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**STATEMENT OF JUSTIFICATION  
SPECIAL USE PERMIT REQUEST**

**Delta Upsilon**

**407 East Rosemary Street**

**September 27, 2001**

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**Introduction**

This is a request for a Special Use Permit to allow the demolition and replacement of the existing Delta Upsilon (DU) Fraternity, located on the north side of East Rosemary Street at the intersection of Hillsborough Street in Chapel Hill. The proposed use will not change from the existing, and is consistent with current zoning. The zoning designation of this parcel of land is R-6. The scope of work is as described herein and on the accompanying plans.

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**General Site Description**

The DU Fraternity House is an existing structure located at 407 East Rosemary Street in the Historic District near downtown and campus. The building has been a fraternity since 1956. Prior to 1956 it was used by the Alpha Delta Pi Society. The area map and site map that accompany this request show the exact location of this site.

**History**

The house at 407 E. Rosemary Street was formerly owned by Mrs. C.W. Bain. Built between 1915-1925, the house is a two story wood frame with hipped roof, hipped

dormers, and interior chimneys. A full height porch was added later and has been removed. Behind the house is a two story wood frame structure added in 1976.

In 1966, The Fraternity acquired the Dey house at 401 E. Rosemary Street from the estate of Dr. William M. Dey. A typical I-house, it is two stories with a side-gabled roof, exterior and interior chimneys, and a symmetrical three-bay facade. The portico appears to date from the twentieth century. This acquisition made it possible to house 43 fraternity members on the site.

In 1976, renovation to the Dey house and a new addition to the Bain house were completed at cost of \$179,675. No significant capital improvements have been accomplished since 1976, and the ongoing maintenance and upkeep of the Fraternity complex consumes most of the revenue generated from member fees and rents.

### **Surrounding Property**

The property is bounded on the east by the Alpha Delta Pi Society, a two floor wood frame structure with a wrap around porch. Across Rosemary Street to the north is a parking lot owned by the Delta Delta Delta Society. Diagonally (southwest) across the street is the Pi Beta Phi Society, a 2 ½ floor wood frame house with a single level front porch. Across Hillsborough Street to the west is a two floor residence believed to be constructed between 1853 and 1858. The original I-house form has had extensive alterations over the years. Behind the property to the north and northwest are two wood frame residences.

### **Current Plans**

This project initially was intended to bring the interiors up to date, add required fire safety features including a sprinkler system, and “clean up” the site with modified



landscaping and renewed site features. During the preliminary design phase it became apparent that the open stair (vertical) circulation was a fire hazard. Safety of egress would be greatly enhanced through the introduction of well defined fire stairs at the end of the building.

Recognizing that a significant capital outlay would be required to comply with the new Chapel Hill Sprinkler Ordinance, a Steering Committee of Alumni have determined that a capital campaign to replace the Bain House with a new structure visually similar to the original Bain House was the most cost effective course of action.

The ongoing maintenance and upkeep of the Dey house, and the reality that historic properties and college students are not always compatible, coupled with the damage to the rather small house that will be caused by retrofitting it with a sprinkler system, has led the Fraternity to entertain offers to purchase the Dey house and return it to single family use.

The current Program is to sell the Dey house and replace the Bain house with a new structure as shown on the attached drawings. The new two-floor structure will be residential in character and be architecturally compatible with adjacent structures. The new structure will accommodate 29 resident brothers and include dining, kitchen and meeting facilities. At 7,176 s.f., the new building will be smaller than the existing structure and cover less ground. The smaller building footprint will provide for additional parking behind the building. Overall occupant density will not change and the new building will meet all current building codes and ordinances. Existing traffic patterns are planned to remain the same, and the open "park-like" front yard will be

maintained. A concept plan review has been completed by the Historic District Commission.

### **Building Description**

The DU House is a 2 ½ story wood-framed structure with a 2 story wood frame addition at the rear. It is typical of many of the fraternity and sorority houses around Chapel Hill. The main building and the addition are joined by a two story breezeway with egress stairs.

The main floor of the original house contains the bedrooms and the addition contains the public spaces including the kitchen, dining room, chapter room, living room and bedrooms. In the main building there are several small bedrooms built into the attic space. A basement exists under parts of the house. Although these basement areas have been used in the past, at this time they are uninhabitable. They contain some HVAC equipment.

The original structure is neither sound or serviceable, with some limited exceptions. Two narrow stairways serve the upper floors with two ladder type fire escapes. One fire escape is accessed from a hallway and one is accessed through a bedroom.

This existing building currently exceeds the allowable square footage for this lot. The demolition and additional construction we are anticipating will require this Special Use Permit.

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**FINDING # 1:** *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare.*

The proposed project is for a total replacement of the existing structure located at 407 Rosemary St. with a smaller structure. Existing traffic conditions will not be altered, because the occupancy of the building and the quantity of parking will not be increased. The proposed addition will not alter the site lines at street and driveway intersections. Provisions for services and utilities, including sewer, water, electric, and garbage collection, will not change. Fire protection will be improved due to the new structure being in compliance with the State Building Code and fully sprinkled in accordance with the Town of Chapel Hill Ordinance. The new building will have emergency lights and proper emergency exits making the building safer for residents and visitors.

The relationship to the site of the new structure will be virtually identical to the existing structure. There are no Floodway/ Floodplain issues, and no significant drainage issues are created by the new structure. The impervious surface on the site will not be increased.

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**FINDING # 2:** *That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Article 12, 13, and 14 and the applicable specific standards contained in Sections 18.7 and 18.8, and with all other applicable regulations.*

The new structure will comply will the Development Ordinance and land development regulation and standards, including street improvements, screening and

landscape buffer requirements, setbacks, building height, parking requirements, and intensity regulations. As previously stated, the new structure will cover less ground area than the existing structure.

The plans do include, and this applications requests, a modification of the Development Ordinance to include additional basement square footage to provide below grade space for social functions. Having a basement will make it easier to control noise associated with social activities.

Existing green open space and trees will be maintained.

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**FINDING # 3:** *That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.*

As previously addressed, the relationship of the new structure to the contiguous property will remain the same as the existing structure. The new structure will meet or exceed most current code and zoning requirements.

Replacing a run down, worn out structure with a new structure and associated site improvements, will clearly improve the value of the surrounding property.

The proposed building design, use, and character is unchanged from the existing original structure, which works well within the historical context of the neighborhood.

Due to a new city ordinance requiring fire sprinkler systems for new and existing fraternity and sorority houses, the work required by this proposed addition may be considered (in part) a public necessity. Improving the livability of the house improves

the financial pro-forma allowing the Owner to cover the cost of the required fire sprinkler installation.

Current plans are to return the Historic Dey House at 401 E. Rosemary St. to single family use. This will also improve the value of the contiguous single family properties.

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**FINDING # 4:** *That the use or development conforms with the general plans for the physical development of the town as embodied in this chapter and in the Comprehensive Plan.*

The proposed plans to replace the existing DU Fraternity is consistent with current zoning for this property and is not inconsistent with the Comprehensive Plane, Resource Conservation District, Throughfare Plan, Greenway Plan, Land Use Plan, and Urban Services Area.

- a. Conformance of the proposed addition with the Zoning Atlas and Comprehensive Plan for Development of Chapel Hill and it's environs will not change because the proposed addition will be a replacement of the existing function.
- b. The relationship of the site to the Chapel Hill Resource Conservation District will not be changed because this site is not within the Conservation District.

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- c. The relationship of the site to the Chapel Hill Thoroughfare Plan will not be changed because the parking requirement and parking provided will not change. Thus, there will be no additional traffic.
- d. The relationship of the site to the Greenways Plan will not be changed because the project consists of replacing an existing structure.
- e. The relationship of the site to the Land Use Plan will not be changed because the proposed addition will be the same land use as the existing building.
- f. The relationship of the site to the Urban Services Area will not be changed because the proposed addition will not alter the existing function.

The property on which the existing building sits is appropriately zoned for the use (R-6, fraternity house). The proposed addition will not change the zoning or the use.

This project will continue and improve upon a 45 year history of institutional collegiate architecture on this site and adjacent property.



**PROPOSED MODIFICATION TO THE DEVELOPMENT ORDINANCE**  
**Delta Upsilon Fraternity**  
**Special Use Permit Modification (File No. 79.E.19 & 20)**

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 9,694 square feet of floor area on the site (a Floor Area Ratio of .39).
2. Modification of Subsection 14.12 to allow the existing alternative buffers on all four edges of the site, in lieu of the required landscape bufferyards.
3. Modification of Subsection 14.6.6 (a) to allow the existing parking facilities to be adjacent to the exterior wall of the house (rather than providing a five-foot landscaped strip at all exterior walls).
4. Modification of Subsection 14.6.7 to allow a total of 23 parking spaces on the site.
5. Modification of Subsection 14.10 to allow an existing overhead 3-phase utility line on the site to remain aboveground.

Said public purposes being the (1) provision of a renovated development that complies with the Town's fire safety codes (including the addition of a sprinkler system, improvements to exterior, and better internal circulation and access to 2<sup>nd</sup> floor interior stairwells), (2) the provision of safer ingress and egress to the site, (3) improvement to waste management vehicle access to the site, (4) the improvement to an aging structure that provides needed student housing close to campus, (5) the provision of an architecturally compatible structure that is consistent with the existing character of the Franklin/Rosemary Historic District as a whole, and (6) return of the Historic Dey House to private ownership and residential use.