



**Meeting of The Town of Canton Zoning Board of Adjustment
Town Hall – 85 Summer Street, Canton, NC 28716
September 1, 2026 – 5:30 PM**

A. CALL TO ORDER

1. Welcome and Announcements
2. Approval of Minutes as Presented (or Amended)
 - July 21, 2026 Meeting

B. BUSINESS

1. Public Hearing to Consider a Variance from Part 9, Chapter 5 of the Code of Ordinances regarding substantially damaged structures within Flood Hazard Areas for the property identified as PIN 8656-68-9192

C. ADJOURN



**Minutes of The Town of Canton Zoning Board of Adjustment
Town Hall – 85 Summer Street, Canton, NC 28716
July 21, 2026 – 5:30 PM**

Members Present – Gene Monson, Carl Cortright, Phil Smathers, Roy Taylor

Town Staff Present – Byron Hickox

The meeting was called to order at 5:30 PM by Chairman Gene Monson.

Chairman Monson welcomed all those present and asked for a motion to approve the minutes of the October 22, 2025 ZBA meeting. A motion to approve the minutes was made by Mr. Cortright and seconded by Mr. Smathers. The motion passed unanimously.

Chairman Monson called on Planning Director Byron Hickox to present the staff report for the only item of business. Mr. Hickox presented the following: Eric Dills, owner of the property off Beaverdam Street identified as PIN 8656-67-3734, has applied for a variance from Section 9-4055 of the Zoning Ordinance, which requires that a buildable lot have at least 25 feet of frontage on a publicly dedicated or maintained street. The lot in question does not meet this standard, since it is accessed by a private right-of-way rather than a public street. Therefore, in order to construct a building on any part of this lot, a variance is required.

ZBA members discussed the application, confirmed that an unnecessary hardship exists, and that the standards for a variance were met. A motion was made by Mr. Monson and seconded by Mr. Cortright to approve the variance request. The motion passed unanimously.

With no other business to consider, a motion to adjourn was made by Mr. Cortright and seconded by Mr. Monson. The meeting was adjourned by unanimous vote at 6:00 PM.

Gene Monson, Chair

Byron Hickox, Planning Director

Zoning Board of Adjustment Staff Report

Subject: Request for Variance of Flood Damage Prevention Ordinance
Property: 71 Penland Street (PIN 8656-68-9192)
Ordinance Section: Part 9, Chapter 5
Applicant: Town of Canton
Public Hearing Date: September 1, 2026

Background

The Town of Canton, owner of the Canton Armory, located at 71 Penland Street (PIN 8656-68-9192), has applied for a variance from Part 9, Chapter 5 of the Code of Ordinances. Chapter 5 regulates development within Flood Hazard Areas.

The Canton Armory is located on a 5.46-acre property that also contains a playground, open space, and a public pool and its associated structures. However, the Armory is separated from the larger portion of the property by Pigeon Street (a one-way street on the east and west sides of the building) and Penland Street. The portion of the property containing the Armory and its parking areas is 0.9 acres. The Armory is located within the Pigeon River Floodway (AE Zone).

The Armory is being rehabilitated for continued public use. According to McGill Associates, full compliance with the elevation and dry-floodproofing requirements for new, substantially damaged, or substantially improved structures found in Chapter 5, specifically, the requirement to elevate the structure's lowest floor or to floodproof the entire building envelope, is not achievable without materially altering or demolishing character-defining features of the building.

The Canton Armory was constructed in 1938 and was originally home to the 30th Signal Company of the National Guard. The Armory was granted a Determination of Eligibility by the North Carolina State Historic Preservation Office (SHPO) in 2005. A Determination of Eligibility is a formal, documented finding made by SHPO that a property or district meets the criteria for inclusion in the National Register of Historic Places.

In order to retain the historic character of this structure, the Town of Canton is therefore requesting a variance from Part 9, Chapter 5 of the Code of Ordinances regarding substantially damaged structures within Flood Hazard Areas.

The Town of Canton Zoning Ordinance defines a variance as follows:

A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Section 9-4114 of the Zoning Ordinance authorizes the Zoning Board of Adjustment to conduct quasi-judicial hearings to consider variance requests and specifies the factors to be deliberated when considering such a request as follows:

1. The existence of a nonconforming use of neighboring land, building, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. The fact that property may be utilized more profitably will not be considered adequate to justify the Zoning Board of Adjustment in granting a variance.
2. The variance may be granted in such individual case of unnecessary hardship upon a finding by the Zoning Board of Adjustment that all of the following conditions exist:
 - a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
3. No change in permitted uses may be authorized by variance.
4. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Requested Action

1. Motion to grant or deny the requested variance from Part 9, Chapter 5 of the Code of Ordinances regarding substantially damaged structures within Flood Hazard Areas for the property identified as PIN 8656-68-9192.





VARIANCE REQUEST APPLICATION

PROPERTY OWNER INFORMATION:

Fee: \$200.00 ☐ PAID

Property PIN 8656-68-9192 Property Zoning District R-1

Property Owner(s) Town of Canton

Property Address _____

Street City State Zip

-or- Location Description _____

Phone _____ Email _____

APPLICANT INFORMATION (IF DIFFERENT THAN OWNER):

Name 77 PENLAND ST, CANTON, NC 28716

Applicant's Address 85 Summer Street Canton NC 28716

Street City State Zip

Phone _____ Email _____

Application must be filed by the property owner or by an agent specifically authorized by the owner.

This application is a petition to the Zoning Board of Adjustment for a variance from the provisions of the Town of Canton Zoning Ordinance as described below:

Applicable Zoning Ordinance Section Part 9, Chapter 5 Flood Damage Prevention

Specific ordinance requirement from which relief is sought

Variance is sought from Article E, requirements for new and substantial improvement in Special Flood Hazard Areas, particularly regarding repairs occurring below the Regulated Flood Protection Elevation.

Variance requested (attach additional sheets, maps, or other information as necessary)

The attached report outlines the variance requested for the structure on the basis that it is a historic structure.

Applicant Signature: _____

Date: _____

Property Owner Signature: _____

Date: _____

VARIANCE REQUEST

**CANTON ARMORY COMMUNITY CENTER
RENOVATION**

CANTON, NORTH CAROLINA

Community Name	Community Number	River Basin
TOWN OF CANTON	370121	PIGEON RIVER

85 Summer Street
Canton, NC 28716

August 2026

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1.

INTRODUCTION AND PURPOSE

This report is submitted in support of an application for a Flood Damage Prevention Variance from the Town of Canton Zoning Board of Adjustment (Appeal Board) under Town of Canton Code of Ordinances, Chapter 5, Article D, § 9-5049. The variance is requested in connection with the renovation of the Armory Community Center (Armory), an existing structure located at 71 Penland Street, Canton, North Carolina, within the Pigeon River floodplain.

The Armory is being rehabilitated for continued public and community-center use. Full compliance with the elevation and dry-floodproofing requirements for new, substantially damaged, or substantially improved structures of Chapter 5 – specifically, elevating the structure's lowest floor or floodproofing the entire envelope to the Regulatory Flood Protection Elevation (RFPE) – is not achievable without materially altering or demolishing character-defining features of the building. Accordingly, this application is made under the historic-structure variance provision at § 9-5049(3)(a), supported by the flood-hazard-reduction and life-safety measures described in Section 3 below.

Town of Canton Floodplain Administrator (FPA), Byron Hickox, prepared a letter to McGill Associates, dated June 25, 2026, outlining the historic nature of the Armory. The North Carolina State Historic Preservation Office ID for the Armory is HW0169 and its determination was made in 2005. The letter reads,

“The Canton Armory, located at 71 Penland Street (PIN 8656-68-9192), was granted a Determination of Eligibility from the North Carolina State Historic Preservation Office in 2005. A Determination of Eligibility is a formal, documented finding made by the State Historic Preservation Office that a property or district meets the criteria for inclusion in the National Register of Historic Places.

Determinations of Eligibility are frequently issued during the Section 106 environmental review process by the state or federal government to identify historic properties that may be affected by proposed projects. The formal identification of an eligible property ensures that it is considered in project planning in order to avoid or minimize adverse impacts.

The Determination of Eligibility status of this property exempts it from the substantial damage and substantial improvement requirements of the Town of Canton’s floodplain development ordinance. Therefore, the approved repairs and renovation may proceed.”

Project:	Town of Canton – Armory Community Center Renovation
Address:	71 Penland Street, Canton, NC 28716
CGD PBK Project No.:	23029.00
Owner:	Town of Canton, 85 Summer Street, Canton, NC 28716
Architect of Record:	Craig Gaulden Davis PBK, 19 Washington Park, Greenville, SC 29601
Structural Engineer:	Fuller Structural, Inc., 1350 C Cleveland St., Greenville, SC 29607
Applicant / Prepared By:	Byron Hickox, Town of Canton
Date:	August 6, 2026
Flood Zone / Panel No.:	FIRM Zone AE – Panel 8656 Effective 4/3/2012
Base Flood Elevation (BFE):	2595.7 ft, NAVD88
Regulatory Flood Protection Elev.:	2597.7 ft, NAVD88
Lowest Floor / Reference Level:	2588.3, ft, NAVD88 – 7.4 ft below RFPE

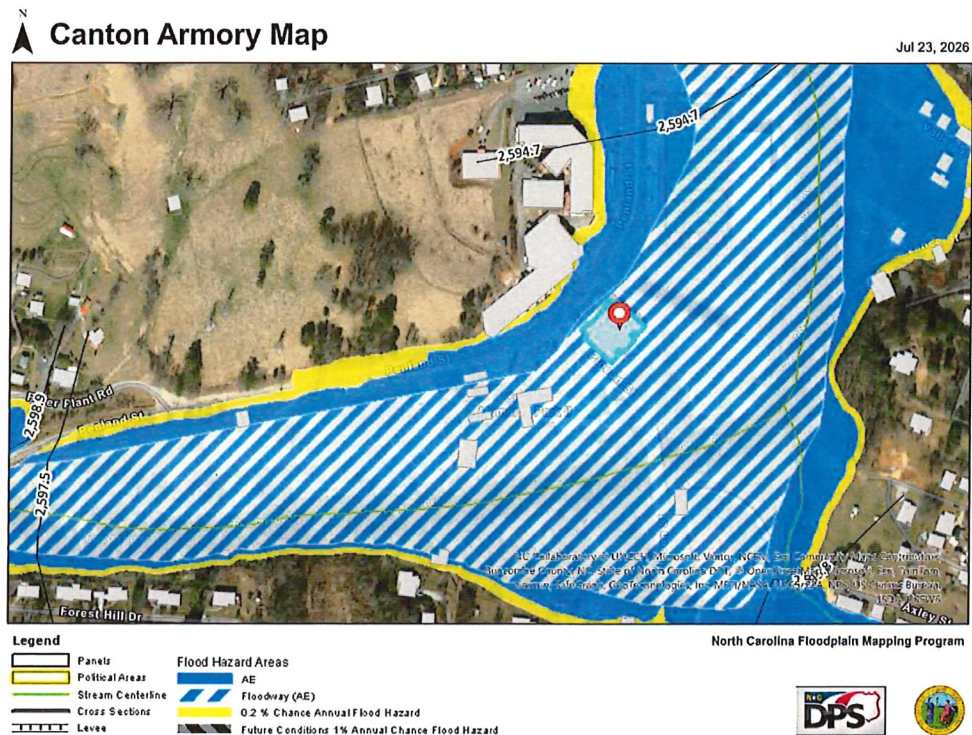


Figure 1: Location Map

2.

REGULATORY BASIS FOR THE VARIANCE

Section 9-5049(3)(a) of the Town of Canton Code of Ordinances authorizes the Appeal Board to issue variances for “the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.”

Section 9-5049(5) requires that “a written report addressing each of the above factors shall be submitted with the application for a variance.” This report is organized to respond, in turn, to each of the factors enumerated at § 9-5049(4)(a)–(k), followed by the specific findings required at § 9-5049(9) as conditions of issuance.

Prior to submission of this application, the Owner and Architect coordinated with FEMA Environmental and Historic Preservation (EHP) staff, the North Carolina State Historic Preservation Office (NC SHPO), and the North Carolina NFIP State Coordinator regarding the proposed rehabilitation of the Armory. That coordination resulted in concurrence that (1) the Armory qualifies as a “historic structure” for purposes of 44 CFR 59.1 and § 9-5015 of the Town's ordinance, and (2) the proposed rehabilitation, incorporating the flood-hazard-reduction measures described in Section 3 below, will not preclude the structure's continued designation as a historic structure.

On that basis, the reviewing agencies verbally supported that the project may be treated as exempt from the Substantial Damage/Substantial Improvement (SD/SI) cost threshold under 44 CFR 59.1 and the Town's implementing definition, and that the property's historic designation constitutes an appropriate basis both for that exemption and for a local variance from the elevation and dry-floodproofing requirements of § 9-5061, consistent with § 9-5049(3)(a). This concurrence is offered in support of the good-and-sufficient-cause finding in Section 5 below.

3.DESCRPTION OF PROPOSED FLOOD MITIGATION AND LIFE-SAFETY MEASURES

In lieu of full elevation or dry floodproofing of the structure – which is infeasible for the reasons discussed in Section 4 – the design incorporates the following flood-hazard-reduction measures, each selected to reduce flood damage potential while preserving the historic form, materials, and character of the Armory:

- **Flood-damage-resistant materials at the first floor.** Class 4 and 5 flood-damage-resistant building materials (per FEMA Technical Bulletin 2) are being specified below the RFPE where feasible – including concrete subfloor, metal hollow core doors, CMU infill walls, and metal studs, – to permit rapid clean-out and reoccupancy following inundation and to minimize replacement of finishes after a flood event.
- **Elevation of critical utilities and equipment.** Electrical panels, distribution equipment, and HVAC equipment currently located below the RFPE are being relocated or elevated above the RFPE (or, where relocation is infeasible for a given piece of equipment, protected in accordance with § 9-5061 utility standards), consistent with ASCE 24 utility elevation requirements.
- **Removal of at-grade overhead/garage doors.** Existing overhead doors have experienced repeated damage and detachment during prior flood events (including Tropical Storm Fred and Hurricane Helene), creating large uncontrolled openings that increase hydrodynamic loading on the structure and worsen interior damage. These openings are being reduced in number and infilled or replaced with construction likely to resist hydrostatic and hydrodynamic flood loads, reducing this recurring failure point.
- **Hurricane Opening Protection at window and door openings.** Removable/deployable panels are being provided at window and door openings to provide a sacrificial, maintainable line of wind and impact protection that does not require permanent alteration of historic window and door openings.
- **Life-safety and accessibility upgrades.** The scope also includes fire-protection and ADA accessibility improvements (egress, restrooms, and route-of-travel upgrades) necessary to bring the building into compliance with currently applicable code, independent of the flood-related scope.

4. FINDINGS ON THE STATUTORY FACTORS - § 9-5049(4)

Pursuant to § 9-5049(4), the Appeal Board must consider all technical evaluations, all relevant factors, and all standards specified elsewhere in the chapter, including the following:

§9-5049(4)(a) The danger that materials may be swept onto other lands to the injury of others.

The proposed measures do not add loose, floatable, or hazardous materials to the site. Flood-resistant finish materials remain fixed in place; deployable flood panels are stored on-site when not deployed and are mechanically fastened when in use. No increase in debris or material transport potential results from the proposed work.

§9-5049(4)(b) The danger to life and property due to flooding or erosion damage.

The proposed measures reduce, rather than increase, danger to life and property. Elevating electrical panels and HVAC equipment above the RFPE removes life-safety hazards (electrical shock, equipment failure) associated with submerged equipment. Removing the overhead doors eliminates a documented, recurring failure point that has previously allowed uncontrolled floodwater entry and debris intrusion into the building.

§9-5049(4)(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

The building will remain susceptible to flood inundation below the RFPE, consistent with its existing, non-elevated historic construction. The proposed materials are specifically intended to reduce the cost and time of recovery to the Town (the property owner) following a flood event, compared to the standard, non-resistant materials previously in place.

§9-5049(4)(d) The importance of the services provided by the proposed facility to the community.

The Armory Community Center provides gymnasium, multi-purpose, meeting, and recreational space serving the Town of Canton and surrounding community. Continued operation of this facility at its existing, historic location is of significant public value, particularly given its role in community life.

§9-5049(4)(e) The necessity to the facility of a waterfront location, as a functionally dependent facility.

Not applicable. The Armory Community Center is not a functionally dependent facility as defined in § 9-5015; its location is a function of its historic siting rather than any operational need for proximity to water.

§9-5049(4)(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

There is no alternative location for this use. The Armory is an existing historic structure being rehabilitated in place; relocation is not a reasonable alternative, as it would destroy the historic resource itself and is inconsistent with the purpose of the historic-structure variance provision at § 9-5049(3)(a).

§9-5049(4)(g) The compatibility of the proposed use with existing and anticipated development.

The proposed use – continued operation as a community/recreation center – is a continuation of the building's existing use and is compatible with surrounding development in this area of Canton.

§9-5049(4)(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

In addition to the steps taken towards flood risk reduction, the proposed use of the structure is consistent with the developing Comprehensive Plan by directly supporting the stated goal of protecting the small-town character that residents value.

§9-5049(4)(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

The proposed use of the building and its location within the Significant Flood Hazard Area prevents its use during times of flood. During flood events, access routes may become impassable, and the facility is not expected to remain occupied or operational. Emergency management procedures will require evacuation and closure of the facility in advance of anticipated flooding, thereby avoiding the need for emergency vehicle access during flood conditions.

§9-5049(4)(j) The expected heights, velocity, duration, rate of rise, and sediment transport of floodwaters, and effects of wave action, at the site.

The Base Flood Elevation (BFE) is approximately 7.4 feet above lowest adjacent grade. The regulatory flood protection elevation (RFPE) is an additional 2 feet above the BFE. This height is the standard used in material selection and elevation of applicable utilities. The Hurricane Opening Protection is designed to protect against impacts experienced during storm events.

§9-5049(4)(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities.

Because the Armory is a Town-owned facility, the proposed resilience measures directly reduce the Town's own post-flood costs: elevated electrical and mechanical equipment reduces equipment replacement costs, flood-resistant finishes reduce interior repair scope and time, and removal of the overhead doors reduces the likelihood of structural and water-intrusion damage requiring emergency governmental repair.

5. REQUIRED FINDINGS FOR ISSUANCE - § 9-5049(9)

Section 9-5049(9)(e) requires the Appeal Board to make three specific findings before a variance may be issued. This application supports each as follows:

1.1 (1) Good and sufficient cause

Good and sufficient cause exists in the historic status of the Armory and the impracticability of full compliance with the elevation/floodproofing standards of § 9-5061 without destroying the historic materials, form, and character that qualify the building for its designation. The variance is requested solely to permit continued use and rehabilitation of an existing historic public building in place, consistent with § 9-5049(3)(a).

1.2 (2) Exceptional hardship absent the variance

Denial of the variance would require either (a) elevating or dry-floodproofing the entire structure to the RFPE, which would necessitate demolition or irreversible alteration of historic masonry walls, window and door openings, roof framing, and floor structure documented on the accompanying drawings, or (b) discontinuing use and rehabilitation of the building. Either outcome would defeat the purpose of the rehabilitation and result in the loss of a public, community-serving historic resource – an exceptional hardship distinct from the ordinary cost of compliance.

1.3 (3) No increased flood heights, threats to public safety, extraordinary public expense, nuisance, fraud, or conflict with other laws

The proposed work does not involve fill, structural additions, or any other change to the floodplain's hydraulic conveyance; it is limited to interior/envelope rehabilitation of an existing structure and therefore will not increase base flood elevations or discharge. The proposed measures affirmatively reduce, rather than increase, threats to public safety by removing an unprotected utility/equipment hazard and reducing recurring structural failure points. No extraordinary public expense, nuisance, or conflict with other applicable federal, state, or local law results from the proposed work.

6.

REQUIRED NOTICE - § 9-5049(7)

The applicant acknowledges that, pursuant to § 9-5049(7), if this variance is granted, the Town will provide written notice specifying the difference between the Base Flood Elevation and the elevation to which the structure will be built or maintained, and that construction below the BFE increases risk to life and property and will result in increased flood insurance premium rates (up to \$25 per \$100 of coverage). The applicant requests that this notice be issued concurrently with any approval so that it may be maintained with the Town's record of variance actions as required by § 9-5049(7).

The requested variance represents the minimum relief necessary to preserve the Armory's historic character while implementing practical and meaningful flood-resilience improvements. The proposed work reduces flood damage potential, protects public investment in a historic community asset, and advances both historic-preservation and floodplain-management objectives to the greatest extent feasible.

For the reasons set forth above, the applicant respectfully requests that the Town of Canton Zoning Board of Adjustment find that the criteria of § 9-5049(3)(a), (4), and (9) have been satisfied, and grant a Flood Damage Prevention Variance from the elevation and dry-floodproofing requirements of § 9-5061 for the Armory Community Center Renovation at 71 Penland Street, subject to implementation of the flood-damage-resistant materials, elevated utilities, garage-door removal, and deployable window/door flood panel measures described in Section 3 of this report.