

CHAPEL HILL HISTORIC DISTRICT
SIGNIFICANCE REPORT

HISTORIC AND ARCHITECTURAL SIGNIFICANCE
OF THE PROPOSED
CHAPEL HILL HISTORIC CONSERVATION DISTRICT
OCTOBER 1, 1976

INTRODUCTION

All cities have some buildings, sites, or neighborhoods of particular interest or significance. These may have been the locations of events of national, state, or local importance. They may have been associated with persons or groups of historic or contemporary importance. They may have distinctive architectural design, landscape treatment, or other artistic features. Some may have unique characteristics or may be interesting simply as curiosities. Such buildings and areas contribute to the variety and vitality of the city as a whole and form an important part of the community's historic and cultural heritage which, if lost, cannot be replaced.

This report is an attempt to demonstrate the significance of one such area in Chapel Hill. Section I provides a brief summary of the history of the Town and the events which influenced its development. Section II describes the boundaries of the area proposed to be included in a Historic Conservation District and presents the rationale for these boundaries. The final section provides a synopsis of the historic and architectural significance of buildings in the proposed district.

At the southwest angle of Columbia and Franklin streets was the famous boarding house of Mrs. Elizabeth or Betsy Nunn, and south of that was the only other building on Columbia, that of Wm. Barbee, long the Steward of the University.

At the junction of Cameron Avenue and Pittsboro streets was the residence of Mrs. Pannell, whose fair daughter captivated the heart of Tutor, afterwards Bishop James H. Otey, and became his wife. Opposite Mrs. Pannill's on Cameron Avenue was Mr. Watson's, the father of Mayor John H. Watson and Mr. Jones Watson, merchant and lawyer, long esteemed citizens of Chapel Hill. The father came near being a martyr of the University. He was a carpenter, working on a third-story scaffold of the South Building when he stumbled and was precipitated over the edge of the scaffold. A friendly nail caught the seat of his tow breeches, of tough flaxen fibre, and held him suspended over the deep abyss, in a plight pitiable but safe.

There was no other house on Cameron Avenue to the westward. All was forest, wherein were numerous chinquapin bushes. Adjoining the campus was the President's house, then occupied by the new Professor of Mathematics, afterwards of Chemistry, Dr. Mitchell.

Governor Moseley overlooked the residence of the Principal of the Grammar School, Rev. Abner W. Clopton, east of the campus, now the Battle residence. The grove in front of it was then thick woods.

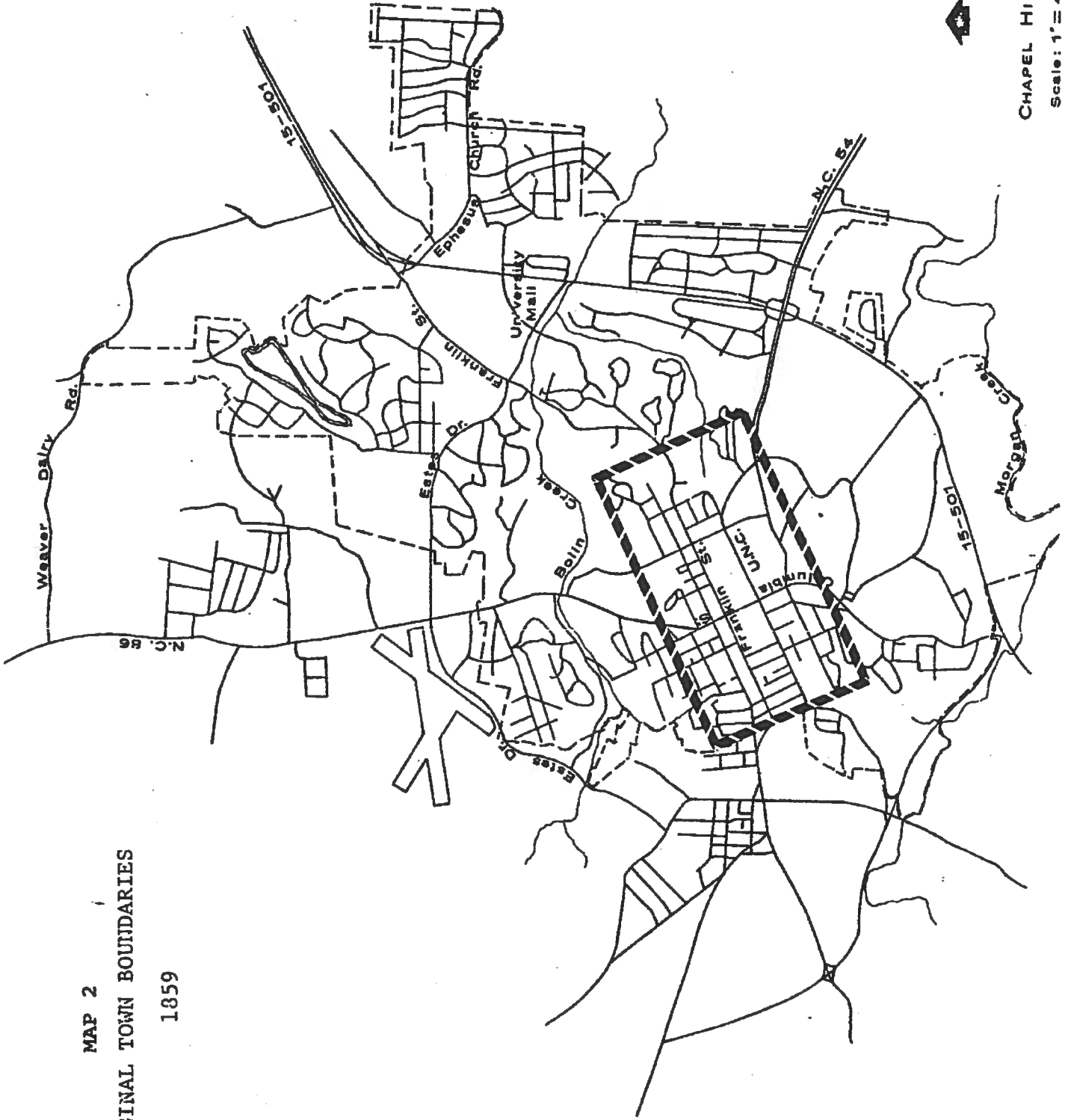
The only college buildings were the East, the South and Person Hall, or the "Old Chapel," now, largely increased in size, devoted to the use of the Department of Medicine.¹³

David Lowrie Swain, former governor of North Carolina, succeeded Caldwell as President of the University in 1838. President Swain was a contrast to Caldwell in appearance, education and style. Many faculty members were upset initially at his selection. In fact, one member, Dr. William Hooper, left the University because of Swain's selection. Unlike Caldwell, Swain looked beyond the confines of the University and took an active interest in the village. He hired an English gardener not only to lay out the campus, but also to beautify the village. According to Archibald Henderson's The Campus of the First State University, it was during President Swain's administration that the campus first was enclosed with walls laid of loose stones which have become important features in the Town. Construction of these walls was under the supervision of Elisha Mitchell who, as a former resident of Connecticut, was familiar with this method of building walls.¹⁴

The University experienced considerable growth during the administration of President Swain. Swain was responsible for popularizing the University across the state and for increasing its endowment considerably. In 1836, there were 89 students at the University; by 1857, there were 461.¹⁵

The village of Chapel Hill paralleled the growth of the University during Swain's administration. In 1836, the village had only one store, one physician, no schools, no churches, no pastor and no lawyer. Ordinances for the village were decreed from Hillsboro, the county seat.¹⁶ In his History of the University of North Carolina Battle indicates that by 1845 the village was showing signs of prosperity and lists numerous property transactions that took place during this time.¹⁷ By 1848 the first

MAP 2
ORIGINAL TOWN BOUNDARIES
1859



CHAPEL HILL, N.C.
Scale: 1" = 4000'



The reopening of the University and its ensuing growth signalled renewed prosperity for the village. The minutes of the Commissioner's meetings during the last quarter of the nineteenth century reflect the Town's attempts to deal with its transition from a basically rural community. The Commissioners began demanding formal accountings of taxes collected and accounts paid. They also began to take bids and contract with specific persons for street and other maintenance work. One of the most hotly contested issues during this period was whether or not hogs should be allowed to run at large in the Town. Map 3 depicts the Town as it was from 1875 to 1885.

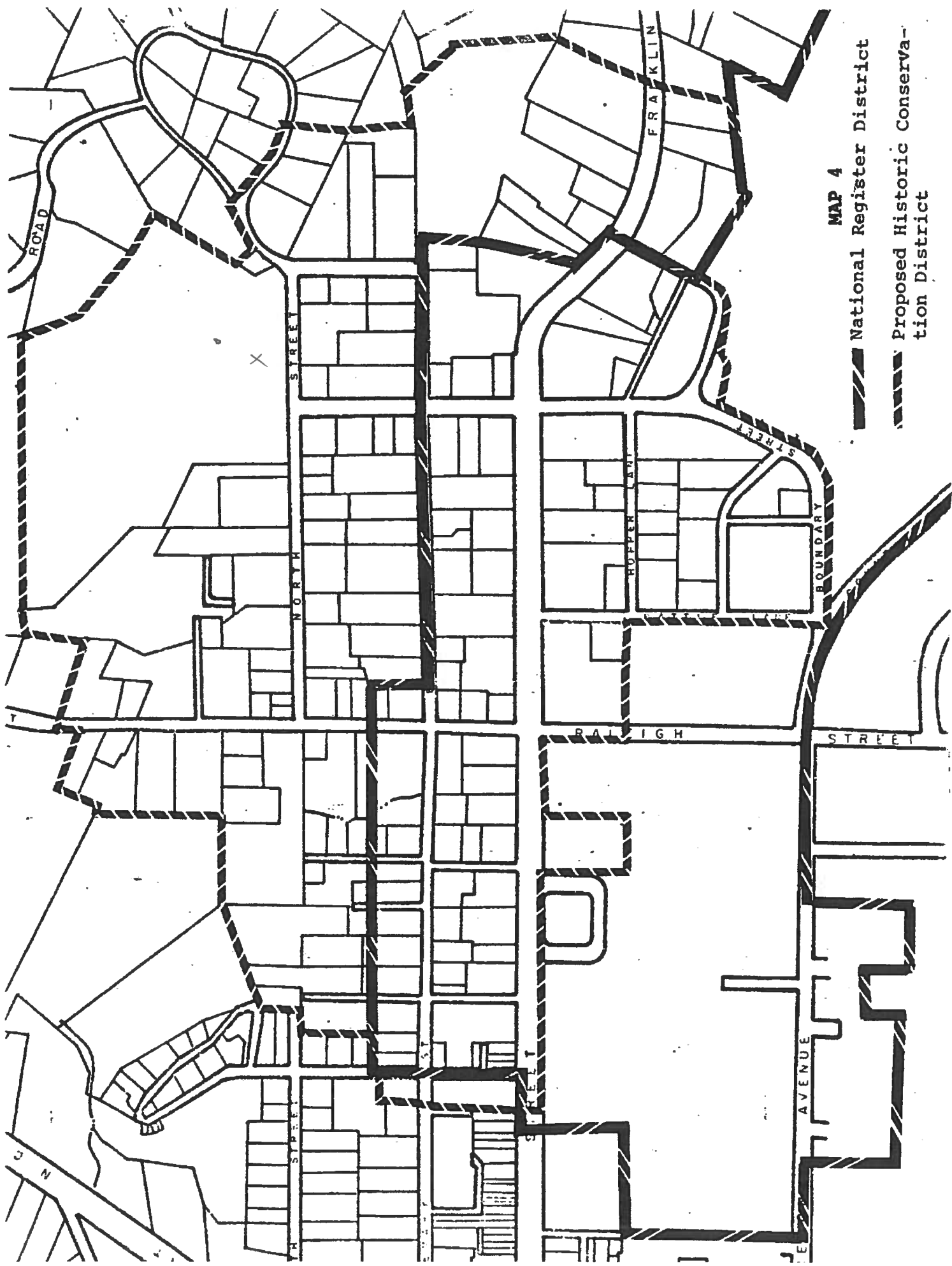
In 1882, the Southern Railway brought railroad service to Chapel Hill by building a line to West End - a small community to the west of Chapel Hill whose name later was changed to Venable, and finally, in 1913, to Carrboro.³⁷ The construction of this line had been a subject of anticipation in Chapel Hill since 1869, when efforts to build it were thwarted by Governor Holden.³⁸ The construction of this railroad greatly facilitated the flow of goods and people into the Chapel Hill area.

The charter amendments of 1895 required that the Mayor (formerly known as the Magistrate of Police) as well as the Commissioners be elected annually in a general election. By 1900 the Town had a population of 1,099 (excluding students). The Town's population grew slowly during the next decade with an overall increase of only 50 persons. From 1910 to 1920 the population increased to 1,483 and the decade from 1920 to 1930 witnessed an 82 percent increase to a total population of 2,699 (excluding students).³⁹

The area proposed for inclusion in a locally-designated historic district contains many of the very early structures built in the village as well as a number of those built during the Town's growth of the first quarter of the twentieth century.

Section I - Footnotes

1. Phillips Russell, These Old Stone Walls, (The Chapel Hill Historical Society, Chapel Hill, N. C., 1972)
2. "The Chapel That Sat on the Hill", 1975-1976 Town and Gown. (The Chapel Hill Newspaper, Chapel Hill, N. C., 1975) p. 206.
3. Phillips Russell, op. cit.
4. Ibid.
5. Hugh Lefler and Paul Wager, Orange County - 1752-1952, (Chapel Hill, N. C. 1952)
6. Edwin S. Lanier, address before Chapel Hill Rotary Club on February 15, 1950, reprinted in entirety in the Durham Morning Herald, (Durham, N.C., February 17, 1950).
7. "The Chapel That Sat on the Hill", op. cit., p. 207.
8. National Register of Historic Places Inventory - Nomination Form, "Chapel Hill Historic District - Statement of Significance", (U.S. Department of the Interior, National Park Service, 1971) p. 1.
9. Hope Summerell Chamberlain, Old Days in Chapel Hill, (The University of North Carolina Press, Chapel Hill, N. C., 1926) p. 2.
10. National Register of Historic Places Inventory - Nomination Form, op. cit., p. 2.
11. Hope Summerell Chamberlain, op. cit., p. 17.
12. Cornelia Phillips Spencer, "Old Times in Chapel Hill", University of North Carolina Magazine, Philanthropic and Dialectic Societies, Chapel Hill, N. C., No. 5, 1884-1890.
13. Kemp Plummer Battle, History of the University of North Carolina, vol. I, Edwards and Broughton Printing Co., Raleigh, N. C., 1907, pp. 271-272.
14. Archibald Henderson, The Campus of the First State University, University of North Carolina Press, Chapel Hill, N. C. 1949, pp. 123-125.
15. National Register of Historic Places Inventory - Nomination Form, op. cit., p. 2.
16. National Register of Historic Places Inventory - Nomination Form, op. cit., p. 3.



MAP 4

National Register District

Proposed Historic Conservation District

Section I Footnotes (continued)

17. Kemp Plummer Battle, op. cit., v. I, pp. 611-612.
18. Cornelia Phillips Spencer, op. cit., no. 10.
19. Ibid.
20. Charter of the Town of Chapel Hill, N. C., ratified January 29, 1851.
21. Ibid.
22. Edwin S. Lanier, op. cit.
23. National Register of Historic Places Inventory - Nomination Form, op. cit., p. 3.
24. Hillsborough Recorder, July 17, 1861.
25. Ibid., February 22, 1865.
26. Hope Summerrell Chamberlain, op. cit., p. 85.
and conversation with Roger Foushee of the Historic Society.
27. Ibid., p. 85.
28. Ibid., pp. 115-151.
29. Ibid., p. 152.
30. Ibid., p. 156.
31. Ibid., pp. 191-223.
32. Minutes, Town of Chapel Hill, 1870-1875.
33. Hope Summerrell Chamberlain, op. cit., pp. 191-223.
34. Kemp Plummer Battle, op. cit., v. 2, pp. 79-82.
35. Hugh Lefler and Paul Wager, op. cit., pp. 152-153.
36. Thomas E. Steahr, Chapel Hill: A Demographic Profile of a University Town, Carolina Population Center, Chapel Hill, N. C., December 1971, p. 6.
37. Edwin S. Lanier, op. cit.
38. Kemp Plummer Battle, op. cit., v. II, pp. 33-34.
39. Thomas E. Steahr, op. cit., p. 6.

II.

DETERMINATION OF BOUNDARIES

The historic preservation movement has progressed beyond the scope of protecting only individual structures to recognizing that protection of the environment within which those structures are located is equally important. With this realization has come an increasing trend toward the designation of historic districts. Communities have used many different techniques to determine boundaries for such historic districts. Among these are original settlement lines, building age, building style, architectural and cultural surveys, visual character and topographical features. This report represents an attempt to enhance and refine the efforts undertaken by the Chapel Hill Historical Society in defining a historic district to be regulated by local ordinance.

In 1971, the Chapel Hill Historical Society sought the nomination of 49 town and campus structures to the National Register of Historic Places. As a result a historic district which encompassed these and adjacent structures was listed on the National Register. The boundaries of this district are shown on the attached map. It should be noted that the National Register nomination was submitted primarily to gain protection for those structures, and was done so without the benefit of a study, including a consideration of the various factors mentioned above. As a result, the boundaries of the district listed on the National Register are difficult to identify on the ground and are not regulated by local ordinance. For instance, the National Register District is difficult to identify on the ground. In many cases it does not follow property lines, and, at times, even bisects structures. It was determined simply by drawing a line around those structures which the Society had decided to nominate to the National Register. In addition, it does not always include property on both sides of streets and thus ignores the fact that development which occurs on one side of the street may well impact the quality of the area, especially the structures on the opposite side.

Therefore, in order to determine the appropriate boundaries for a district regulated by local ordinance, the Town solicited the assistance of a design class from the Department of City and Regional Planning at UNC-CH, Russell Wright, a nationally recognized authority on historic preservation, and an advisory committee composed of local residents.

The students selected a study area within which they collected detailed information on land use; building setbacks, heights, ground coverage, condition, and color; vegetation and external features. This information is reflected on detailed maps included by reference in this report. In addition, the students photographed and conducted a detailed inventory of each building in the study area. With the help of Russell Wright, the

Northern and Eastern Boundaries

To the north, the Historic Conservation District boundary again diverges from the National Register boundary to follow the back lot lines of properties which border the narrow lanes (Spring, Friendly and Cottage) stemming from East Rosemary Street. The boundary then follows the back lot lines of properties bordering Hillsboro Street to a point at which the character of the area changes dramatically and the old, single family, residential structures give way to modern apartment complexes. Terminating the northern boundary at this point gives the district a definite "edge" and provides an easily discernable entrance to the Historic District. Extension of the district boundary this far north allows for the protection of the "Old Tavern" and provides a one property buffer between that structure and the apartment complexes.

At this point the boundary extends eastwardly across Hillsboro Street, following property lines, as much as possible, to the back lot lines of properties bordering Lone Pine Road. Since it was infeasible to follow the back property line of the 40-acre Coker estate, it was decided to include only that portion of the estate which would be logical on the basis of surrounding properties. Therefore the boundary of the district at its most northerly point was determined by drawing a direct line from the northeastern corner of the property adjoining the estate on the west to the northwestern corner of the property abutting the estate on the east. The district boundary then follows the eastern property line of the Coker Estate and extends along Tenny Circle to include the Oregon B. Tenney House with a one property buffer to the east of that structure. The district boundary then continues along property lines generally southward to include the Archibald Henderson House on Franklin Street and intersects the National Register boundary at Battle Park.

Southern Boundary

On the south, the Historic Conservation District boundary again diverges from the National Register District to exclude Battle Park and the academic buildings on the University campus. These two acres were excluded because it was felt that they were adequately protected by state and national legislation. Any development in either area will involve state or federal financial assistance and, therefore, such projects will fall under the provisions of the National Preservation Act of 1966 or North Carolina G. S. 120-12.

contain 12 to 15 lights in thick wooden frames and are symmetrically arranged throughout. The upper story has a four-windowed bay with its own gable cut into the main roof. A front porch running the length of the house has brick column supports and plain white columns. Its roof extends from the main roof at a slightly flatter angle. A brick chimney is placed at either end of the house.

The house originally faced the opposite direction. When Tenney Street was constructed, the house was modified to face that street.⁴

- A [
2. Coker House and Gardens, 609 North Street. This house was built about 1915 by Dr. W. C. Coker. Dr. Coker was a professor of botany at UNC and the creator of the arboretum on campus which bears his name. His private gardens, like the arboretum, contain many unusual and rare plant specimens. These gardens impart a special and irreplaceable significance to the Coker estate and are often studied by the UNC Botany Department.⁵

The Coker House originally was a rectangular building of light pink stucco reminiscent of California Spanish, contrasted by stone work of chimneys, porches, and wall. The large volume has been broken up and particularized by newer extensions, movement of wall planes, and addition of gable-shaped gables. The two stories of the house are defined by a wide white band of molding. The facades are generally irregular in window and door placement. The front facade has two projecting gables: one from the main wall, and one from the other, on which the entrance door is placed. The windows are variously arranged in groups of 1, 2, 3, and 4, but all are alike: tall and narrow double windows to which is applied a simple decorative border. The doorway is repeated in the tile patterns of the terrace. The low stone wall enclosing the terrace is picked up again in the left and right side porches built of strong stone walls and columns. Newer, more irregular additions to the rear of the original part bear the same stylistic treatment.

3. Dr. J. G. Hamilton House, 517 North Street. In 1914 Dr. J. G. Hamilton, professor of Zoology in the Biology Department from 1903 to 1930, engaged N. C. Curtis, architect, to draw the design of his house which now stands at 517 North Street. The design was an adaptation of the currently popular "Chicago style" in which rough sawn pine clapboards replaced the shingled siding. Essentially a square form, the house featured a broad verandah across the front and contained six rooms. In 1924 two (2) additional rooms were added to the rear of the house in an identical style. Dr. Hamilton probably was best known in Chapel Hill for his work in assembling the Southern Historical Collection at the University of North Carolina.⁶

4. Old Episcopal Rectory, 403-412 North Street. The Episcopal Rectory was built originally about 1850, and its initial structure had only two rooms. At some time later two wings were added with two rooms each, giving the house a general "H" shape.⁷ In approximately 1915, the house was moved from its original location on Rosemary Street to North Street and separated into cottages.⁸

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3. Roulhac Hamilton House, 517 North Street. In 1914 Dr. J. G. de Roulhac Hamilton, head of UNC's history department from 1908 to 1930, engaged N. C. Curtis, architect, to draw the design of his house which now stands at 517 North Street. The design was an adaptation of the currently popular "shingle style" in which rough sawn pine clapboards replaced the shingled siding. Essentially a square form, the house featured a broad verandah across the front and contained six rooms. In 1924 two (2) additional rooms were added to the north-western corner of the house in an identical style. Dr. Hamilton probably was best known in Chapel Hill for his work in assembling the Southern Historical Collection at the University of North Carolina.⁶
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What is the “special character” of the historic district?

About the author

Adam Lovelady



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After a city or county establishes a historic district or historic landmark, the local historic preservation commission is authorized to prevent certain changes that “would be incongruous with the special character of the landmark or district.” But, what is the special character? And what is incongruous with it? This blog reviews applicable laws and cases to outline the procedural requirements for establishing the special character (through formal report, ordinance description, and design guidelines) and subsequently determining whether a particular change is incongruous (through a quasi-judicial evidentiary hearing).

As defined in the statute, “[h]istoric districts established pursuant to this [law] shall consist of areas which are deemed to be of special significance in terms of their history, prehistory, architecture, and/or culture, and to possess integrity of design, setting, materials, feeling, and association.” G.S. § 160A-400.3. Cities and counties can establish historic districts and historic landmarks for defined areas and properties. Once a local government has designated a property as a historic district or landmark, the property owner must seek a certificate of appropriateness (COA) from the local historic preservation commission in order to make certain changes to the property. A COA is required for any construction, alteration, moving, or demolition of any exterior feature of a designated property.

The preservation commission’s authority for COAs is limited: The commission shall take no action under the preservation authority except to prevent development that “would be incongruous with the special character of the landmark or district.” G.S. § 160A-400.9.

Special Character

The character of the district or landmark is not left to speculation or guessing. It is not conjured up at the time of COA review. **State law requires the local government to distill and clarify the**

character and context of the historic district or landmark at the time of designation and to establish “principles and guidelines” for COAs.

Before the local governing board may establish a historic district the local government must draft and submit to the State Historic Preservation Officer (SHPO) “[a]n investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district.” G.S. § 160A-400.4. For historic landmarks, the local government must draft and submit to the SHPO a similar document. Additionally, the ordinance designating the landmark “shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistorical value, including the land area of the property so designated.” G.S. § 160A-400.5.

Separately the preservation commission must “prepare and adopt principles and guidelines . . . for new construction, alterations, additions, moving and demolition.” G.S. § 160A-400.9. These principles and guidelines commonly are adopted as design guidelines for the district.

With these procedural requirements, local governments must investigate and report on the elements justifying the designation of a historic district and/or landmark and establish design principles and guidelines to guide the commission in determining if a change is incongruous with the district.

Incongruity Standard

The incongruity standard is a subjective standard requiring judgment. In other words, it is a quasi-judicial standard. The commission must hold an evidentiary hearing to take in evidence and evaluate that evidence against the standards for incongruity.

The North Carolina Supreme Court explains the incongruity standard to be “a contextual standard.”

A contextual standard is one which derives its meaning from the objectively determinable, interrelated conditions and characteristics of the subject to which the standard is to be applied. In this instance the standard of “incongruity” must derive its meaning, if any, from the total physical environment of the Historic District. That is to say, the conditions and characteristics of the Historic District’s physical environment must be sufficiently distinctive and identifiable to provide reasonable guidance to the Historic District Commission in applying the “incongruity” standard.

A-S-P Associates v. City of Raleigh, 298 N.C. 207, 222, 258 S.E.2d 444, 454 (1979)(citation omitted).

Evidence

As with any quasi-judicial decision, a decision on a certificate of appropriateness **must be based upon competent, relevant, substantial evidence in the record**. The record is composed of the application, any staff analysis or reports, **testimony and documents presented at the evidentiary hearing**, and other related documents. Additionally, the preservation statutes specifically highlight the role and usefulness of site visits and **expert opinion in the decision-making process**. “As part of its review procedure, the commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.” G.S. § 160A-400.9(d).

Limited Discretion

The incongruity standard does not grant the preservation commission “untrammeled authority to compel individual property owners in the Historic District to comply with whatever arbitrary or subjective views the members of the Commission might have as to how property in the district should be maintained or developed.” A-S-P Associates v. City of Raleigh, 298 N.C. 207, 221, 258 S.E.2d 444, 453 (1979). A decision to grant or deny a COA must be framed within the character of the district and based on evidence in the record.

North Carolina courts have ruled that when a preservation commission decision departs from the framework of historic standards and guidelines, that decision is arbitrary and will not stand. In Sanchez v. Town of Beaufort, for example, the court disapprovingly noted that the “height requirement was not reached on the basis of any particular determining principle. Rather, each [commission] member reached what he or she considered an appropriate height based on their own personal preferences.” 211 N.C. App. 574, 581, 710 S.E.2d 350, 355 (2011).

The Court of Appeals quoted commissioners discussing the height requirement in loose terms, unmoored from the applicable standards. One commissioner argued that the project could be redesigned to reduce five feet in height. When the chair asked for the basis for the five feet, the commissioner offered:

Well five feet (5') would be if you had a . . . This is his determination, with a ten foot (10') ceiling downstairs, and a nine foot (9') ceiling upstairs, if you had eight foot (8') ceilings, that's three feet (3'). . . And then, if the duct work was to be relocated, that's two more feet. So that would be five feet (5') without a lot of

material changes. Now it could be a different number, but I'm just throwing that out.

211 N.C. App. 574, 581, 710 S.E.2d 350, 355 (2011)(emphasis added by court).

Another commissioner made his own calculations for how the project could be redesigned. A third commissioner stated simply that “twenty five feet (25’) is a reasonable height.” When the commission voted on the height limit one commissioner “explicitly admitted that none of the [commission] guidelines were used to determine that height.”

The court was clear: “Since the twenty-four foot height requirement was established by each member of the [commission] without the use of any determining principle from the [design] guidelines, it was clearly arbitrary.” Sanchez v. Town of Beaufort, 211 N.C. App. 574, 582, 710 S.E.2d 350, 355 (2011).

Conclusion

To be sure, determinations about certificates of appropriateness are not simple, objective determinations—they require judgment from the decision-makers. That is why COA decisions require quasi-judicial procedures.

That said, the establishment of the historic district and the evidence in the record guide the decision. At the time of establishing a historic district, the local government must submit a report to the SHPO. For historic landmarks, the ordinance must describe, among other things, the integral elements of the landmark. Before it acts on a COA application, the preservation commission must adopt principles and guidelines—design guidelines. Additionally, when a property owner seeks a COA, the preservation commission must base its decision on the standards establishing the special character and on evidence in the record—the application, the testimony, and other information obtained through the evidentiary hearing. If a decision veers from those standards and evidentiary record, it may be overturned as arbitrary and capricious.

Note: This blog previously appeared on the blog [Community and Economic Development in North Carolina and Beyond](#)

Testimony to Town of Chapel Hill Historic District Commission

306 North Boundary Street

Case No. 19-0007

February 12, 2019

Submitted by Catharine Gilliam Burns – 609 North Street, Chapel Hill

This case illustrates the critical importance of research and careful analysis into the history and significance of a property as the Historic District Commission makes a judgment as to whether the application justifies the issuance of a Certificate of Appropriateness.

In my view, the staff of the Planning Department has failed to provide adequate background information – and no analysis – to allow the Commission to make a valid decision tonight. The applicants were not well served because the staff should have let them know the full information that would be required and have worked to provide the evidence needed to serve the Commission before this was put on the agenda – twice (January and February 2019). More importantly – in my judgment – the citizens and property owners of Chapel Hill were not well served. The mission of this Commission is not to approve every application as quickly as possible. The mission is to fairly and thoroughly administer the historic preservation policy of Chapel Hill in accordance with the duly adopted local, state and federal laws – ensuring the due process rights of every applicant and interested parties of Chapel Hill.

Since this application has been advanced for your consideration tonight, I offer the following evidence and analysis for your consideration:

- The basis on which the Commission must judge whether the proposed construction is congruent with the character of the Franklin-Rosemary local historic district requires that the Commission look carefully at the original report adopted by the Town and approved by the State of NC for this district. [See attached article by Professor Adam Lovelady of the UNC School of Government “*What is the ‘special character’ of the historic district?*” (March 23, 2017) – copy attached, with my highlighting added]. The relevant report for this application is the **Chapel Hill Historic District Significance Report** – October 1, 1976. The full report is 48 pages. Every Commissioner should have a copy and staff should make references to it in their staff reports. Since there is no reference in the Staff Report provided to you, please consider the following points.
- The significance report drives home the importance of the protection of the landscape as being of equal or greater importance than individual buildings. On page 3 the report emphasizes the importance of the physical, historical and aesthetic link between the university campus and the surrounding village. One of North Carolina’s most notable historical figures – Elisha Mitchell (Mt. Mitchell) – was responsible for the loose stone walls that surrounded the campus and were

adopted throughout the surrounding community as it grew. This is the basis for the strong emphasis in the Design Guidelines on protecting stone walls from destruction. There is inadequate documentation that the stone walls on the property that exemplify Dr. Coker's impact and earlier occupations.

- On page 6 of the Significance Report: *"The locally-designated historic district contains many of the very early structures built in the village as well as a number of those built during the Town's growth of the first quarter of the twentieth century."* The Coker estate [including the Peacock/Cumbie parcel(s)] is arguably the most important property from the first quarter of the 20th c. in the Town.
- Please note page 9 of the Significance Report: *"The historic preservation movement has progressed beyond the scope of protecting only individual structures to recognizing that protection of the environment within which those structures are located is equally important."* The remaining evidence of the Coker landscape (especially the interrelationship of the formal Baroque garden that once graced the Peacock/Cumbie parcel with the more horticulturally rich, but less formal gardens of the Coker/Burns parcel) should be considered priceless and protected to whatever extent possible. The Cumbies should be able to make minor adjustments to their proposed additions so that they 'do no (irreversible) harm to the Coker gardens. The Commission should not grant a COA until you are satisfied that these changes have been made to the application.
- On page 11 of the Significance Report provides the explanation that the boundary of Chapel Hill's first historic district was determined – at least on the northern and eastern boundaries by the imperative to protect the significant core of the Coker Estate – which was what is now the Coker/Burns AND Peacock/Cumbie property. The report states: *"Since it is infeasible to follow the back property line of the 40-acre Coker estate, it was decided to include only that portion of the estate which would be logical on the basis of surrounding properties."* For 40 years, the owners of the properties that are adjacent to the Peacock/Cumbie property have been required to and complied with the historic district ordinance. It would be unfair and destructive to the character of the district if the significance and character of the remains and site of these formal gardens – and their relationship to the larger Coker landscape – are allowed to be damaged now.
- Most importantly – the Significance Report addresses the importance and significance of the Coker House AND GARDENS – as a special and irreplaceable part of the district. *"[Coker's] private gardens, like the arboretum, contain many unusual and rare plant specimens. **These gardens impart a special and irreplaceable significance** to the Coker estate"* To the extent the applicants believe that the property they have purchased is of no significance to the larger landscape, they are wrong. The greatest inherent value in their 1.3 acre parcel is its historical, cultural landscape and community design significance. They may seek to alter that value – but it is the duty of the HDC to decline to grant a COA unless you find that what they propose is congruent with (does not destroy or significantly diminish) that well documented contribution.

Application of Design Guidelines for Chapel Hill Historic Districts

1. The duly adopted Design Guidelines (which are NOT optional and must be applied in every case – see attached Lovelady article) make clear at page 5 that the national Secretary of the Interior’s Standards and Guidelines “...provide guidance to the Chapel Hill Historic District Commission, and similar commissions across the country, in their deliberations. **The Chapel Hill Historic District Design Guidelines are locally tailored design guidelines based on these national standards and they reflect the same philosophical approach to rehabilitation.**” There is much that could benefit the Commission in how to analyze this unique case by studying the Secretary’s Standards and their successful application over many decades throughout the United States. Of particular interest would be the more recently developed and adopted *Guidelines for the Treatment of Cultural Landscapes* <https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm> .
2. The staff seems to have overlooked Section 1 of the Guidelines: “DISTRICT SETTING.” The Commission must ensure that the application complies with each of the considerations of district setting found on pages 8 and 9.
3. Perhaps the most important aspect of this application is “Site Features and Planting.” (pages 10-11). Of course, at this point the applicant has not provided the completed site plans – although they have hired a landscape architect. The Commission must wait to take any action – and, in my opinion, the case should never have been placed on the agenda, until those landscape plans were complete and the analysis indicates that they are consistent with the 8 guidelines for Site Features and Plantings. Of particular importance are the treatment of the famous holly trees – that are always mentioned in accounts of Dr. Coker’s botanical biography.
4. I am not convinced that archeology would not be merited – even if it were not required – before there is further disturbance of this site.
5. Walkways, Drives and Offstreet Parking (pages 18-19)
6. Of great importance is the extremely large garage with living quarters above. As detailed in the Guidelines at pages 20-21, the location, scale, height and proportions of the structure proposed in the application does not meet the requirement that new garages “Maintain the traditional height, proportion, and orientation of garages and accessory structures in the district.”

In my opinion, no application that does not answer these questions adequately – or provide all the evidence that the Commission needs to make a finding that it does – should have been put on the agenda.

That said, it seems to me that with some adjustments in the design and provision of additional information, the Cumbies could submit an approvable application, achieve their goals and enjoy many years on one of the most priceless sites in Chapel Hill.

Thank you for your consideration of this testimony.