

**TOWN OF CHAPEL HILL
HISTORIC DISTRICT COMMISSION
WRITTEN DECISION
(HDC-24-37)**

Subject Property: 107 Battle Lane, Chapel Hill, NC
PIN#: 9788-68-0178
Historic District: Franklin-Rosemary Historic District
Property Owner: Kimberly Kyser
Applicant: Kimberly Kyser

Town of Chapel Hill Historic District Commission (the “HDC”) first considered the above-referenced application during its regular meeting on December 10, 2024. The HDC continued the evidentiary hearing to its regular meeting on January 14, 2025. At its regular meeting on January 14, 2025, after conducting a duly advertised public meeting, and after considering the above-referenced application for certificate of appropriateness, the application materials, staff report, and exhibits presented at the meeting or otherwise appearing in the record, and the approval criteria established under N.C. Gen. Stat. § 160D-947, Section 3.6.2(e) of the Land Use Management Ordinance (the “LUMO”), and the relevant provisions of the Chapel Hill Historic Districts Design Principles & Standards (the “Principles & Standards”), the Town of Chapel Hill Historic District Commission (the “HDC”) voted 7 to 1 to **APPROVE** a certificate of appropriateness for all elements of the application on the basis that the proposed work is not incongruous with the special character of the historic district.

Findings:

1. The Subject Property is located at 107 Battle Lane, Chapel Hill, NC (PIN 9788-68-0178), is located within the Town’s Franklin-Rosemary Historic District and is zoned Residential-2 (R-2).
2. The Subject Property is owned by Kimberly Kyser (the “Owner”).
3. The certificate of appropriateness application (the “Application”) was submitted by Kimberly Kyser (the “Applicant”) on October 29, 2024.
4. The Application sought approval for construction of a 32-foot-long and 6-foot-tall wood fence along the north property line of a style and color matching an existing fence on the Subject Property.
5. The Application was scheduled for hearing by the HDC at its regular meeting on December 10, 2024. Notice of the HDC’s regular meeting was provided as required by law.
6. HDC Member Josh Gurlitz and Chair Brian Daniels were absent from the December 10, 2024, meeting. All other HDC Members were present. Vice-Chair Polly Van de Velde acted as Chair.

7. The staff report and application materials associated with the December 10, 2024, evidentiary hearing were entered into the record for the meeting.
8. During the December 10, 2024, evidentiary hearing, the Applicant testified and generally provided material showing:
 - a. A 6-foot-tall privacy fence was previously approved by the HDC for the Subject Property and was constructed in the early-2000s.
 - b. The materials and design of the new portion of fence complement the materials and design of the previously approved portion of fence.
9. During the December 10, 2024, evidentiary hearing, Bill Raynor, resident of 514 East Rosemary Street, spoke in opposition to the Application. Mr. Raynor testified that:
 - a. The location of the proposed fence would be inconsistent with certain standards outlined in the Principles & Standards.
10. During the December 10, 2024, evidentiary hearing, Lannie Shuff, spoke in support of the Application.
11. The HDC continued the evidentiary hearing to its regular meeting on January 14, 2025, to allow the Applicant to gather and present additional evidence.
12. HDC Member David Hawisher was absent from the January 14, 2025, meeting. All other HDC Members were present.
13. The staff report and application materials associated with the January 14, 2025, evidentiary hearing were entered into the record for the meeting.
14. During the January 14, 2025, evidentiary hearing, the Applicant testified and generally provided evidence showing:
 - a. A 6-foot-tall privacy fence was previously approved by the HDC for the Subject Property and was constructed in the early-2000s.
 - b. The materials and design of the new portion of fence complement the materials and design of the previously approved portion of fence.
 - c. The new portion of fence is intended to fill in a gap in the previously approved portion of fence.
15. During the January 14, 2025, evidentiary hearing, Bill Raynor, resident of 514 East Rosemary Street, spoke in opposition to the Application. Mr. Raynor testified that:
 - a. The location of the proposed fence would be inconsistent with certain standards outlined in the Principles & Standards.

16. During January 14, 2025, evidentiary hearing, Lannie Shuff, spoke in support of the Application.

Conclusions

1. Based upon the competent, material, and substantial evidence in the record, the approval criteria described in N.C. Gen. Stat. § 160D-947, Section 3.6.2(e) of the LUMO, and in the Principles & Standards, the work proposed in the Application is not incongruous with the special character of the Franklin-Rosemary Historic District.

ACCORDINGLY, based on the foregoing, the Town of Chapel Hill Historic District Commission hereby **APPROVES** the Application proposed by the Applicant for the Subject Property and **DIRECTS** Town Staff to issue a Certificate of Appropriateness to the Applicant.

This the ____ day of _____, 2025.

Brian Daniels, HDC Chair