

**HDC-23-33**

Historic District

Certificate of

Appropriateness

Status: Active

Submitted On: 12/7/2023

Primary Location

742 GIMGHOUL RD


CHAPEL HILL, NC 27514

Owner


GIMGHOUL CORPORATION

PO BOX 3670 CHAPEL HILL,

NC 27515

Applicant LeAnn Brown 919-968-1111

lnease@brownandbunch.com

 101 North Columbia Street,
Chapel Hill, NC

Suite 100

Chapel Hill, NC 27514

Certificate of Appropriateness Form

Historic District

Gimghoul

Application Type Check all that apply

Minor Work is exterior work that does not involve any substantial alterations, and do not involve additions or removals that could impair the integrity of the property and/or the district as a whole. See Chapel Hill Historic Districts Design Principles & Standards ("Principles & Standards") (p. 9-11) for a list of minor works. Please contact Town Staff to confirm if you believe the project is classified as "minor work."

Historic District Commission Review includes all exterior changes to structures and features other than minor works

Maintenance or Repair Work☐**Minor Work (Defined by Design Standards)**☐**Historic District Commission Review**☒**COA Amendment**☐

Written Description

Describe clearly and in detail the physical changes you are proposing to make. Identify the materials to be used (siding, windows, trim, roofing, pavements, decking, fencing, light fixtures, etc.), specify their dimensions, and provide names of manufacturers, model numbers, and specifications where applicable. Consider including additional materials to illustrate your project, such as: - Photos and specifications for proposed exterior materials such as siding, trim, roof, foundation materials, windows, etc. - Renderings of the proposed work - Spec sheets

Request for extension of COA, no changes requested

Is this application for after-the-fact work?*

No

Is this applicaiton a request for review after a previous denial?*

No

Property Owner Information

Property Owner Name

Gimghoul Corporation

Property Owner Signature

✓ LeAnn Nease Brown, attorney for
Gimghoul Corporation
Dec 7, 2023

BROWN & BUNCH, PLLC

ATTORNEYS AND COUNSELORS AT LAW

CHARLES GORDON BROWN
gbrown@brownandbunch.com
WILLIAM W. BUNCH, III
bbunch@brownandbunch.net
LEANN NEASE BROWN
lnease@brownandbunch.com

101 North Columbia Street, Suite 100
Chapel Hill, North Carolina 27514
(919) 968-1111
Facsimile: (919) 968-1444

December 7, 2023

via email, agrahnfedermack@townofchapelhill.org

Town of Chapel Hill Historic District
Commission
c/o Anya Grahn-Federmack, Principal Planner
Long-Range Planning Division/Planning
Department
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Re: Gimghoul Corporation Request for Extension of Time Under
Certificate of Appropriateness

Dear Anya:

Our firm represents Gimghoul Corporation. It sought, and on April 13, 2021, received from the Historic District Commission of the Town of Chapel Hill a Certificate of Appropriateness for certain upgrades to property it owns. To proceed with that work, it then sought a conditional zoning of the property. The Conditional Zoning Permit was granted on June 15, 2022. It is now in the process of obtaining a zoning compliance permit.

The Certificate of Appropriateness' original expiration date was April 13, 2022. In January of 2022, I contacted you regarding the upcoming expiration date. You responded January 14, 2022, noting that Session Law 2021-3, Section 3.21(b) automatically extended certificate of appropriateness approvals issued due to COVID-19. A copy of your letter is attached as Exhibit A. The Governor's Executive Order related to COVID-19, which extended the expiration date of the Certificate of Appropriateness, was rescinded effective August 31, 2022. Under the extension in Session Law 2021-3, the new expiration date was 150 days from the date the Executive Order was rescinded.

LUMO Section 3.6.2(d)(9) and the Historic District Design Principles and Standards allow Staff to extend up to 12 months the expiration date of a certificate of appropriateness where there is no change to the approved plan and no change in circumstances under which the certificate was initially approved. By letter dated January 6, 2023, Town Staff extended the approval of the Certificate of Appropriateness

Town of Chapel Hill Historic District
Commission
c/o Anya Grahn-Federmack, Principal Planner
Long-Range Planning Division/Planning
Department
Town of Chapel Hill
December 7, 2023
Page 2

for the renovations and site plan approval at Gimghoul Castle from January 12, 2023 to January 12, 2024. A copy of that extension is attached as Exhibit B.

LUMO 3.6.2(d) (9) provides: "A certificate of appropriateness shall be valid for three hundred sixty-five (365) calendar days from the date of issuance, or in the case of a certificate of demolition from the effective date. **If the authorized work has not commenced** within that period, **has not been extended by the commission**, or has been discontinued for more than three hundred sixty-five (365) calendar days from date of issuance, such certificate of appropriateness shall expire and the applicant shall be required to reapply and obtain a new certificate of appropriateness before commencing further work." This provision contemplates the HDC's authority to grant an extension of a COA beyond the staff extension.

Under the authority granted to the HDC, I am writing as counsel for the certificate holder, Gimghoul Corporation to request from the Historic District Commission a twelve (12) month extension of the Certificate of Appropriateness. Gimghoul Corporation has proceeded with due diligence and in good faith to complete the process necessary to proceed under the Certificate of Appropriateness, and conditions have not changed to warrant Commission reconsideration of the approved project.

We appreciate the Historic District Commission's consideration and request you let us know if you need further information from us.

With my best personal regards, I remain

Sincerely,

BROWN & BUNCH, PLLC



LeAnn Nease Brown

LNB/mjl
13624\01\1\058Grahn-Federmack
Attachments
cc: R. Sterling Kelly, III (via email)

EXHIBIT A



TOWN OF CHAPEL HILL
Planning Department

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 969-5066 fax (919) 969-2014
www.townofchapelhill.org

January 14, 2022

LeAnn Nease Brown
Brown & Bunch, PLLC
101 North Columbia Street
Chapel Hill, NC 27514

Subject: Gimghoul Castle – 742 Gimghoul Road - PIN 9788962765
Certificate of Appropriateness (COA): Time Extension, Project 21-024

Dear Ms. Nease Brown,

Town staff has reviewed your request (attached) for an extension of the Certificate of Appropriateness (COA) for Gimghoul Castle. I have reviewed the request in accordance with [Section 3.6.2\(d\)\(9\)](#) of the Chapel Hill Land Use Management Ordinance, the Chapel Hill Historic Districts Design Principles & Standards. I have determined that the permit has proceeded with due diligence, good faith, and conditions have not changed enough as to warrant reconsideration and require re-approval by the Historic District Commission (HDC) as this request has been made prior to the expiration of the COA approved on April 13, 2021.

Please note that the State has provided an extension for approvals due to the COVID-19 state of emergency. [Session Law 2021-3](#), Section 3.21(b) states, "For any development approval that is current and valid at any point during the period beginning September 2, 2020 and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended 150 days from the date the Executive Order is rescinded." This includes any certificate of approval issued by the Historic District Commission.

If work has not commenced following the 150 days after the Executive Order is rescinded, please submit a request for a COA extension.

Should you have any questions, please contact me at agrahn@townofchapelhill.org or 919-968-2759.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahm". The signature is written in a cursive, flowing style.

Anya Grahm
Principal Planner



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
phone (919) 969-5066
fax (919) 969-2014
www.townofchapelhill.org

January 6, 2023

R. Sterling Kelly III
Gimghoul Corporation
P.O. Box 3670
Chapel Hill, NC 27515

Subject: Gimghoul Castle – 742 Gimghoul Road - PIN 9788-96-2765
Certificate of Appropriateness (COA): Time Extension, Project 21-024

Dear Mr. Kelly,

Town staff has reviewed your request (attached) for an extension of the Certificate of Appropriateness (COA) for Gimghoul Castle. I have reviewed the request in accordance with [Section 3.6.2\(d\)\(9\)](#) of the Chapel Hill Land Use Management Ordinance and the Chapel Hill Historic Districts Design Principles & Standards. I have determined that the permit has proceeded with due diligence, good faith, and conditions have not changed enough as to warrant reconsideration and require re-approval by the Historic District Commission (HDC) as this request has been made prior to the expiration of the COA approved on January 8, 2023.

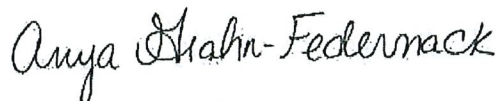
Please note that the State has provided an extension for approvals due to the COVID-19 state of emergency. [Session Law 2021-3](#), Section 3.21(b) states, "For any development approval that is current and valid at any point during the period beginning September 2, 2020 and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended 150 days from the date the Executive Order is rescinded." This includes any certificate of approval issued by the Historic District Commission. Approvals for work that has not commenced by January 12, 2023, 150 days after the Executive Order was rescinded on August 15, 2022, will expire.

The approval of the COA for the renovations and site improvements at the Gimghoul Castle is valid until January 12, 2023. I hereby grant a 365-calendar day extension for the COA approval to the new date of January 12, 2024.

If work has not commenced by January 12, 2024, the COA shall expire, and the applicant shall be required to reapply and obtain a new COA before commencing work. Future extension requests shall be made within 60 days of the expiration date and will require consideration by the Historic District Commission (HDC).

Should you have any questions, please contact me at agrahn-federmack@townofchapelhill.org or 919-968-2759.

Sincerely,

A handwritten signature in black ink that reads "Anya Grahn-Federmack". The signature is written in a cursive, flowing style.

Anya Grahn-Federmack
Principal Planner

Cc: Charnika Harrell, Planner II
John R. Bratton
LeAnn Nease Brown

**Gimghoul Corporation
Post Office Box 3670
Chapel Hill, North Carolina 27515**

January 5, 2023

via email, agrahn@townofchapelhill.org

Anya Grahn, Senior Planner
Long-Range Planning Division/Planning
Department
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Re: Gimghoul Corporation Request for Extension of Time Under
Certificate of Appropriateness

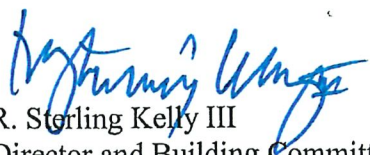
Dear Anya:

Gimghoul Corporation sought and received from the Historic District Commission of the Town of Chapel Hill a Certificate of Appropriateness for certain upgrades to property it owns. To proceed with that work, it sought and has now received a conditional zoning of the property. The Certificate of Appropriateness expiration date was originally April 13, 2022. That time was extended by the Governor's Executive Order related to COVID 19. Your letter regarding our earlier request for extension is attached. Since the Executive Order was rescinded effective August 31, 2022, and the COA extension runs 150 days from the date the Order was rescinded, we are now requesting an extension as contemplated in your letter of January 14, 2022 (attached).

The Chapel Hill Historic District's Design Principles and Standards contemplates the time on a certificate of appropriateness may be extended by Staff for up to twelve (12) months where a) no change to the approved plan is being proposed and b) there has been no change to circumstances under which the certificate was initially approved. I am writing on behalf of the certificate holder, Gimghoul Corporation, to request a twelve (12) month extension of the Certificate of Appropriateness to January 27, 2024. Gimghoul Corporation has proceeded with due diligence and in good faith to complete the process necessary to proceed under the Certificate of Appropriateness, and conditions have not changed to warrant Commission reconsideration of the approved project.

We appreciate your consideration and request you let us know if you need further information from us.

Sincerely yours,



R. Sterling Kelly III
Director and Building Committee Chair, Gimghoul Corporation

Cc: John R. Bratton
LeAnn Nease Brown