

# Sharing The Costs Of History

## A Cooperative Approach To Historic Preservation

The Charlotte-Mecklenburg Historic Properties Commission is the historic preservation agency for the City Council of Charlotte and the Board of Commissioners of Mecklenburg County, North Carolina. The commission is empowered to recommend the designation of buildings, structures, sites, and objects as historic property. Such designation, enacted under the police power of the local governing board which exercises zoning control over the subject property, places historic landmarks under land use regulations which protect the property from insensitive alterations and from inadvertent demolition. Moreover, the commission has the power to secure the fee simple or lesser interest (such as easements or options), and can dispose of the same properties through lease or sale with protective covenants included to ensure their preservation.

During its ten-year history, the commission has acquired considerable knowledge and expertise in how a historic preservation agency must function to maximize its effectiveness at the local level. Recent developments, especially

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the diminution of federal funding and the enactment of substantial preservation tax incentives in the Economic Recovery Tax Act, suggest that local government will have to assume an even greater responsibility for safeguarding the historic components of the built and natural environments. This paper will describe the practical lessons which the commission has learned in its ten years of existence, in the hope and expectation that this will assist local historic landmark or properties commissions throughout the United States.

The legal consequences in North Carolina of having buildings, structures, sites, and objects declared historic property are substantial. First, the owner must secure a Certificate of Appropriateness from the commission before he can alter or remove the property. Second, he must provide 180 day's notice of his intention to demolish the property. During this period, local government can move to acquire the property by exercising the power of eminent domain. Third, the owner may apply for an automatic

deferral of fifty percent of the ad valorem taxes on the property. The justification for this so-called "tax break" arises from the fact that the owners of many historic structures have been forced by high property assessments to sell or destroy these landmarks because they cannot put the property to the "highest and best use." Fourth, and finally, a marker is placed upon the property indicating that the building, structure, site, or object is historic property.



*Charlotte neighborhood in the early 1900's*

Since 1973, the commission has secured the designation of approximately eighty historic properties in Charlotte-Mecklenburg. Initially, the Commission concentrated its efforts upon ante-bellum edifices, principally those which were already listed in the National Register of Historic Places. Increasingly, however, it has endeavored to afford protection for a more representative cross-section of the cultural resources of Charlotte-Mecklenburg. Included in this list of local historic landmarks are the ruins of two water-powered grist mills, a textile mill worker's cottage, streetcar waiting stations, a fire station, and until it was demolished, North Carolina's first steel-framed skyscraper, the Independence Building.

On balance, the commission has been successful in winning the support of the Charlotte City Council and the Board of Commissioners of Mecklenburg County. Indeed, in only three instances has the commission failed to obtain

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approval for a recommended historic designation. This good fortune has been especially noteworthy because it occurred in a community which has not traditionally had a strong historic image, such as one would encounter in Charleston, S.C., or Savannah, Ga., for example. Charlotte-Mecklenburg is a prototypical New South town. It is replete with urban boosterism, suburban sprawl, and aggressive developers who derive their images and inspiration from the future, not the past.

Several factors have contributed to the commission's record of attainment. Local preservationists benefited from the Bicentennial, which produced an ephemeral wave of nostalgia, and from the oil embargo and surging energy prices in the mid-1970's, which brought about a temporary abatement in the flight to the suburbs and gave rise to greater real estate activity in older residential districts. More significant were the decisions of local lending institutions to join with the the City of Charlotte in creating a low interest loan program for the revitalization of Fourth Ward, a bedraggled inner city neighborhood. Other low interest loan programs subsequently appeared in the First Ward, another blighted uptown district, and in Plaza-Midwood, an early streetcar suburb being refurbished by the Neighborhood Housing Service. But the commission deserves no small amount of credit for the success of its operations.

The Charlotte-Mecklenburg Historic Properties Commission has recognized that it must adhere to the highest standards of professionalism. The commission must determine that each prospective property possesses special significance in terms of history, architecture, and/or cultural importance; and that the property retains integrity of design, setting, workmanship, materials, feeling, and/or association. The commission prepares extensive survey and

research reports on each property which it recommends for historic designation. A fundamental component of these reports is an essay, based upon meticulous archival research, which documents the associative and architectural history of the prospective historic properties. An architectural historian also writes a description of the structure and takes photographs of the exterior and interior. This visual record is an indispensable reference point when the commission processes requests for the issue of Certificates of Appropriateness. Old photographs of the structure are also invaluable, both in determining the nature and extent of changes which have occurred over the years, and again, in stimulating interest in the property.

In preparing its recommendations, the commission has found that there is no substitute for precise historical information. Conversely, nothing can do greater harm nor undermine the credibility of a historic landmarks agency more quickly than putting out erroneous or misleading data. Historic preservationists must remember that they are primarily historians, not urban designers, not architects, not neighborhood activists, not even planners. Historic preservation must be based upon a thorough understanding and appreciation of local history. Also, complete and accurate information concerning prospective historic properties provides local preservationists with a distinct advantage over those constituencies that oppose or have little interest in safeguarding the heritage of the community.

One's adversaries cannot dismiss historical events and personalities as being matters of opinion. History has tremendous evocative powers, particularly in terms of giving rise to compelling stories and images that can strengthen effective marketing techniques. For example, the commission was able to use accurate and



*Textile mill in Charlotte, 1915*



complete information about the past to convince the owner of a heavy moving company to purchase and restore a dilapidated Queen Anne style house by telling him that the structure was built by Charlotte's first heavy mover.

Another manifestation of the commission's commitment to professionalism has been the attention which it has given to conducting inventories of the built or man-made environment in Charlotte-Mecklenburg. In 1975, a reconnaissance inventory was performed. It endeavored to

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identify, photograph, and assess the architectural significance of all local structures erected before 1900. The commission recognized the essential inappropriateness of using cutoff dates, but the politics of the funding process dictated the exclusion of twentieth-century properties at the outset. The reconnaissance inventory established a data collection and storage system which can accommodate properties from all periods of the past. Embracing approximately 1,800 properties, the inventory was the first systematic overview of older buildings in the area. The commission deposited the information in the offices of the Charlotte-Mecklenburg Planning Commission, which in turn placed the data on their base zoning maps.

The Charlotte-Mecklenburg Historic Properties Commission believes that inventories are essential. In addition to strengthening its professional image, these studies allow the commission to obtain the comprehensive information to make prudent and defensible recommendations for historic designations to the local governing boards. In 1981 the commission received a grant from the North Carolina Division of Archives and History and hired an architectural historian to begin an in-depth analysis of the built environment in several Charlotte neighborhoods. Fortunately, the City of Charlotte agreed to provide full funding for the continuation of the project in 1983.

The consent of owners is not required for local historic designation in North Carolina. However, the commission recognizes that the designation process is essentially political and that, consequently, the commission must be practical in administering its program. Specifically, the commission tries to gain the consent of the owners if at all possible. It meets with the owners to explain the consequences of designation, answers questions, and generally assuages any apprehensions that might arise. To do otherwise would be fruitless, unfair, and thoroughly unprofessional. The majority of citizens in Charlotte-Mecklenburg hold the rights of



*Business district in the 1920's  
in Charlotte, North Carolina*

private property owners in the highest regard. Indeed, if the commission encounters uncompromising opposition from the owners, it continues processing prospective historic properties only if they are highly endangered.

Probably the greatest challenge which the commission faced since its creation in 1973 centered around the destruction of the Independence Building in September, 1981. Erected in 1908-09, North Carolina's first steel-framed skyscraper stood at the intersection of Trade and Tryon Streets in uptown Charlotte. The commission invested considerable time and energy in attempting to secure the preservation of this old building, including recommending and securing its designation as a historic property, advocating and achieving its listing in the National Register of Historic Places, and obtaining a Consultant Services Grant from the National Trust to determine an economically feasible adaptive use. Unfortunately, a prominent local developer opted to demolish the building and applied for a Certificate of Appropriateness to do so.

The commission exercised its power to restrain the owner by delaying the demolition for 180 days. During the interim, local preservationists had to decide what course of action they would pursue. Considerable debate ensued with hopes of bringing an urban designer to Charlotte who could demonstrate that the retention of the structure would enhance the project. The commission met with the developer and with his anchor tenant and tried to dissuade them. When these efforts failed, the commission contemplated the possibility of recommending that the City Council acquire the Independence Build-

ing through the power of eminent domain, but everyone quickly agreed that this option would never gain the support of a majority of the members of City Council.

In the end, the commission determined that a maximum effort to save the Independence would probably be futile and would so alienate the local business community as to render the commission ineffectual. Some preservationists might regard this strategy as timid, if not cowardly. But by accepting the essential futility of making a maximum effort to save the structure, the commission underscored its professionalism and practical mindedness -- essential attributes for success in Charlotte-Mecklenburg.

The professional responsibilities of the commission do not end with the designation of historic property. As a steward of the historic built environment in Charlotte and Mecklenburg County, the commission is empowered to exercise design review over proposed material alterations of historic landmarks by issuing or denying Certificates of Appropriateness. Again, state law requires the establishment and distribution of just and equitable guidelines for the purposes of determining the appropriateness of such activities but allows each community to decide the exact content of these regulations. The Charlotte-Mecklenburg Historic Properties Commission uses "The Secretary of The Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

Two considerations were uppermost in persuading the commission to adopt the Secretary of the Interior's guidelines and regulations. First, these standards emanate from the most prestigious historic preservation agency in the United States. Second, and more importantly, the federal government uses these guidelines and regulations when certifying the restoration of

giant early twentieth-century mansion (the James B. Duke House or White Oaks), which was converted into apartments, and an old black church (the Little Rock A.M.E. Zion Church), which will house the Afro-American Cultural Center, a local cultural organization. Increasingly, the commission recognizes that the private sector must be the principal force behind historic preservation in Charlotte-Mecklenburg.

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The commission offers a variety of services to encourage private investment in historic properties. In February, 1981, it sponsored a seminar to explain the new investment tax incentives and to describe and illustrate how developers in other communities are taking advantage of them. The substantial attendance included planners, attorneys, accountants, architects, and realtors. The commission has also distributed a series of publications to assist private investors. These have covered such topics as explanations of easements, tax incentives, the consequences of historic designation (both local and federal), local historical research methods and grants and other economic inducements that are available for historic preservation. Indeed, the commission has become the clearinghouse for information to assist the involvement of the private sector in historic preservation in Charlotte-Mecklenburg.

By emphasizing its role as a catalyst for the adaptive reuse of the historic built environment, the Charlotte-Mecklenburg Historic Properties Commission has substantially strengthened its overall standing in the community. Unlike many landmark commissions, it works cooperatively with businessmen and is not seen primarily as a regulatory agency. The benefits from assuming this posture have been enormous, especially in Charlotte-Mecklenburg where developers and bankers assume great power and control.

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properties for the investment tax incentives in the recently-enacted Economic Recovery Tax Act. Consequently, the commission believes that its use of the Secretary of the Interior's guidelines and regulations encourages private investment in the restoration and rehabilitation of older structures.

The commission works closely with owners to develop economically feasible adaptive uses for historic properties in Charlotte-Mecklenburg. The commission has received two Consultant Services Grants from the National Trust for Historic Preservation. These grants have resulted in the saving of two important buildings, an ele-

On balance, the Charlotte-Mecklenburg Historic Properties Commission has been successful in advancing the cause of historic preservation. It has also convinced the traditional power elites that it is a sensible agency that understands and appreciates the aspirations of other constituencies in Charlotte-Mecklenburg. Furthermore, the commission has administered its operations in a highly professional manner, both in terms of processing buildings, structures, sites, or objects, and in terms of conducting its educational programs. Happily, the commission has moved off the cultural page and on to the business page of the newspapers in this community. ⊕