

**TOWN OF CHAPEL HILL
HISTORIC DISTRICT COMMISSION
WRITTEN DECISION
(HDC-24-3)**

Subject Property: 740 Gimghoul Road, Chapel Hill, NC
PIN#: 9788-86-8855
Historic District: Gimghoul Historic District
Property Owner: Brookhunt, LLC
Applicant: Christopher Jones, Godfrey and Jones, LLC

At its regular meeting on February 13, 2024, after conducting a duly advertised quasi-judicial evidentiary hearing, and after considering the above-referenced application for certificate of appropriateness, the application materials, staff report, testimony, exhibits, and evidence presented at the hearing 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 6-0 to **APPROVE** a certificate of appropriateness for all elements of the application, except for the fence, on the basis that the proposed work, except for the fence, is not incongruous with the special character of the historic district. The HDC directed the Applicant to return with additional evidence regarding the materials and design for the proposed fence at the HDC’s March 12, 2024, meeting for further consideration.

At its regular meeting on March 12, 2024, after conducting a duly advertised quasi-judicial evidentiary hearing, and after considering the above-referenced application for certificate of appropriateness, the application materials, staff report, testimony, exhibits, and evidence presented at the hearing 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 LUMO, and the relevant provisions of the Principles & Standards, the HDC voted 6-0 to **APPROVE** a certificate of appropriateness for the proposed fence, on the basis that the proposed fence is not incongruous with the special character of the historic district.

Findings:

February 13, 2024, Evidentiary Hearing

1. The Subject Property is located at 740 Gimghoul Road, Chapel Hill, NC (PIN 9788-86-8855), is located within the Town’s Gimghoul Historic District, and is zoned Residential-1 (R-1).
2. The Subject Property is owned by Brookhunt, LLC (the “Owner”).
3. The certificate of appropriateness application (the “Application”) was submitted by Christopher Jones of Godfrey and Jones, LLC (the “Applicant”), with consent and authorization of the Owner, on January 19, 2024.

4. The Application sought approval to construct:

- a. A new lap pool, measuring 6-feet by 10-feet, having a black pearl plaster finish, sandblasted stone bullnose coping, and containing a stacked stone water feature/planter on the west side of the pool.
- b. A new red brick patio, measuring 4-feet in width, surrounding the pool, and consisting of brick laid in a herringbone pattern.
- c. A new black metal fence, which will run from the northeast corner of the house, around the stone wall in the front yard, along the west side of the pool, and then across to the southeast side of the house.

5. The Application was scheduled for hearing by the HDC at its regular meeting on February 13, 2024. Notice of the HDC's regular meeting and evidentiary hearing was provided as required by law.

6. HDC members David Schwartz and Duncan Lascelles were absent from the February 13, 2024, meeting and evidentiary hearing. All other HDC members were present.

7. The staff report, application materials, and presentation materials were all entered into the record.

8. At the evidentiary hearing, HDC members indicated that they did not have any conflicts of interest and the Applicant did not object to participation in the evidentiary hearing, deliberation, or decision by any member of the HDC.

9. At the evidentiary hearing, the Applicant presented testimony and a PowerPoint presentation describing the proposed work, and generally provided evidence that:

- a. The materials proposed in the Application are consistent with materials used throughout the district.
- b. Landscaping will be installed to limit visibility of the proposed pool and brick patio area from the public right-of-way.
- c. The proposed fountain will include a ram's head, which is consistent with features associated with the Gimghoul's secret society.
- d. The pool equipment will be located near the rear of the existing house, next to the house's HVAC equipment.

10. The Applicant did not present evidence of the specific fence design proposed in the Application.

11. The Applicant consented to bring additional evidence regarding the proposed design, location, and materials for the proposed fence to the HDC's regular meeting on March 12, 2024, so that the HDC could decide on the proposed pool and brick patio during the February 13, 2024 evidentiary hearing.

12. No evidence was presented in opposition to the Application.

March 12, 2024, Evidentiary Hearing

13. The portion of the Application seeking approval of a new painted wood picket fence, running from the northeast corner of the house, behind the stone wall in the front yard, along the west side of the pool, and then across to the southeast side of the house was scheduled for hearing by the HDC at its regular meeting on March 12, 2024. Notice of the HDC's regular meeting and evidentiary hearing was provided as required by law.

14. HDC Chair Brian Daniels and HDC member Clarke Martin were absent from the March 12, 2024, meeting and evidentiary hearing. All other HDC members were present.

15. The staff report, application materials, and presentation materials were all entered into the record.

16. At the evidentiary hearing, HDC members indicated that they did not have any conflicts of interest and the Applicant did not object to participation in the evidentiary hearing, deliberation, or decision by any member of the HDC.

17. At the evidentiary hearing, the Applicant presented testimony and a PowerPoint presentation describing the proposed work, and generally provided evidence that:

- a. The Applicant revised the location of the proposed fence.
- b. Several parcels within the Gimghoul Historic District are improved with painted wood picket fences, including 704 Gimghoul Rd., 201 Glandon Dr., 360 Glandon Dr., 738 Glandon Dr., 700 Gimghoul Rd., 208 Glandon Dr., 214 Glandon Dr., and the Subject Property, itself.
- c. Several parcels within the Gimghoul Historic District are improved with wooden fences in the front areas of the yard and many run along the sides of the yard to the sidewalk.
- d. The white picket fencing design and materials proposed by the Applicant are consistent with the colonial revival architectural style common to the Gimghoul Historic District and existing on the Subject Property.

18. No evidence was presented in opposition to the Application.

Conclusions

1. Based upon the uncontroverted competent, material, and substantial evidence submitted 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 Gimghoul Historic District.

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

This the ____ day of _____, 2024.

Polly van de Velde, HDC Vice Chair