

Law to stop 'demolition by neglect'

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BY ROB SHAPARD, The Herald-Sun

CHAPEL HILL -- The town has added a new layer of protection for buildings in the three historic districts around Chapel Hill. A "demolition by neglect" ordinance now is in effect for the Franklin/Rosemary, Cameron/McCauley and Gimghoul historic districts.

The law gives the town more power to require the owner of a home or other structure in one of the historic districts to not just let the building rot 'til it drops. If the town gets a complaint about a structure, or town staffers observe an issue, then the town manager could order the owner to begin work within 30 days to shore up the property.

The manager, however, can't require anything like a full restoration. Rather, the focus is on the exterior and fundamental structure, and the manager can order the owner to prevent further decay of a number of exterior and structural features.

That can range from the roof, exterior walls and foundation to fences, gates and outbuildings -- items that could be found to be leaning, sagging, splitting, listing, buckling, crumbling, rotting or otherwise going to pot, according to the ordinance.

"I am very pleased," said Catherine Frank, director of the Preservation Society of Chapel Hill and one of the supporters who spoke at a Town Council hearing last month.

The council's formal adoption of the measure gives it a similar ordinance to those in Hillsborough and other North Carolina cities such as Raleigh, Greensboro and Fayetteville. "It's a matter of community, and responsibility to your neighbors," Frank argued Friday. "I don't have any illusion this is the perfect solution, [but] it's a tool that gives the town a little more leverage."

The ordinance has been in the works for more than a year. The key phrase is "demolition by neglect" because it's aimed at a situation in which an owner is neglecting a building to such a degree that it's been "demolished" by the inaction.

The neglect would be allowing the structure to "suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity [or] its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations," the ordinance states.

It got unanimous endorsements from the Historic District Commission and the Planning Board earlier this year. The ordinance went through reworking over the past year to include provisions for a property owner to show he or she would suffer "undue economic hardship," if forced to do extensive repair work.

The owners would have to make a case, and submit information on factors such as their "financial resources." And the Historic District Commission would have to decide if it agreed the owner was facing an undue hardship.

The good news

Town Manager Cal Horton said he and the town attorney didn't believe that information could be kept confidential. "We do not believe the financial information provided to the Historic District Commission can be protected from public review under North Carolina law," he stated.

Frank said the good news, in the view of preservationists, was that owners in the historic districts tend to take very good care of their homes. "We don't have a lot of properties of historical significance that fall into neglect," she said. "For the most part, the properties are very valuable, and most people want to be more decisive about their properties than simply allowing them to be 'demolished' by neglect."

At the same time, she cited two examples of what she and others consider to be inadequate care of historic homes, both in the Franklin/Rosemary district.

One she mentioned was the former Martin/Dey house at East Rosemary and Hillsborough streets, and the other the home at Battle and Hooper lanes once occupied by Edward Kidder Graham, UNC president in the early 1900s.

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