr. Logsdon said Dog Alley was a big mess and probably nothing could be done to change it. His request was for trailers that could not be distinguished from other RV’s on his lot. He said the RV’s would not be hard plumbed. He said due diligence had not been done because he thought he was doing right to put in RV’s to service the marketplace. He felt he had done the city good to put in a facility such as he had. A decent self storage business needed 80-85% minimum to have cash flow over the loan. They had 9.8% on the RV park during the year. They would have done better to put in larger parking spaces, but it would not have served the city or them as well. He said he hated to appeal the ordinance on a financial basis, but that was where they were. Sandra Perry said they could not grant a variance based on a financial hardship. Mr.

Logsdon said no one could tell the difference in the other RV's that rented for less than thirty days. There was no difference in the safety. He knew money could not be considered, but the city benefitted a lot from private investors providing something the city needed. Bob Moore said he agreed that the park brought in upper level RV's. He said over time Highway 19 would be the premiere property and Mr. Logsdon had the holding power over the next decade until good things came this way. Mr. Logsdon said his leases in the shops and RV park and storage facility and Canton Marketplace were on a monthly basis so he could control that and do what the city required. He suggested rules be set up for Canton Marketplace so Mr. Prather could monitor it. He recommended Canton revise the control and licensing of RV parks. He felt the rules should be changed somewhat if they would not cause harm to the citizens. Sandra Perry said the Board was not there to change the rules. They were dealing with an ordinance already in place. She did not feel the citizens needed to approve long-term RV rentals. There had already been too much controversy. Mr. Logsdon asked what the difference was with Dog Alley. Why were the RV's with skirts there not in violation. Mr. Moore said Dog Alley was grandfathered in. He felt the rules were clear, even if they did not agree with them. Dan McLemore made a motion to support the Building Inspector's decision that RV travel trailers were "temporary housing" and could not be used for rental property on a permanent basis. Bob Moore seconded. All voted in favor of upholding Mr. Prather's decision.

3. ADJOURN – There being no further business to come before the board, the meeting was adjourned at 11:27 a.m. upon motion by Sandra Perry and second by Dan McLemore.

  
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Alton Smith, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary