

**CANTON BOARD OF ADJUSTMENT  
12:30 P.M., THURSDAY, FEBRUARY 4, 2010  
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 - Chairman Alton Smith called the meeting to order at 12:42 p.m. and declared a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF OCTOBER 16 AND DECEMBER 17, 2009, MEETINGS – Upon motion by Sandra Perry and second by Dan McLemore, the minutes of the December 17, 2009, meeting were unanimously approved.
3. DISCUSS AND CONSIDER REQUEST FROM GBT REALTY CORPORATION ON BEHALF OF THE E.D. HIGGINBOTHAM ESTATE FOR A VARIANCE TO ORDINANCE NO. 2007-13 AMENDING THE 1985 ZONING ORDINANCE ESTABLISHING PARKING REGULATIONS FOR PERSONAL SERVICE AND RETAIL BUSINESSES WITHIN THE CITY LIMITS OF THE CITY OF CANTON FOR THE PROPERTY LOCATED AT 220 E. HIGHWAY 243, CANTON, TEXAS – Debra Johnson reported nine neighboring property owners were notified of the request. Three responses were received - two in favor and one opposed. Coy Prather advised the ordinance required larger spaces and more parking spaces than required by the building code. Bud Surles said the parking spaces on projects he did were generally 10' x 20'. Sandra Perry felt the ordinance was too strict but she did want traffic overflow going into neighboring businesses parking lots. She said industry standards were one space for 200-250 square feet and our ordinance was at 150 square feet. Mr. Prather explained the GBT/Dollar General representative was unable to attend today due to weather conditions in Tennessee. The representative has told Mr. Prather the number of spaces requested was standard for their stores. Mr. Prather added the TxDOT engineer, Cheryl Tyner, had approved the layout. Mr. Prather said the entrance and exits were safe with the amount of parking spaces. Dollar General would only be hurting itself by limiting its parking. Sandra Perry again expressed concern about overflow to the neighbors. Mr. Prather explained Dollar General could not obtain a building permit for their proposed site without a variance on the parking. GBT Realty had done a study which showed the maximum number of cars at their stores was 25 at any one time. Sandra Perry calculated the requested number of spaces was one space for 277 square feet. She cautioned about setting a precedent for other companies who might want to decrease their parking. Bud Surles pointed out the company was investing a lot of money here and believed forty-five spaces for parking was sufficient for them. He said he would feel more comfortable seeing the study done of Dollar General stores. Mr. Prather mentioned the previous ordinance allowed for one parking space for each 200 square feet of floor space. The number of spaces was increased in the new ordinance because ADA parking was based on the number of parking spaces and it would increase the number of ADA spaces on a lot. He said the City required 9' x 20' spaces, which was wider than other cities. Mr. Surles said the City should encourage investors in the community, within the framework of

reason. He said based on what he has seen at the current location, forty-five spaces was an abundant number. Sandra Perry suggested the ordinance be reviewed. Mr. Prather left the room to contact the engineer. The engineer told him they had 9000 stores. For a 9000 square foot store, allocated thirty spaces and, for a 12,000 square foot store, allotted forty-five. That was the new ITE standard. The engineer felt the City's parking requirements were too strict. The study showed during peak hours, they would have thirty-two customers plus four employees. That would equal one space for each 222 of sales area in the store. Dan McLemore made a motion to grant the variance from GBT Realty Corporation for a variance to Ordinance 2007-13 amending the 1985 Zoning Ordinance establishing parking regulations for personal service and retail businesses within the city limits and to allow a decrease in required spaces from eighty-three to forty-five. Mr. Surles said he liked the idea of the number of parking spaces being based on amount of retail space. Sandra Perry 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 Bud Surles at 1:20 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 11, 2010  
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 Bud Surles. Member Sandra Perry was absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Alton Smith called the meeting to order at 12:31 p.m. and declared a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF FEBRUARY 4, 2010 MEETING - Upon motion by Dan McLemore and second by Bud Surles, the minutes of the February 4, 2010, meeting were unanimously approved.
3. DISCUSS AND CONSIDER REQUEST FROM CANTON HEALTHCARE REALTY, LLC ON BEHALF OF THE J.W. BURNETT FAMILY TRUST, FOR A SPECIAL EXCEPTION TO THE 1985 ZONING ORDINANCE TO ALLOW CONSTRUCTION OF A NURSING HOME IN GENERAL BUSINESS DISTRICT (B-2) ZONING AT 101 BURNETT TRAIL, CANTON, TEXAS –

Tina Ingram entered the room at 12:33 p.m.

Coy Prather explained a special exception was required to build a nursing home in B-2 Zoning. Debra Johnson reported 21 letters were sent out and three were returned in favor. Larry Parker said Canton was the first city which required a twenty-foot parking space. All the parking spaces backed onto a parking lot, not a public street. Mr. Prather explained B-2 zoning allowed retail and restaurants. Nursing homes were allowed by special exception. Bob Moore made a motion to grant the request from Canton Healthcare Realty, LLC on behalf of the J.W. Burnett Family Trust for a special exception to the 1985 Zoning Ordinance to allow the construction of a nursing home in General Business District (B-2) zoning at 101 Burnett Trail, Canton, Texas. Member Dan McLemore seconded and all voted in favor.

4. DISCUSS AND CONSIDER REQUEST FROM CANTON HEALTHCARE REALTY, LLC ON BEHALF OF THE J.W. BURNETT FAMILY TRUST, FOR A VARIANCE TO ORDINANCE NO. 2007-13 AMENDING THE 1985 ZONING ORDINANCE ESTABLISHING PARKING REGULATIONS FOR PERSONAL SERVICE AND RETAIL BUSINESSES WITHIN THE CITY LIMITS OF THE CITY OF CANTON FOR THE PROPERTY LOCATED AT 101 BURNETT TRAIL, CANTON, TEXAS – Bud Surles questioned why there was a request for smaller parking spaces if only thirty-one were required by the ordinance and the owner planned to have ninety-three. Larry Parker explained they typically had eighty to ninety spaces at their facilities. They did not feel the larger size was necessary at the facility. The spaces backed onto the parking lot, not into a public street. There was a twenty-four foot wide drive in addition to the spaces around the building. Half of the spaces were one-sided only. Mr. Prather explained the ordinance required a twenty-foot space because of the number of pickup trucks in the area. Most

trucks were eleven or twelve feet long. Bud Surles said any facility he developed had 10x20 spaces. Mr. Prather said the fire code required a minimum of twenty-foot path. The owner was installing a twenty-four foot path, which gave extra room for backing up. Bob Moore pointed out one area with seven to ten parking spaces which might have cars located behind them. Mr. Parker said there was a full twenty-four foot drive all around the building, not just in the fire lane. Mr. Moore had no problem with reducing the space size. Dr. Ingram said the request of the owner could not be changed. The Board could only grant or deny approval of what was requested. It was either all or none. Bob Moore stated he not see any problem with granting the request. He saw only ten spaces in the plan that had a potential problem. There were four more feet in the drive than was required. Mr. Parker said they had added four feet to the fire lane and taken two feet off the parking. Mr. Surles asked why they did not just keep the parking spaces at twenty feet and use the twenty-foot drive. Mr. Parker said the engineer felt the twenty-foot drive was too narrow for two cars to pass. The engineer said unless they wanted to do more paving, a variance would be necessary. Only eight to ten of the spaces could back into each other. Mr. Prather said pickups were wide now and could be up to eight feet with the mirrors. Fire trucks were ten feet wide with the mirrors. Mr. Parker said most cities required nine feet on parking spaces. He said even a Dooley pickup was not twenty feet long. Mr. Surles suggested the ordinance be reviewed as this was the second month in a row where parking was the issue. Mr. Moore again stated he saw no problem with the request. Dr. Ingram said she was looking at the parking near the most popular entrances. Bud Surles made a motion to grant the request from Canton Healthcare Realty, LLC on behalf of the J.W. Burnett Family Trust for a variance to the parking regulations from a 9x20 space to a 9x18 parking space. Bob Moore seconded. Members Alton Smith, Bob Moore, Dan McLemore and Bud Surles voted in favor. Dr. Ingram was opposed.

5. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Tina Ingram and second by Bob Moore at 12:59 p.m.

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Alton Smith, Chairman

ATTEST:

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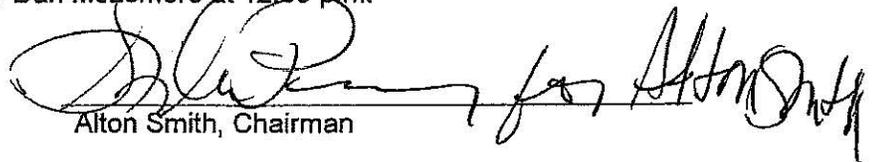
Debra Johnson  
Assistant City Secretary

**CANTON BOARD OF ADJUSTMENT**  
**12:30 P.M., THURSDAY, OCTOBER 21, 2010**  
**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 Shawn Stewart. Building Inspector David Smith and Assistant City Secretary Debra Johnson were also in attendance.

**MINUTES**

1. CALL MEETING TO ORDER AND DECLARE QUORUM – Chairman Alton Smith called the meeting to order at 12:33 p.m. and declared a quorum present.
2. DISCUSS AND CONSIDER APPROVAL OF MINUTES OF MARCH 11, 2010 MEETING - Upon motion by Dan McLemore and second by Sandra Perry, the minutes of the March 11, 2010, meeting were unanimously approved.
3. DISCUSS AND CONSIDER REQUEST FROM BROOKSHIRES GROCERY COMPANY FOR VARIANCE TO ORDINANCE NO. 2010-03 REGULATING SIGNS IN THE CITY LIMITS TO RAISE A MONUMENT SIGN FROM SIX FEET TO TWELVE FEET- Debra Johnson informed the Board five letters were sent to neighboring property owners. Two responses were returned, both in favor. A video from Brookshires was viewed showing the approach to the sign on Highway 64, travelling east. Owner's representative indicated the sign could not be seen from Highway 64 due to the chain link fence and vines located just before the sign. They wanted to raise the same sign on a taller base. Bob Moore indicated raising the sign would not seem to impact traffic since it was far enough back from the highway. Sandra Perry made a motion to grant the request from Brookshires Grocery Company for a variance to Ordinance No. 2010-03 regulating signs in the city limits to raise the existing monument sign from six feet to twelve feet. Dan McLemore seconded, and all voted in favor.
3. ADJOURN – There being no further business to discuss, the meeting was adjourned upon motion by Bob Moore and second by Dan McLemore at 12:59 p.m.

  
Alton Smith, Chairman

ATTEST:

  
Debra Johnson  
Assistant City Secretary