QUESTIONS?
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Town of Chapel Hill
Planning Department
919-969-5040
planning@townofchapelhill.org

Chapel Hill Historic District

Certificate of Appropriateness Application

Project: #20-013

Permit:

Project Description:

This application seeks approval for actions taken in August of 2019 along the margins of a SERVICE ALLEY (Evergreen Lane) behind an HISTORIC HOUSE (360 Glandon Drive) to better suit current needs:

1. **the RECONSTRUCTION and RECONFIGURATION of a dilapidated portion (56 linear feet) of a NON-HISTORIC (POST-1979) COMMON BOARD FENCE (6'high; 138 linear feet) with a GATE (4' wide) and SERVICE ALCOVE (4' deep x 8' long); and**
2. **the REMOVAL of deteriorated portions of a NON-HISTORIC (POST-1955) LOW STONE WALL (less than 12 inches high) that impeded rehabilitation of the FENCE noted above; a stable portion of the wall in the vicinty of a RELOCATED GATE & ALCOVE was retained.**

STAFF REVIEW

☒ Application complete and accepted

☐ Application not complete and returned with a notation of deficiencies

BY: Anya Grahn

DATE: 2/14/2020

Instructions: Submit one paper copy and a digital copy of all application materials collated in one file (pdf preferred)

Deadlines: Applications are due by the close of business 30 calendar days prior to the scheduled meeting date.

Note: Only complete applications may be accepted for Certificate of Appropriateness review. Applications that are not complete will be returned with a notation of deficiencies.

A: Property Information

Property Address: 360 GLANDON DRIVE

Parcel ID Number: 9788-87-8389

Property Owner(s): SANDRA & GERALD DOELL

Email: SDDOELL@GMAIL.COM

Property Owner Address: AS ABOVE

City: CHAPEL HILL **State:** NC **Zip:** 27514 **Phone:** 919-929-0815

Historic District: ☐ Cameron-McCauley ☐ Franklin-Rosemary ☒ Gimghoul

Zoning District: R-1

B: Applicant Information

Applicant: SANDRA & GERALD DOELL

Role (owner, architect, other): OWNERS

Address (if different from above):

City: **State:** **Zip:**

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Email: SDDOELL@GMAIL.COM Phone: 919-929-0815

C. Application Type *(check all boxes that apply)*

☐ **Minor Work** Exterior works that do 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 Design Guidelines (p. 69) for a list of minor works.

☒ **Historic District Commission Review** Includes all exterior changes to structures and features other than minor works

☒ **Site-work only (walkways, fencing, walls, etc.)**

☒ **Restoration or alteration**

☒ **New construction or additions**

☐ **Sign**

☒ **After-the-fact application** (for unauthorized work already performed).

☒ **Demolition or moving of a site feature.**

☐ **Request for review of new application after previous denial**

D. Basic information about size, scale, and lot placement.

Provide measurements in feet and square feet where applicable. Where possible, please provide accurate measurements from a licensed surveyor, architect, engineer, etc. If exact measurements are not available, please provide estimated information. Current estimated information about lots and buildings can be found on the Orange County Real Estate Data website. Information about lot placement can be found on the Chapel Hill and Orange County Interactive GIS portals.

Zoning District:	***Minimum setbacks***			***Maximum heights***			**Lot size**
	Street	**Interior**	**Solar**	**Primary**	**Secondary**		.68
Required by zoning	NA ↓	NA ↓	NA ↓	NA ↓	NA ↓		
Proposed				↓			
	Existing	**Change +/-**	**Total**	**Total Floor Area Ratio** ↓			
Floor Area (main structure)	↓	↓	↓	**Existing**	**Proposed**	**ISA/NLA ratio**	
Floor Area (all other)	↓	↓	↓	↓	↓	**Existing**	**Proposed**
Impervious Surface Area (ISA)	↓	↓	↓	↓	↓	NA	NA
New Land Disturbance			↓				

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E: Applicable Design Guidelines

The Town's Design Guidelines for the Chapel Hill Historic Districts are integral to the application and review process. These guidelines supplement the required review criteria for Certificate of Appropriateness applications (provided in Section 3.6.2(e)(4) of the Land Use Management Ordinance) by providing detailed, practical considerations for how to make changes to properties while preserving the special character of their Historic District context. Please review the Design Guidelines and consider their applicability to your proposed project. (Attach additional sheets, as necessary.)

Section/Page	Topic	Brief description of the applicable aspect of your proposal
II/16	***Walls & Fences***	***Considerations:*** ***"A careful look at the surrounding properties will help determine what material and type of wall or fence will best maintain the streetscape character."***
II/17	***Walls & Fences***	***"7. Introduce compatible new fences . . . that do not compromise historic character and in configurations and locations that are compatible with the character of the building, site, and district."***
II/17	***Walls & Fences***	***"8. Construct new fences in traditional materials and designs that are compatible in configuration, height, material, scale, and detail with the character of the building, site and district."***
II/17	***Walls & Fences***	***"9. Introduce contemporary utilitarian fences in rear and side yard locations where they do not compromise the historic character of the building, site or district."***

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F. Checklist of Application Materials

Attach the required elements in the order indicated.	ATTACHED? TO BE COMPLETED BY APPLICANT		TO BE COMPLETED BY TOWN STAFF		
	YES	N/A	YES	N/A	NO
1. **Written description of physical changes proposed.** 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.	☒	☐	☐	☐	☐
2. History, context, and character information. Please include a summary of what information you have relied on to understand the relevant character and history of the district and subject property—and briefly summarize that information. At a minimum, include: ☒ Current property information for the lot and all structures, including Building Sketches and Building Details, from Orange County Real Estate Data. ☒ The entry of your property on the most recent inventory of historic resources in the relevant National Register for Historic Places filing, available via the NC State Historic Preservation Office website: for McCauley-Cameron see *West Chapel Hill*, for Franklin-Rosemary see *Chapel Hill Historic District*, for Gimghoul see *Gimghoul*. (If yours is one of the few properties in McCauley-Cameron or Franklin-Rosemary that has not yet been inventoried, please indicate that.)	☒	☐	☐	☐	☐
3. Justification of appropriateness. Attach an annotated statement explaining how the proposed change(s) meets the following standards of appropriateness that the Commission considers in making findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the historic district. If a standard is not applicable, type "not applicable". A. The height of the building in relation to the average height of the nearest adjacent and opposite buildings. B. The setback and placement on lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings. C. Exterior construction materials, including texture and pattern. D. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials. E. Roof shapes, forms, and materials. F. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration. G. General form and proportions of buildings and structures. H. Appurtenant fixtures and other features such as lighting. I. Structural conditions and soundness.	☒	NA NA NA NA NA NA	☐	☐	☐

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J. Architectural scale.	NA				
4. **Photographs** of existing conditions are required. Minimum image size 4" x 6" as printed or the digital equivalent. Maximum 2 images per page.	☒	☐	☐	☐	☐
5. Site Plan Set showing existing and proposed conditions. (Min. scale: 1 in. = 20 ft.) ☒ Site plans must show the relationships between, and dimensions of, existing and proposed buildings, additions, sidewalks, walls, fences, driveways, and/or other structures on the property, as well as property lines and applicable zoning setbacks. ☒ Include both written and drawn scales and show accurate measurements. You may also use a copy of a survey with surveyor's seal deleted. Revise the copy as needed to show existing conditions and your proposed work. ☐ Indicate the area of all structural footprints (existing and proposed) in square feet; also, indicate lot size in square feet.	☒	NA	☐	☐	☐
6. **Elevation Drawings** showing existing structural facades and proposed changes. Drawings should be submitted as 11" x 17" or 8-1/2" x 11" reductions of full-size drawings. All details should be reasonably legible. Photographs are okay for facades with no changes. ☐ Elevation drawings showing all proposed changes above current grade from front, back, and both sides. ☐ Include scale bar, written scale, and label major dimensions (including width of structures and heights from finished grade to fascia/eaves and heights to top of roofs). ☐ Label materials to be used (roofing, siding, windows, trim, light fixtures, etc.)	☐	☒	☐	☐	☐
7. **Information about context** (required for all construction of new structures, proposed impervious surfaces greater than 1500 SF, additions greater than 150 SF, and/or proposed land disturbance greater than 5000 SF.) Detailed information about lots and structures can be found on the Orange County Real Estate Data website; information about lot placement can be found on the Chapel Hill and Orange County GIS portals. For each of the nearest adjacent and opposite properties, provide: ☐ The height of each building (if an estimate, indicate that). ☐ The setbacks and lots placement of each building (an image from the Town GIS database, including scale, is sufficient). ☐ The size of each lot (net land area in square feet). ☐ The size of all buildings on the nearest adjacent and opposite properties, including building footprint areas, Floor Areas (in square feet), and Floor Area Ratios. Provide current figures from Orange County Real Estate Data; indicate any corrections for accuracy you believe necessary and your basis for doing so.	☐	☒	☐	☐	☐
8. **Demolition/Relocation Information** (required only if demolition or relocation of a feature is proposed).	☒	☐	☐	☐	☐

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☒ Provide a written description of architectural features, additions, remodeling, and any alterations to the structure(s). Make note of any outbuildings on the site plan of the property. ☒ Provide a history of the structure, giving the construction date and architect or carpenter, briefly noting any significant events, persons and/or families associated with the property. Provide current exterior photographs of the property (4" x 6" as printed or the digital equivalent). If information is unknown, please provide a summary of sources consulted. ☐ If an argument about structural soundness is being made, attach a signed and sealed report from a professional engineer. ☐ As necessary, attach a statement explaining how a delay in demolition would cause the property owner to suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. ☒ Provide any records about the structure to be demolished.		NA NA			
9. Mailing notification fee per Planning & Sustainability Fee Schedule. For a list of addresses, please refer to the Town's Development Notification Tool.	☐		☐	☐	☐
10. Certificate of Appropriateness fee per Planning & Sustainability Fee Schedule	☐		☐	☐	☐

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G: Applicant signature

I hereby certify that I am authorized to submit this application; that all information is correct to the best of my knowledge, and all work will comply with the State Building Code and all other applicable State and local laws, ordinances, and regulations.

I acknowledge and agree that the Historic District Commission members, Town employees, and Town agents may enter, solely in performance of their official duties and only at reasonable times, upon the applicant's property for examination or survey thereof pursuant to North Carolina General Statute 160A-400.8. However, no member, employee, or agent of the Historic District Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

I understand and agree that an approved Certificate of Appropriateness is valid only for the particular application, plans, specifications and related project details presented to, and approved by, the Historic District Commission. If any of the data contained in this application, any plans or any specifications presented to the Commission are changed or altered for any reason, including, but not limited to, changes or alternations deemed practically necessary during construction, required due to subsequent Town reviews, or otherwise, a new hearing before the Historic District may be required. By signing below, the applicant agrees to notify the Development Services Center of any changes or alternations in the data contained in this application, the approved plans or the approved specifications related to the project that is the subject of this application.

Hearings on Certificate of Appropriateness applications before the Commission are quasi-judicial proceedings. Therefore, Historic District Commission members are not permitted to discuss a pending application with the applicant or other party. By signing below, the applicant agrees to refrain from speaking with or contacting any member of the Historic District Commission about an application outside of the formal evidentiary hearing on the application.

SANDRA D. DOELL	Sandra D. Doell	11 February 2020
Applicant (printed name)	**Signature**	**Date**
Property Owner	**Signature**	**Date**
(if different from above)		

SUPPLEMENTAL MATERIALS — 360 GLANDON DRIVE FENCE COA APPLICATION

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1. Written description of physical changes proposed.

This application for a Certificate of Appropriateness is submitted to the Historic District Commission in response to a **Written Notice of Violation** of the Town's Land Use Management Ordinance (LUMO) by Gene Poveromo dated September 27, 2019 which reads as follows:

> *"On September 3, 2019, I received a report of changes to a fence located on the Property. On September 22, 2019 I conducted a site inspection at the Property. I observed what appeared to be changes to the fence line, as well as possible changes to a stone wall. The observed changes occurred without a Certificate of Appropriateness from the Historic District Commission (Section 3.6.2(b)) and without a Zoning Compliance Permit (Section 4.9)."*

This application describes the nature, extent and purpose of the changes to the fence and stone wall noted above, and seeks the HDC's approval for these minor site alterations as a CONSENT AGENDA item at the next scheduled meeting.

Site Features

The site features that are the subject of this COA Application include:

√ a portion (56 linear feet) of a COMMON BOARD FENCE (6' high, 138' long) that borders the right-of-way for Evergreen Lane;

√ a GATE in the BOARD FENCE (4' wide) that provides access to Evergreen Lane;

√ a RECESSED ALCOVE in the BOARD FENCE (4' deep x 8' long) facing Evergreen Lane; and

√ remnants of a LOW STONE WALL (less than 12 inches high) at the base of a portion of the BOARD FENCE (only 25' linear feet of the 56-foot section noted above).

Condition of the Site Features (2019)

In the summer of 2019, the section of BOARD FENCE noted above (56 linear feet, including the SERVICE ALCOVE) had reached the end of its useful life span, was structurally unsound and unsuitable for limited in-kind cosmetic repairs.

Similarly, a portion of the LOW STONE WALL (15 linear feet of the 25-foot section noted above) at the base of the FENCE had also reached the end of its useful life span and was structurally unsound.

Origins of the Site Features

Neither the LOW STONE WALL, nor the COMMON BOARD FENCE, GATE and SERVICE ALCOVE noted above are historic in nature. Documentary sources (see next section, ***"2. History, context and character information"***) confirm that the LOW STONE WALL is a NON-CONTRIBUTING FEATURE that was constructed AFTER-1955 near the site of a FORMER GARAGE (1924 - 1955) which faced Evergreen Lane. Similarly, the BOARD FENCE that also borders Evergreen Lane is a NON-CONTRIBUTING FEATURE that was installed by the current owner (Sandra D. Doell) in 1979 as a replacement-in-kind for a NON-HISTORIC (POST-1955) STOCKADE FENCE that had reached the end of its useful life span.

Impetus for the Fence Project

In May of 2019, the HDC approved a Certificate of Appropriateness for the construction of a new residence on an adjacent vacant lot (370 Glandon Drive) that had been subdivided from the Doell property (360 Glandon Drive) in 2012. Since the subdivision plan approved by the Town granted the owners of the vacant lot a narrow strip of land (10' wide) ***directly behind*** the Doell's BOARD FENCE in order to connect with an OWASA SEWER LINE located within the right-of-way, access to Evergreen Lane through the BOARD FENCE in this area became ILLEGAL (Trespass) . . . and a pre-existing GATE in this location became OBSOLETE. Thus, the pending construction of a residence on the adjacent lot required RELOCATION of the OBSOLETE GATE ***a MINIMUM of 50 feet further West*** to provide convenient, legal and safe access to Evergreen Lane from the lands at 360 Glandon.

Physical Changes of Fence Project Completed to Date

This application seeks approval for the following actions that were undertaken in August of 2019, as a simple, common sense and CONGRUOUS solution to the problems noted above:

1. removal of the pre-existing GATE (4' wide) from its obsolete location;
2. demolition of dilapidated portions of the BOARD FENCE in the vicinity of the SERVICE ALCOVE;
3. in-fill of the former GATEWAY with materials salvaged from demolished portions of the fence;
4. removal of deteriorated portions (15 linear feet) of the LOW STONE WALL in the vicinity of the SERVICE ALCOVE, and the retention of a stable remnant of the WALL (10 linear feet);
5. reconstruction of the BOARD FENCE (56 linear feet) with minor alterations in alignment and configuration at a point beyond the OWASA sewer manhole, including:
    - incorporating the re-located GATE (4' wide) within the footprint of an expanded ALCOVE (from 4' x 8' to 4' x 16'); and
    - the addition of horizontal lattice strips to support existing and additional climbing vines (*Sweet-autumn clematis*) that mitigate the visual impact of the fence.

Physical Changes of Fence Project — Yet to be Completed

This application also seeks approval for the following actions necessary to complete the fence project:

1. REHABILITATION (Replacement-in-kind) of the last remaining section of the dilapidated COMMON BOARD FENCE (29 linear feet).
2. REHABILITATION of the LOW STONE WALL REMNANT (10 linear feet) in front of the RELOCATED GATE and EXPANDED ALCOVE; and
3. STABILIZATION of the remaining section of LOW STONE WALL (29 linear feet), as necessary, beneath the REHABILITATED COMMON BOARD FENCE segment noted above.

2. History, context and character information.

GIMGHOUL NEIGHBORHOOD HISTORIC DISTRICT NOMINATION (June 30, 1993):

- Statement of Significance — Applicable National Register Criteria:

  "A. Property [the Historic District] *is associated with events that have made a significant contribution to the broad patterns of our history".*

  "C. Property [the Historic District] *embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction".*

- Period of Significance:

  "1924 - 1942".

- Inventory:

  "C 35. 360 Glandon Drive. 1924. 2-story frame Colonial Revival, with door set in side bay of front, plain siding, 8/8 window sash, and flanking 1-story wings with 6/6 window sash. Three brick chimneys, full-height engaged Doric portico across central block. Built for Allan Wilson Hobbs, a professor of mathematics at UNC, and his wife Nell Blair Hobbs."

- Description:

  While the 1993 Nomination form fails to include any statement with regard to the origin, style, form, location, placement and/or materials of any FENCES (historic or otherwise) found within the Gimghoul Neighborhood, it offers the following remarks regarding LOW STONE WALLS:

"Another Chapel Hill tradition that unifies the neighborhood are the fieldstone retaining walls that line the street frontages of almost every property. This tradition began on the campus itself, and is characteristic of the early residential areas in town. The walls are made of natural fieldstone, sometimes piled loosely, sometimes mortared. These walls are said to have been built by local black masons James Blacknell and Jesse Jones. This network of stone walls is counted as a single contributing resource."

HISTORIC SANBORN FIRE INSURANCE MAPS - TOWN OF CHAPEL HILL:

- *June 1925*
- *September 1932*
- *August 1949*

All three maps (1925, 1932 and 1949) confirm the existence of a 2-story DWELLING on the central portion of the property at 360 Glandon Drive, as well as a 1-story GARAGE at the rear of the site (southwest corner) near Evergreen Lane. Thus, the COMMON BOARD FENCE and the LOW STONE WALL present on the site today were introduced ***AFTER AUGUST 1949*** and are NOT HISTORIC.

HISTORIC AERIAL PHOTOGRAPH - TOWN OF CHAPEL HILL:

- March 3, 1955

Corroborating the information contained on the three SANBORN MAPS noted above, this historic aerial photograph of the Town Chapel Hill confirms that a 1-story GARAGE with access to Evergreen Lane stood near the southwest corner of the property at 360 Glandon Drive ***UNTIL AT LEAST MARCH 3, 1955.*** Thus, the COMMON BOARD FENCE and the LOW STONE WALL present on the site today were introduced after that date and are NOT HISTORIC.

TOPOGRAPHIC MAP — UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL:

- Unknown date; possibly circa 1955

Since the content of the topographic map is nearly identical to the features visible on the 1955 aerial photograph and those illustrated on the 1949 Sanborn map, the map confirms that a 1-story GARAGE with access to Evergreen Lane stood near the southwest corner of the property at 360 Glandon Drive ***UNTIL AT LEAST MARCH 3, 1955.***

And, since this structure (the GARAGE) was NOT PRESENT on the site in 1979 when the CURRENT OWNER (Sandra D. Doell) purchased the property, the two features that are the subject of this project (a COMMON BOARD FENCE and a LOW STONE WALL) were placed on the former site of the GARAGE ***BETWEEN 1955 and 1979*** . . . and thus, are NON-HISTORIC and NON-CONTRIBUTING FEATURES of the Gimghoul Neighborhood Historic District.

3. Justification of appropriateness.

STANDARDS OF APPROPRIATENESS:

A. Height of Building — NOT APPLICABLE

B. Setback and Placement of Building — NOT APPLICABLE

C. Exterior Construction Materials
The reconstructed portions of the NON-HISTORIC COMMON BOARD FENCE (56 linear feet) are CONGRUOUS in materials (WOOD) with the remainder of the COMMON BOARD FENCE (82 linear feet) and similar utilitarian features within the Gimghoul Neighborhood Historic District.

D. Architectural Detailing — NOT APPLICABLE

E. Roof Shapes, Forms & Materials — NOT APPLICABLE

F. Fenestration Elements — NOT APPLICABLE

G. General Form & Proportion
The reconstructed portions of the NON-HISTORIC COMMON BOARD FENCE (56 linear feet) are CONGRUOUS in form and proportion with the remainder of the COMMON BOARD FENCE (82 linear feet) and with its alignment and configuration prior to any alterations.

H. Appurtenant Fixtures — NOT APPLICABLE

I. Structural Condition & Soundness
The dilapidated condition of the 40-year old fence, including the face boards, posts and rails, required a total reconstruction of the NON-HISTORIC COMMON BOARD FENCE (56 linear feet) with new materials. A structurally sound portion of the LOW STONE WALL (10 linear feet) at the base of the old fence was retained at the reconfigured ALCOVE and GATE.

J. Architectural Scale:
The reconstructed portions of the NON-HISTORIC COMMON BOARD FENCE (56 linear feet) are CONGRUOUS in scale (6' high) with the remainder of the COMMON BOARD FENCE (82 linear feet).

4. Photographs of Existing Conditions

1. PRE- AND POST-CONSTRUCTION PHOTOS - WRITTEN NOTICE OF VIOLATION (9.27.2019)

2. RECONSTRUCTED FENCE & ALCOVE LOOKING NW ALONG EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL IN CENTER OF ALCOVE

3. RECONSTRUCTED FENCE, ALCOVE & GATE LOOKING NE ALONG EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL IN CENTER OF ALCOVE

4. RECONSTRUCTED FENCE ALCOVE & GATE LOOKING NORTH FROM EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL IN CENTER OF ALCOVE OPPOSITE GATE

5. SECTION OF FENCE BEYOND ALCOVE THAT STILL REQUIRES REHABILITATION; DETERIORATING REMNANTS OF LOW STONE WALL AT BASE OF FENCE

6. FORMER GATEWAY IN-FILLED WITH WOOD SALVAGED FROM DEMOLISHED FENCE

5. Site Plan Set

1. SITE MAP - ORANGE COUNTY GIS - 360 GLANDON DRIVE
2. EXISTING CONDITIONS MAP - 360 GLANDON DRIVE
3. EXISTING CONDITIONS MAP - 360 GLANDON DRIVE - EVERGREEN LANE VICINITY

6. Elevation Drawings

NOT APPLICABLE

7. Information about Context

NOT APPLICABLE

8. Demolition/Relocation Information

DESCRIPTION OF ALTERATIONS TO STRUCTURES:

As noted above, this application seeks approval for:

1. the removal of the pre-existing GATE (4'wide) from its obsolete location;
2. the demolition of dilapidated portions of the BOARD FENCE in the vicinity of the SERVICE ALCOVE;
3. the in-fill of the former GATEWAY with materials salvaged from demolished portions of the fence;
4. the removal of deteriorated portions (15 linear feet) of the LOW STONE WALL in the vicinity of the SERVICE ALCOVE, and the retention of a stable remnant of the WALL (10 linear feet);
5. the reconstruction of the BOARD FENCE (56 linear feet) with minor alterations in alignment and configuration at a point beyond the OWASA sewer manhole, including:
   - incorporating the re-located GATE (4' wide) within the footprint of an expanded ALCOVE (from 4' x 8' to 4' x 16'); and
   - the addition of horizontal lattice strips to support existing and additional climbing vines (Sweet-autumn clematis) that mitigate the visual impact of the fence.

HISTORY OF THE STRUCTURE:

As noted above:

1. the LOW STONE WALL that borders Evergreen Lane is NOT HISTORIC; it stands on the site of a FORMER GARAGE (1924) that was demolished at an unknown date ***AFTER 1955***.
2. the COMMON BOARD FENCE that borders Evergreen Lane is NOT HISTORIC; it was installed by the current owner (Sandra D. Doell) in 1979 as a replacement-in-kind for a NON-HISTORIC (POST-1955) STOCKADE FENCE that had reached the end of its useful life span.

STRUCTURAL SOUNDNESS:

NOT APPLICABLE

RECORDS ABOUT STRUCTURE:

See "***Section 2. History, context, and character information.***"

9. MAILING NOTIFICATION LIST, MAP & FEE

UNIVERSITY OF N C, PROPERTY OFFICE UNC, CHAPEL HILL, NC, 27599

WHITTINGTON DALE, 737 GIMGHOUL RD, CHAPEL HILL, NC, 27514-3815

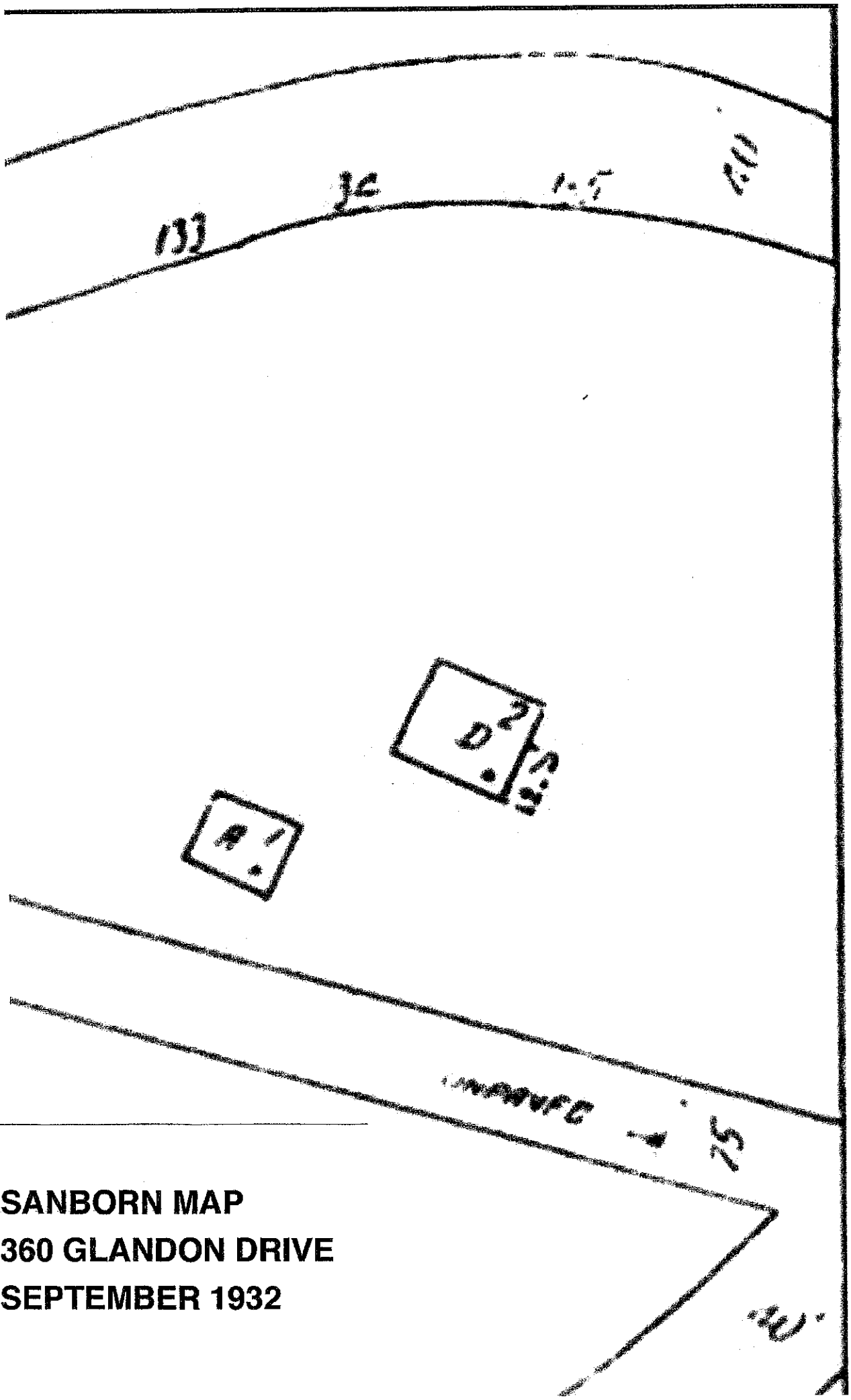
PARROTT VICKI LYNN, 739 GIMGHOUL RD, CHAPEL HILL, NC, 27514-3815

TOLEDO COURTNEY E, 300 GLANDON DR, CHAPEL HILL, NC, 27514-3818

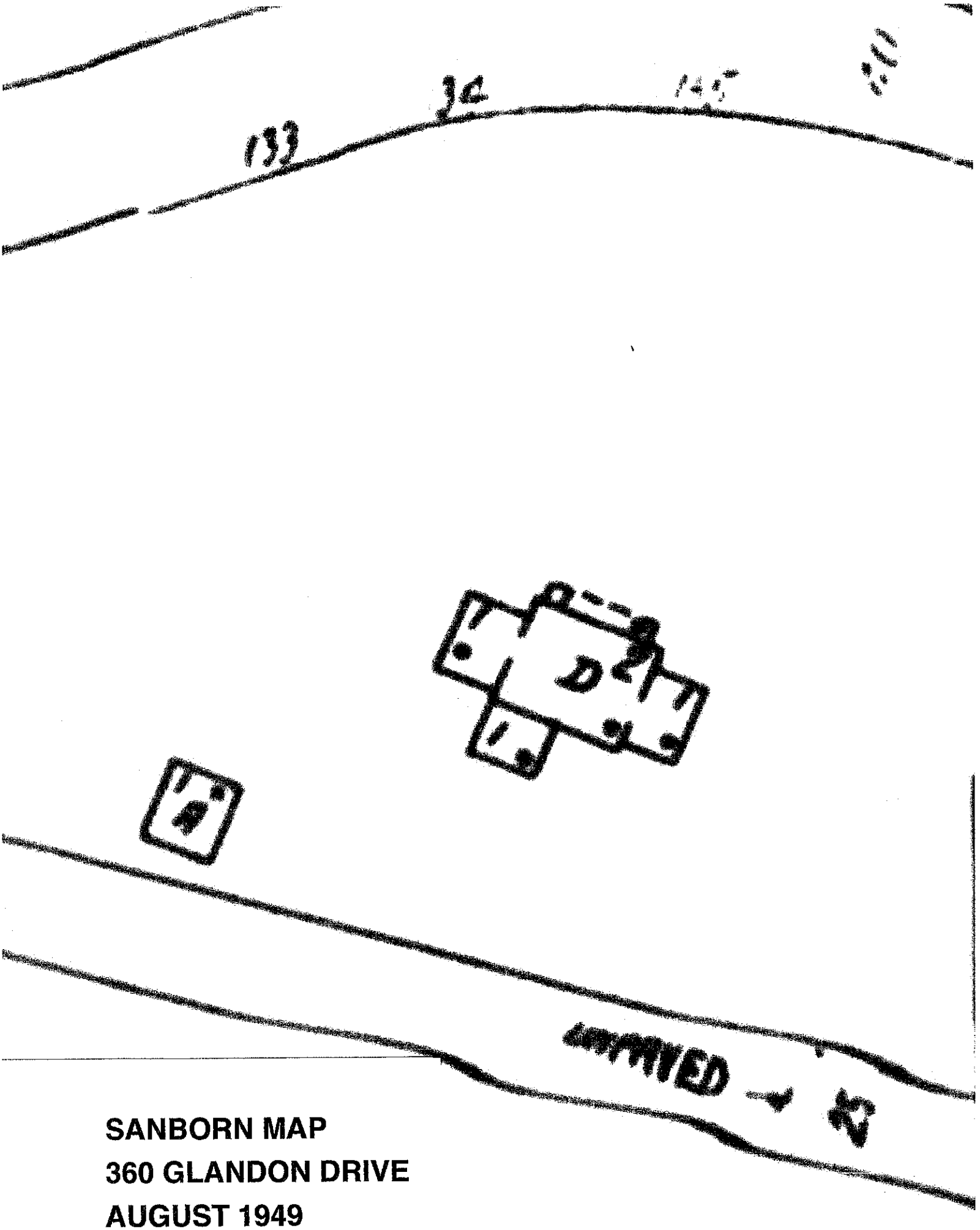
NEWTON ADRIAN J III, 741 GIMGHOUL RD, CHAPEL HILL, NC, 27514-3815

DAVIS ROBERTO A, 408 PATTERSON PL W, CHAPEL HILL, NC, 27516

SANBORN MAP
360 GLANDON DRIVE
JUNE 1925

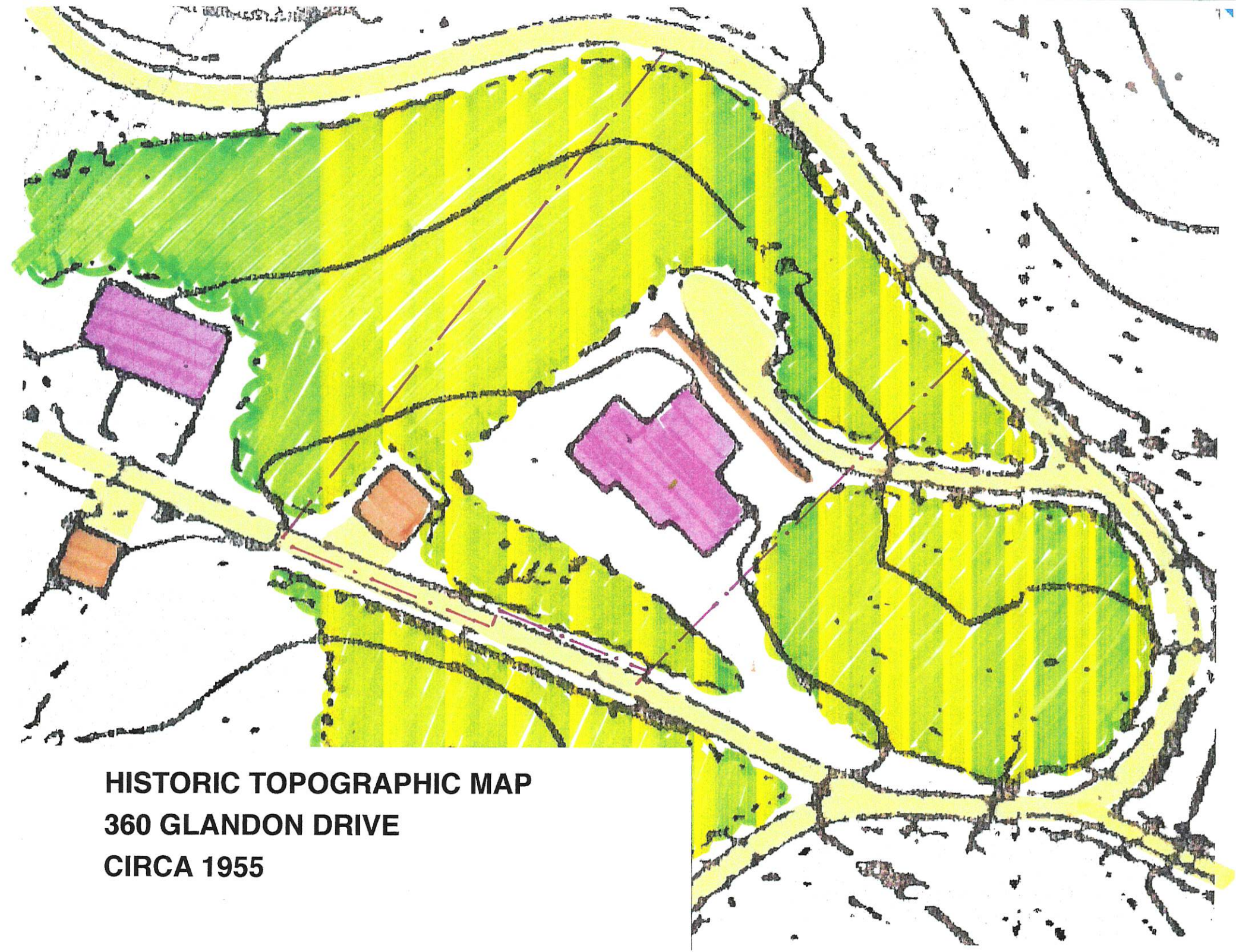


SANBORN MAP
360 GLANDON DRIVE
SEPTEMBER 1932



SANBORN MAP
360 GLANDON DRIVE
AUGUST 1949

HISTORIC AERIAL PHOTOGRAPH
360 GLANDON DRIVE
MARCH 3, 1955



HISTORIC TOPOGRAPHIC MAP
360 GLANDON DRIVE
CIRCA 1955

BUILDING AND
DEVELOPMENT SERVICES
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
phone (919) 968-2718 *fax* (919) 932-2954
www.townofchapelhill.org

September 27, 2019

Certified Mail Receipt
7015 0640 0004 6168 1292
(and regular mail)

FIRST AND FINAL WRITTEN NOTICE OF VIOLATIONS
LAND USE MANAGEMENT ORDINANCE (LUMO)
LUMO Sections 3.6.2(b), and 4.9
360 Glandon Dr. Chapel Hill, NC 27514
PIN 9788-87-8389 / Case # 201900302

Sandra & Gerald Doell
360 Glandon Dr.
Chapel Hill, NC 27514

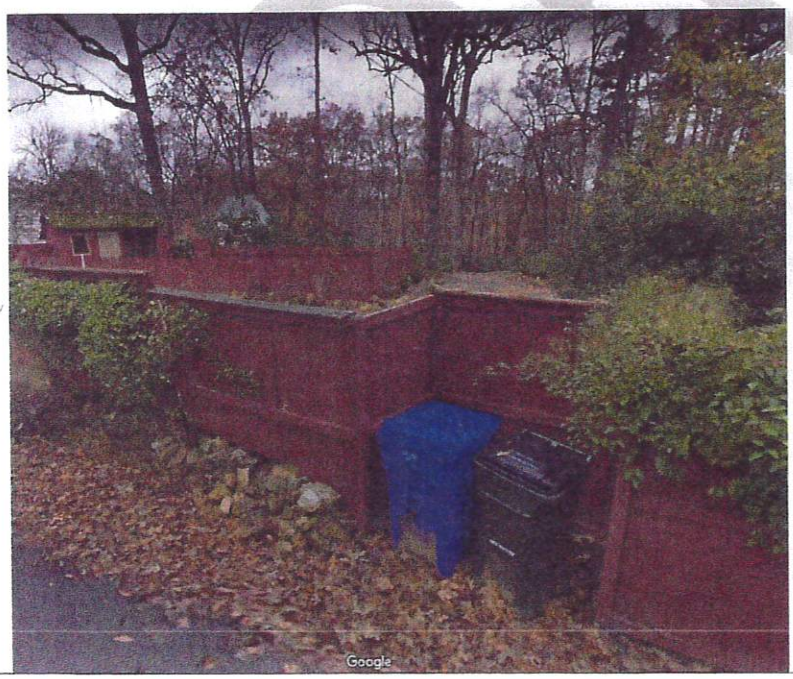
Dear Sandra and Gerald,

This notice is to advise you that your property, located at 360 Glandon Dr. (the "Property"), is in violation of the Land Use Management Ordinance (LUMO): Sections 3.6.2(b) (Certificate of Appropriateness Required), and 4.9 (Zoning Compliance Permit). This notice constitutes the **First and Final Written Notice** as outlined in Article 4.13.3 of LUMO. This is the only written notice that you will receive regarding the violation.

DESCRIPTION OF THE VIOLATION

On September 3, 2019, I received a report of changes to a fence located on the Property. On September 12, 2019 I conducted a site inspection at the Property. I observed what appeared to be changes to the fence line, as well as possible changes to a stone wall. The observed changes occurred without a Certificate of Appropriateness from the Historic District Commission (Section 3.6.2(b)) and without a Zoning Compliance Permit (Section 4.9).

Pre-construction (Google street view 2018)



Post construction (September 12, 2019 site inspection)

1. PRE- AND POST-CONSTRUCTION PHOTOS - WRITTEN NOTICE OF VIOLATION (9.27.2019)

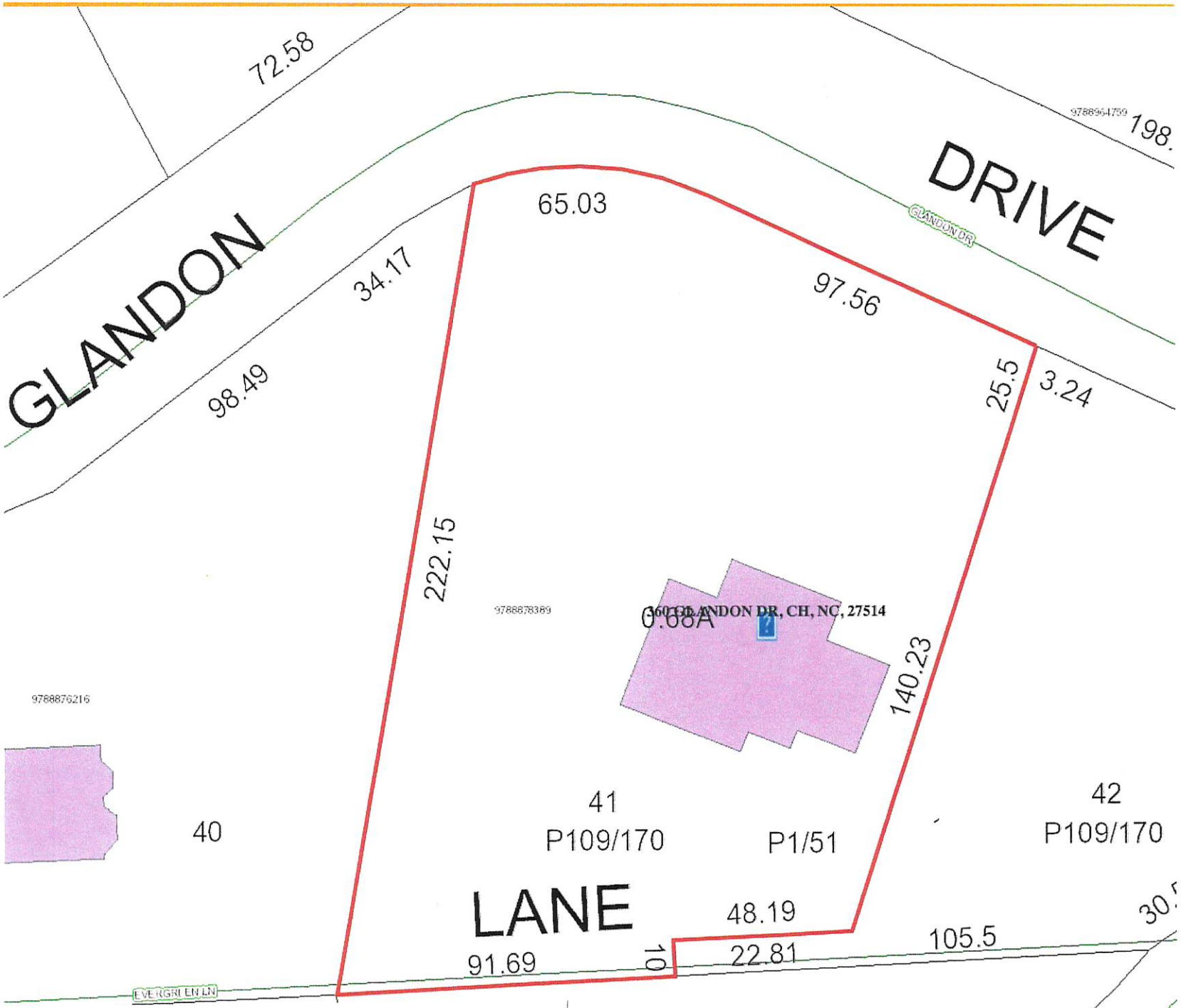
2. RECONSTRUCTED FENCE & ALCOVE LOOKING NW ALONG EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL IN CENTER OF ALCOVE

3. **RECONSTRUCTED FENCE, ALCOVE & GATE LOOKING NE ALONG EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL VISIBLE IN CENTER OF ALCOVE**

4. **RECONSTRUCTED FENCE ALCOVE & GATE LOOKING NORTH FROM EVERGREEN LANE; STABLE REMNANT OF LOW STONE WALL IN CENTER OF ALCOVE OPPOSITE GATE**

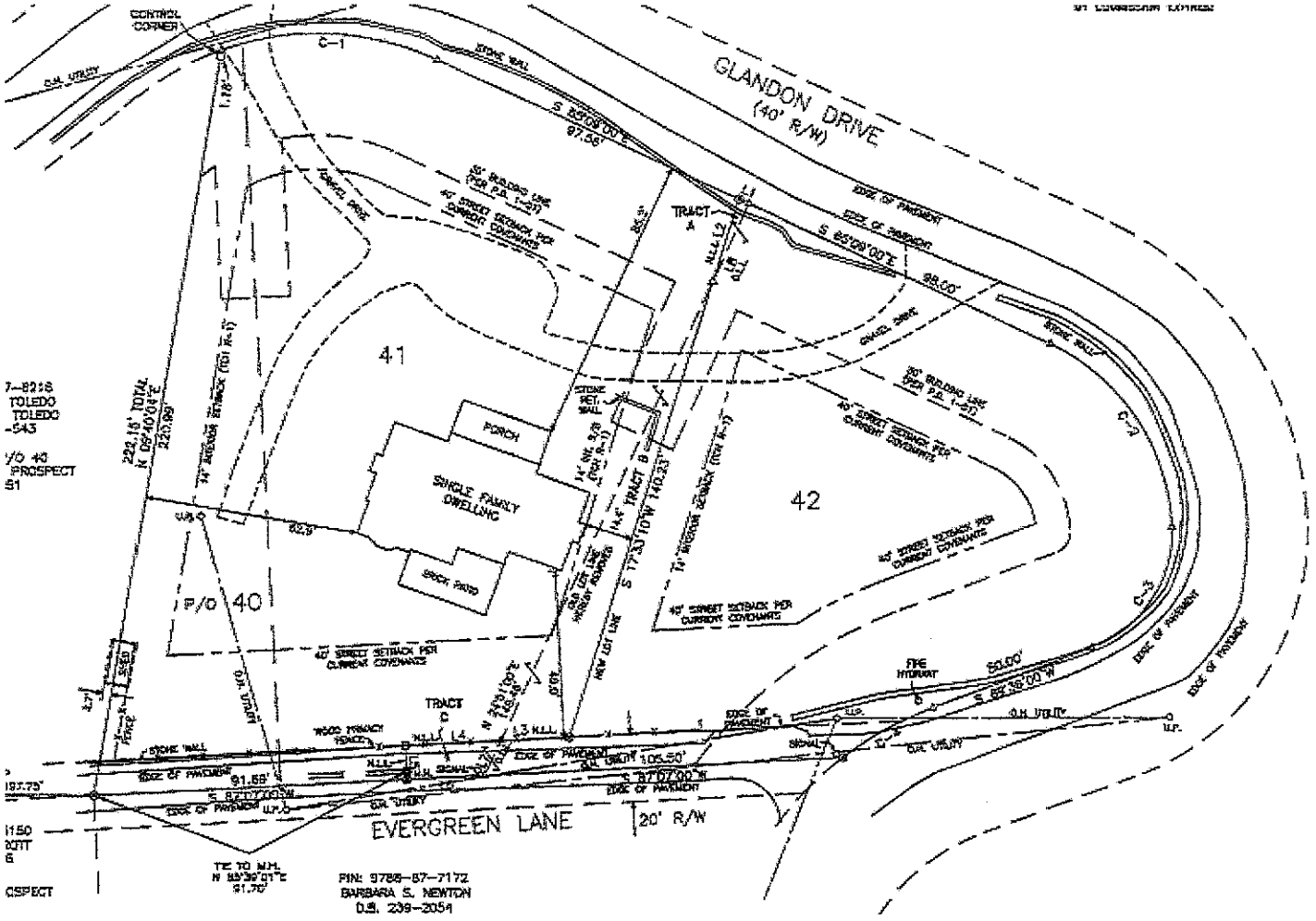
5. **SECTION OF FENCE BEYOND ALCOVE THAT STILL REQUIRES REHABILITATION; DETERIORATING REMNANTS OF LOW STONE WALL VISIBLE AT BASE OF FENCE**

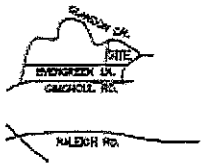
6. FORMER GATEWAY IN-FILLED WITH WOOD SALVAGED FROM DEMOLISHED FENCE



SITE MAP - ORANGE COUNTY GIS

360 GLANDON DRIVE





LOCATION MAP

ORIGINAL AREA LOT 41 & P/O 40 =		28,648 S.F.	(0.658 AC.)
- TRACT A	-	41 S.F.	(0.001 AC.)
+ TRACT B	+	1,322 S.F.	(0.030 AC.)
- TRACT C	-	254 S.F.	(0.006 AC.)
NEW LOT AREA =		29,673 S.F.	(0.681 AC.)

ORIGINAL AREA LOT 42 =		20,505 S.F.	(0.471 AC.)
+ TRACT A	+	41 S.F.	(0.001 AC.)
- TRACT B	-	1,322 S.F.	(0.030 AC.)
+ TRACT C	+	254 S.F.	(0.006 AC.)
NEW LOT AREA =		19,479 S.F.	(0.448 AC.)

PRELIMINARY--NOT FOR SALES, RECORDING OR CONVEYANCE

RECOMBINATION PLAT

PROPERTY OF
SANDRA DUNPHY DOELL
(formerly Sandra M. Dunphy)
and
GERALD ALLAN DOELL

PROPERTY ADDRESS: 360 GLANDON DRIVE

P/O LOT 40 & LOT 41
GIMGHOUL PINEY PROSPECT DEVELOPMENT
PIN REFERENCE: 9788-87-8379
DEED REFERENCE: 5238-90
PLAT REFERENCE: 1-51

LOT 42
GIMGHOUL PINEY PROSPECT DEVELOPMENT
PIN REFERENCE: 9788-97-0315
DEED REFERENCE: 5238-90
PLAT REFERENCE: 1-51

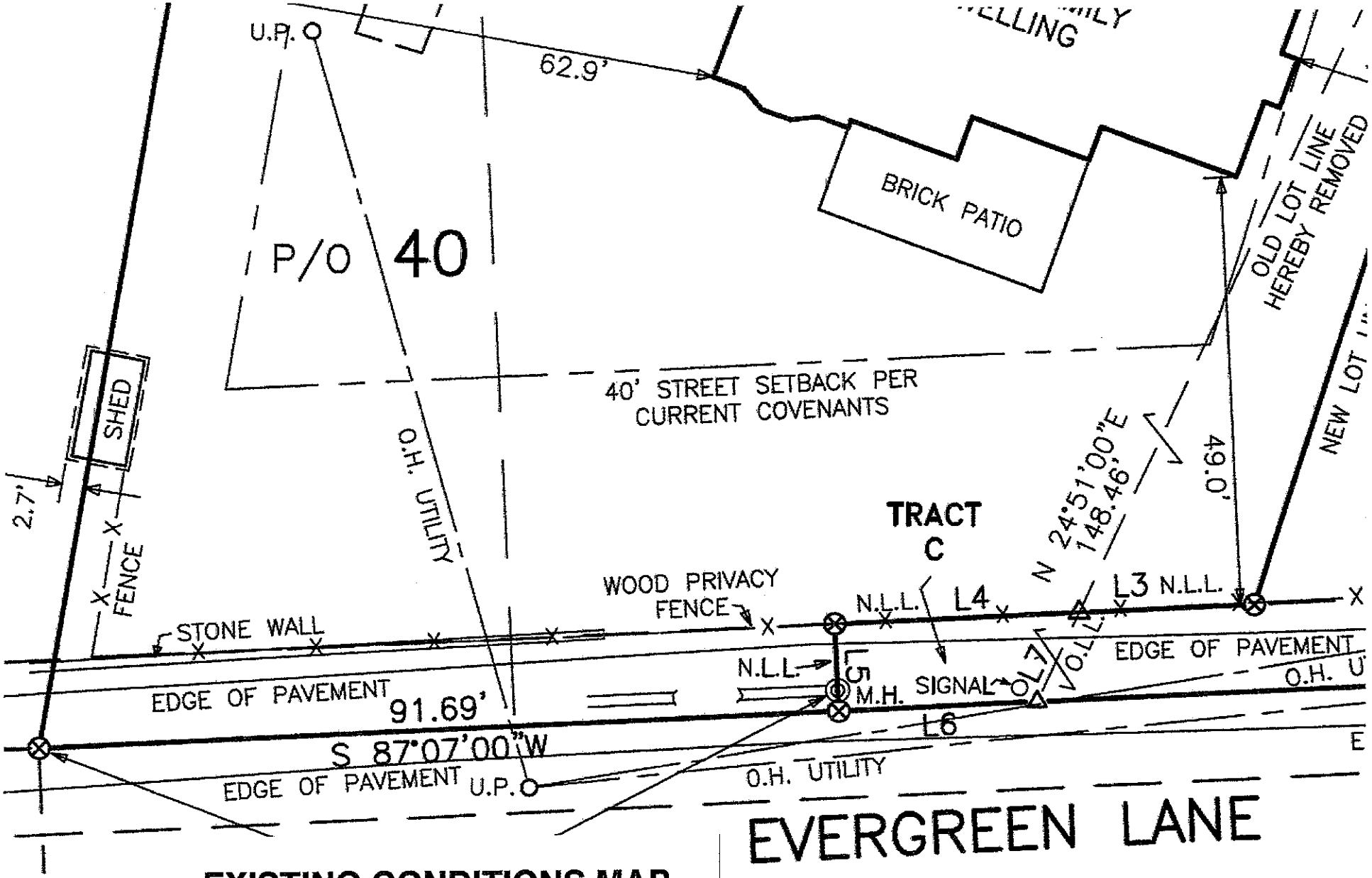
OWNER'S ADDRESS
SANDRA DUNPHY DOELL
GERALD ALLAN DOELL
360 GLANDON DRIVE
CHAPEL HILL, NC 27514

CHAPEL HILL TOWNSHIP
ORANGE COUNTY,
NORTH CAROLINA

SCALE: 1" = 30'

OCT. 25, 201

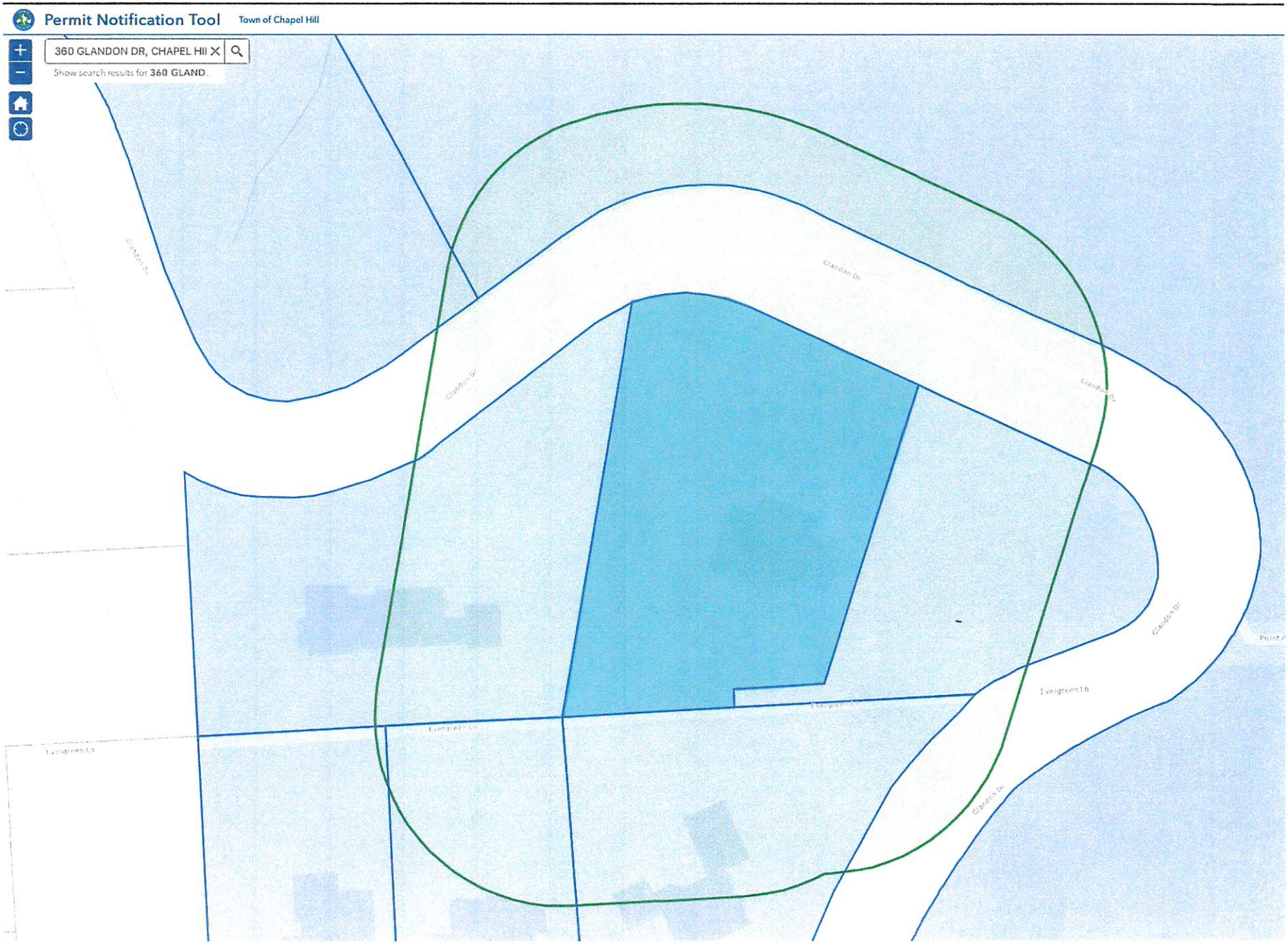
EXISTING CONDITIONS MAP
360 GLANDON DRIVE



EXISTING CONDITIONS MAP

360 GLANDON DRIVE

EVERGREEN LANE VICINITY


Permit Notification Tool
Town of Chapel Hill
360 GLANDON DR, CHAPEL HI
Show search results for 360 GLAND...
Glandon Dr
Glandon Dr
Glandon Dr
Glandon Dr
Glandon Dr
Evergreen Ln
Evergreen Ln
Evergreen Ln
Evergreen Ln

Additional Photos
Pre-Construction, c. 2012

Gmail

OLD FENCE PHOTOS - 2012-2013

1 message

Gerald Allan Doell
To: Gerald Allan Doell

Fri, Jan 10, 2020 at 11:27 AM

5 attachments

IMG_0275.jpeg
302K

IMG_0278 copy.jpg
518K

IMG_1281.jpg
821K

IMG_0558.jpg
899K

IMG_0278.jpg
1084K

C 34. 300 Glandon Drive. 1939. 2-story brick Colonial Revival with recessed side bay entrance, truncated upper story with plain siding and upper windows in wall dormers, 6/6 sash windows, lunette windows in gables, exterior and interior brick chimneys and original 1-story brick side wing. Built for William P. and Treva Richardson by contractors Tillman and Horner, from a design by architect George Hackney of Durham. William was a professor of public health at UNC.

C 35. 360 Glandon Drive. 1924. 2-story frame Colonial Revival, with door set in side bay of front, plain siding, 8/8 window sash, and flanking 1-story wings with 6/6 window sash. Three brick chimneys, full-height engaged Doric portico across central block. Built for Allan Wilson Hobbs, a professor of mathematics at UNC, and his wife Nell Blair Hobbs.

Ridge Lane, east side

C 36. 106 Ridge Lane. 1924. 1-story frame house of Colonial Revival style, with a hip roof, a mixture of window sashes (including sets of tripled 4/4, 8/8 and 6/6 sash), two interior brick chimneys, plain siding, generously proportioned corner-boards and friezeboards, and wide window and door trim. The house was built as a duplex by T. C. Atwood, the supervising architect at UNC in the 1920s, to house several of the workers of his firm, Atwood and Nash. The present entrance is located on the side facing Gimghoul Road, and is fronted by a Doric entrance stoop with paneled posts. The 1925 Sanborn Map shows two small entrance porches, one facing Ridge Lane, the other facing Evergreen Lane, which apparently have been replaced by the current entrance. The house remained a duplex until the 1970s, when it was converted to a single family house.

Book 109 Page 170

20120202000024590 1/1

20120202000024590 PLAT
Bk:PL109 Pg:170
02/02/2012 10:21:21 AM 1/1

RECORDING OF THIS DOCUMENT DOES NOT REQUIRE SUBDIVISION APPROVAL OF THE TOWN OF CHAPEL HILL, AS PROVIDED IN SECTION 4.6.1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE.

2/2/2012
(DATE)

FILED Deborah B. Brooks
Register of Deeds, Orange Co,NC
Recording Fee: $21.00
NC Real Estate TX: $.00

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Michael R Boyd Town Sr., REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER
ORANGE COUNTY LAND RECORDS / GIS

DATE OF CERTIFICATION: 2-2-2012

CERTIFICATE OF OWNERSHIP

WE, THE OWNERS OF THIS PROPERTY, HEREBY APPROVE THIS PLAN OF RECOMBINATION AND HEREBY DEDICATE THE OWASA WATER AND SEWER EASEMENT SHOWN HEREON.

30 January 2012 Sandra Dunphy Doell
DATE

Gerald Allan Doell

NORTH CAROLINA
COUNTY OF ORANGE

I, Amie M. Pica, A NOTARY PUBLIC FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT THE FOLLOWING PERSON(S) PERSONALLY APPEARED BEFORE ME THIS DAY, ACKNOWLEDGING TO ME THAT HE OR SHE VOLUNTARILY SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED.

1/30/12
DATE:

NOTARY PUBLIC
MY COMMISSION EXPIRES: 6/23/2013

AMIE M. PICA NOTARY PUBLIC HARNETT COUNTY, N.C.

I, CHARLES R. BILLINGS, HEREBY CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCES AS NOTED HEREON); THAT THE ERROR OF CLOSURE CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION AS NOTED; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY:
A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
C. ANY ONE OF THE FOLLOWING:
1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE IN AN EXISTING STREET;
2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
3. THAT THE SURVEY IS A CONTROL SURVEY.
✓D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF JANUARY, A.D. 2012.

CHARLES R. BILLINGS PROFESSIONAL LAND SURVEYOR

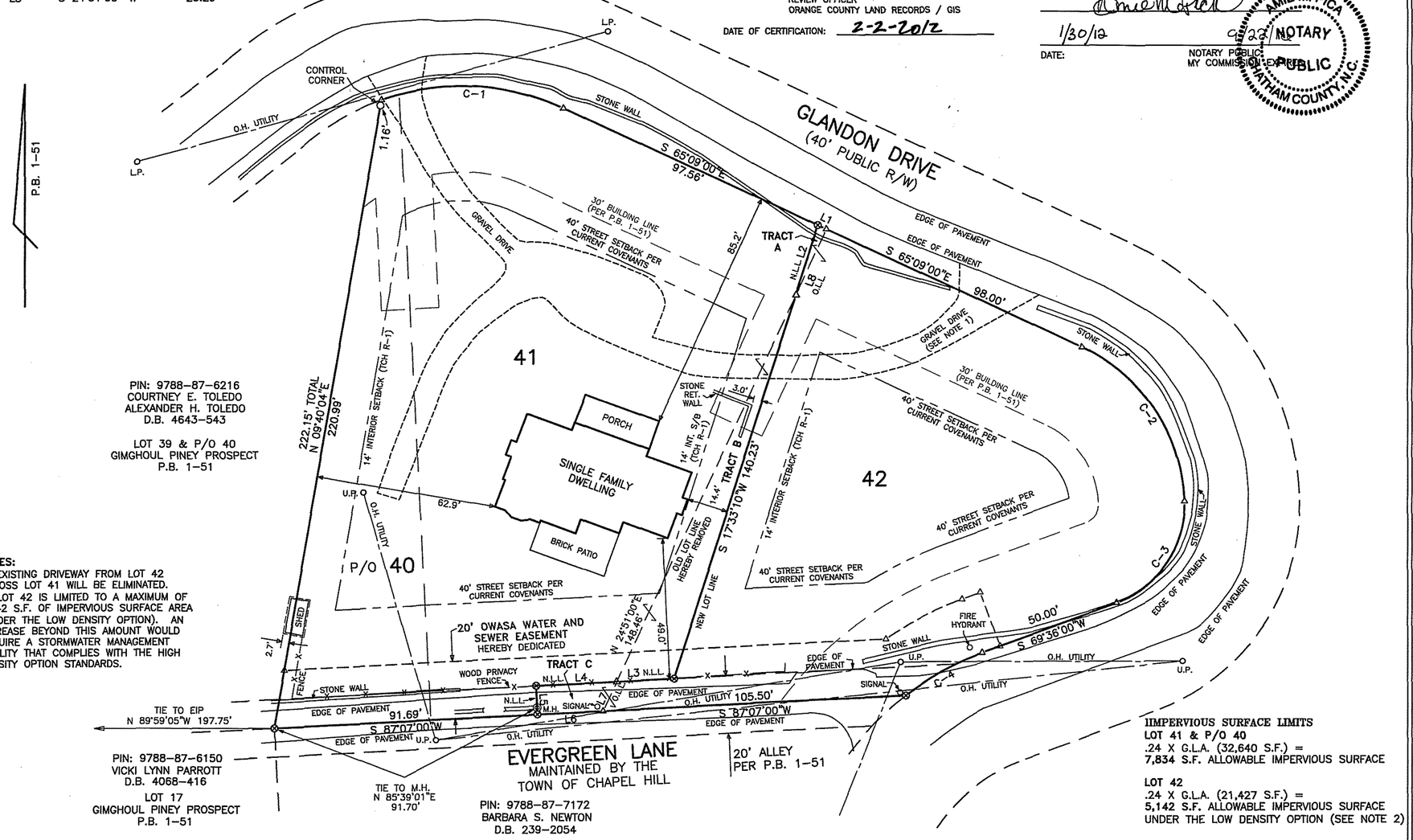
NORTH CAROLINA PROFESSIONAL SEAL L-2711 LAND SURVEYOR CHARLES R. BILLINGS

CURVE TABLE

Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	84.00'	65.03'	44°21'19"	63.42'	S 87°19'40" E
C-2	61.80'	67.96'	63°00'16"	64.58'	S 33°38'52" E
C-3	36.40'	45.58'	71°44'44"	42.66'	S 33°43'38" W
C-4	101.00'	30.50'	17°18'08"	30.38'	S 60°56'56" W

CALL TABLE

Course	Bearing	Distance
L1	S 65°09'00" E	3.24'
L2	S 17°33'10" W	25.50'
L3	S 87°07'00" W	20.12'
L4	S 87°07'00" W	28.07'
L5	S 02°53'00" E	10.00'
L6	S 87°07'00" W	22.81'
L7	S 24°51'00" W	11.30'
L8	S 24°51'00" W	25.29'



PIN: 9788-87-6216
COURTNEY E. TOLEDO
ALEXANDER H. TOLEDO
D.B. 4643-543

LOT 39 & P/O 40
GIMGHOUL PINEY PROSPECT
P.B. 1-51

PIN: 9788-87-6150
VICKI LYNN PARROTT
D.B. 4068-416

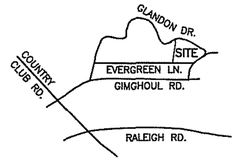
LOT 17
GIMGHOUL PINEY PROSPECT
P.B. 1-51

PIN: 9788-87-7172
BARBARA S. NEWTON
D.B. 239-2054

LOT 16
GIMGHOUL PINEY PROSPECT
P.B. 1-51

NOTES:
1) EXISTING DRIVEWAY FROM LOT 42 ACROSS LOT 41 WILL BE ELIMINATED.
2) LOT 42 IS LIMITED TO A MAXIMUM OF 5,142 S.F. OF IMPERVIOUS SURFACE AREA (UNDER THE LOW DENSITY OPTION). AN INCREASE BEYOND THIS AMOUNT WOULD REQUIRE A STORMWATER MANAGEMENT FACILITY THAT COMPLIES WITH THE HIGH DENSITY OPTION STANDARDS.

LEGEND:
- ○ IRON FOUND
- ⊠ IRON SET
- △ CALC. CORNER
- □ CONC. MONU.
- O.L.L. OLD LOT LINE HEREBY REMOVED
- N.L.L. NEW LOT LINE



LOCATION MAP

ORIGINAL AREA LOT 41 & P/O 40 =	28,646 S.F.	(0.658 AC.)
- TRACT A	- 41 S.F.	(0.001 AC.)
+ TRACT B	+ 1,322 S.F.	(0.030 AC.)
- TRACT C	- 254 S.F.	(0.006 AC.)
NEW LOT AREA = (NET LAND AREA)	29,673 S.F.	(0.681 AC.)
GROSS LAND AREA =	32,640 S.F.	(0.749 AC.)

ORIGINAL AREA LOT 42 =	20,506 S.F.	(0.471 AC.)
+ TRACT A	+ 41 S.F.	(0.001 AC.)
- TRACT B	- 1,322 S.F.	(0.030 AC.)
+ TRACT C	+ 254 S.F.	(0.006 AC.)
NEW LOT AREA = (NET LAND AREA)	19,479 S.F.	(0.448 AC.)
GROSS LAND AREA =	21,427 S.F.	(0.493 AC.)

IMPERVIOUS SURFACE LIMITS
LOT 41 & P/O 40
.24 X G.L.A. (32,640 S.F.) =
7,834 S.F. ALLOWABLE IMPERVIOUS SURFACE

LOT 42
.24 X G.L.A. (21,427 S.F.) =
5,142 S.F. ALLOWABLE IMPERVIOUS SURFACE UNDER THE LOW DENSITY OPTION (SEE NOTE 2)

EXISTING IMPERVIOUS SURFACE
LOT 41 & P/O 40

HOUSE (INCL. PORCH) =	2,211 S.F.
CONCRETE PATIO =	368
GRAVEL DRIVE =	3,052
SHED =	95
PAVEMENT = (EVERGREEN LN.)	639
TOTAL =	**6,365 S.F.**

LOT 42

GRAVEL DRIVE =	751 S.F.
PAVEMENT = (EVERGREEN LN.)	1,003
TOTAL =	**1,754 S.F.**

PARENTS (SEE BELOW)
DUMMY MERGE = 9788879337
P/O 40 + 41 = 9788878389
42 = 9788970325 mab

RECOMBINATION PLAT

PROPERTY OF
SANDRA DUNPHY DOELL
(formerly Sandra M. Dunphy)
and
GERALD ALLAN DOELL

PROPERTY ADDRESS: 360 GLANDON DRIVE
LOT 41 & P/O LOT 40
GIMGHOUL PINEY PROSPECT DEVELOPMENT
PIN REFERENCE: 9788-87-8379 mab
DEED REFERENCE: 5238-90
PLAT REFERENCE: 1-51

PROPERTY ADDRESS: 370 GLANDON DRIVE
LOT 42
GIMGHOUL PINEY PROSPECT DEVELOPMENT
PIN REFERENCE: 9788-97-0315 mab
DEED REFERENCE: 5238-90
PLAT REFERENCE: 1-51

OWNER'S ADDRESS
SANDRA DUNPHY DOELL
GERALD ALLAN DOELL
360 GLANDON DRIVE
CHAPEL HILL, NC 27514

CHAPEL HILL TOWNSHIP
ORANGE COUNTY
NORTH CAROLINA

REV: JAN. 24, 2012
REV: JAN. 4, 2012
OCT. 25, 2011

SCALE: 1" = 30'

FREEHOLD LAND SURVEYS, INC.
113 W. MAIN STREET
P.O. BOX 188, CARRBORO, NC 27510
PHONE 919-929-8090
FAX 919-942-0698
CHARLES R. BILLINGS PROFESSIONAL LAND SURVEYOR L-2711

J4111

Book 109 Page 170

BUILDING AND
DEVELOPMENT SERVICES
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
phone (919) 968-2718 *fax* (919) 932-2954
www.townofchapelhill.org

January 13, 2020

FIRST AND FINAL WRITTEN NOTICE OF VIOLATIONS
LAND USE MANAGEMENT ORDINANCE (LUMO)
LUMO Sections 3.6.2(b), and 4.9
360 Glandon Dr. Chapel Hill, NC 27514
PIN 9788-87-8389 / Case # 201900302

Sandra & Gerald Doell
360 Glandon Dr.
Chapel Hill, NC 27514

Dear Sandra and Gerald,

This notice is to advise you that your property, located at 360 Glandon Dr. (the "Property"), is in violation of the Land Use Management Ordinance (LUMO): Sections 3.6.2(b) (Certificate of Appropriateness Required), and 4.9 (Zoning Compliance Permit). This notice constitutes the **First and Final Written Notice** as outlined in Article 4.13.3 of LUMO. This is the only written notice that you will receive regarding the violation.

DESCRIPTION OF THE VIOLATION

On September 3, 2019, I received a report of changes to a fence located on the Property. On September 12, 2019 I conducted a site inspection at the Property. I observed what appeared to be changes to the fence line, as well as possible changes to a stone wall. The observed changes occurred without a Certificate of Appropriateness from the Historic District Commission (Section 3.6.2(b)) and without a Zoning Compliance Permit (Section 4.9).

Pre-construction (Google street view 2018)

Post construction (September 12, 2019 site inspection)

In order to bring the Property into compliance, and to stay addition enforcement action, the **following actions must be taken as outlined below:**

COMPLIANCE STEPS
1. **Within ten (10) days of receipt of this notice,** remit payment of $200.00 (see attached Invoice #0302-01132020-360SG13) for the violations of the Land Use Management Ordinance (Sections 3.6.2(b), 4.9); and
2. **Within thirty (30) days of receipt of this notice,** submit a Certificate of Appropriateness application to the Chapel Hill Inspections and Development Services Department for all unauthorized exterior changes.

If you fail to take the necessary steps as outlined above, within the timelines specified, in order to bring the Property into compliance with the Land Use Management Ordinance, you will be subject to the imposition of penalties, **for each day** that the violation exists, **for each separate violation.** Penalties will accrue daily until the property is brought into compliance per Section 4.13 of the Land use Management Ordinance.

Note that this determination of violation and order may be appealed to the Board of Adjustment in accordance with Section 4.10 of the Land Use Management Ordinance (attached). An application for appeal must be filed within **thirty (30) days of receipt of this letter.** Should you have any questions regarding the Board of Adjustment process, please contact Senior Planner Jake Lowman at jlowman@townofchapelhill.org. If there are any further questions pertaining to the contents of this letter, or complying with the ordinances as outlined above, please contact me at gpoveromo@townofchapelhill.org or 919-969-5069.

Sincerely,

Gene Poveromo
Zoning/Code Enforcement Coordinator
Attachments

Cc: Judy Johnson, Operations Manager
Anya Grahn, Senior Planner
Becky McDonnell, Planner II
Jake Lowman, Senior Planner

FINANCE
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

phone (919) 968-2712 *fax* (919) 969-2017
www.townofchapelhill.org

INVOICE: #0302-01132020-360SD13 **DATE:** January 13, 2020

INCIDENT: # 201900302

PROPERTY ADDRESS/PIN: 360 Glandon Dr. Chapel Hill NC 27514 PIN 9788-87-8389

FROM: Development Services- Building
Attn: Code Enforcement
TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR. BLVD
CHAPEL HILL, NC 27514
PH. (919)969-5069

TO: VIOLATOR: Sandra and Gerald Doell
360 Glandon Dr.
Chapel Hill, NC 27514

BASIS FOR INVOICE: Zoning Violations: Sections 3.6.2(b) and 4.9 of the Town of Chapel Hill Land Use Management Ordinance (LUMO)

Section 4.13.4 of the Land Use Management Ordinance states:

(a) Any violation of any provision of any article of the Chapel Hill Land Use Management Ordinance shall constitute a misdemeanor and shall subject the violator to a penalty of five hundred dollars ($500.00) or imprisonment for not more than thirty (30) days.

(b) Any act constituting a violation of this appendix shall also subject the offender to a civil penalty of one hundred dollars ($100.00). If the offender fails to pay the penalty within the (10) days of receiving final written notice of a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the board of adjustment if the offender received a final written notice of violation and did not appeal to the board of adjustment within the time limit prescribed in section 4.10 of this chapter.

The violation of any provision of this Land Use Management Ordinance shall also subject the offender to a civil penalty of on e hundred dollars ($100.00) for the first offense.

The violation of any provision of this Land Use Management Ordinance shall also subject the repeat offender to a civil penalty of two hundred and fifty dollars ($250.00) for any second additional offense within one hundred eighty (180) days.

The violation of any provision of this Land Use Management Ordinance shall also subject the repeat offender to a civil penalty of five hundred dollars ($500.00) for any third and any additional offense within three hundred sixty-five (365) days.

Each day that any violation continues shall constitute a separate violation and a separate offense for the purposes of imposition of penalties. In addition to using any one, all, or any combination of the foregoing penalties and other remedies provided, the town manger may institute and appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this chapter.

A civil penalty may not be appealed to the board of adjustment if the offender received a final written notice of violation a nd did not appeal to the board of adjustment within the time limit prescribed in section 4.10 of this chapter.

(c) Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(d) In addition to the penalties and remedies above, the town manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this appendix.

TOTAL DUE: $100.00 x 2 count: **$200.00**

PLEASE REMIT TO: REVENUE COLLECTOR
TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR. BLVD
CHAPEL HILL, NC 27514
PH. (919) 968-2759

PAYMENT DUE UPON RECEIPT

FAILURE TO COMPLY: FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN FURTHER PROCEEDINGS IN ACCORDANCE WITH SECTION 4.13.4 OF THE TOWN OF CHAPEL HILL LAND USE MANAGEMENT ORDINANCE

This debt must be paid in full within 30 days from the date of this letter or the Town of Chapel Hill may take further action to collect the debt.

Copy of Section 4.10 of the Land Use Management Ordinance, Town of Chapel Hill, NC

- **4.10. - Appeals.**

  - *4.10.1. Applicability.*

(a)

Any decision of the town manager made in the administration of the provisions of this appendix may be appealed to the board of adjustment by any person aggrieved by such decision. Any decision of the planning commission in granting or denying site plan approval may be appealed to the board of adjustment as a new case. Any decision of the historic district commission in granting or denying a certificate of appropriateness may be appealed to the board of adjustment and shall be reviewed on the record. Any decision of the community design commission may be appealed to the board of adjustment as a new case.

(b)

An application for appeal shall be filed, with the town clerk, within thirty (30) days of the filing of the decision being appealed or the delivery of any required written notice of the decision, whichever is later by the owner or other party. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

4.10.2. Stay of further action. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

4.10.3. Procedures for Appeals. In the case of applications for appeal, the Applicant shall bear the burden of presenting evidence sufficient to establish conclusively that there is an error in the determination of the town manager. A record of the proceedings of the hearing shall be made and shall include all documentary evidence presented at the hearing.

(Ord. No. 2013-09-23/O-2.1, § 2; Ord. No. 2014-03-10/O-2, § 3 ; Ord. No. 2015-04-13/O-2, §§ 1, 2)

Copy of Section 4.13.4 of the Land Use Management Ordinance, Town of Chapel Hill, NC [https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART4PR_4.13VIPE[

- **4.13. - Violation and penalties.**
  - *4.13.1. Violations.*

Whenever, by the provisions of this appendix, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land, or on the erection, alteration, or the use or change of use of a structure, a failure to comply with such provisions shall constitute a violation of this appendix.

4.13.2. Liability.

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this appendix may be held responsible for the violation and be subject to the penalties and remedies provided herein.

4.13.3. Procedures Upon Discovery of Violations.

(a)

Upon the determination that any provision of this appendix is being violated, the town manager shall send a written notice by personal service or by certified mail, return receipt requested, to the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the town manager's discretion.

(b)

The final written notice, which may also be the initial notice, shall state the action the town manager intends to take if the violation is not corrected, and shall advise that the town manager's order may be appealed to the board of adjustment as provided in section 4.10 of this appendix.

(c)

In cases when delay would seriously threaten the effective enforcement of this appendix, or pose a danger to the public health, safety, or general welfare, the town manager may seek enforcement without prior written notice by invoking any of the penalties or remedies contained in subsection 4.13.4.

4.13.4. Penalties and Remedies.

(a)

Any violation of any provision of any article of the Chapel Hill Land Use Management Ordinance shall constitute a misdemeanor and shall subject the violator to a penalty of five hundred dollars ($500.00) or imprisonment for not more than thirty (30) days.

(b)

Any act constituting a violation of this appendix shall also subject the offender to a civil penalty of one hundred dollars ($100.00). If the offender fails to pay the penalty within the (10) days of receiving final written notice of a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the board of adjustment if the offender received a final written notice of violation and did not appeal to the board of adjustment within the time limit prescribed in section 4.10 of this chapter.

The violation of any provision of this Land Use Management Ordinance shall also subject the offender to a civil penalty of one hundred dollars ($100.00) for the first offense.

The violation of any provision of this Land Use Management Ordinance shall also subject the repeat offender to a civil penalty of two hundred and fifty dollars ($250.00) for any second additional offense within one hundred eighty (180) days.

The violation of any provision of this Land Use Management Ordinance shall also subject the repeat offender to a civil penalty of five hundred dollars ($500.00) for any third and any additional offense within three hundred sixty-five (365) days.

Each day that any violation continues shall constitute a separate violation and a separate offense for the purposes of imposition of penalties. In addition to using any one, all, or any combination of the foregoing penalties and other remedies provided, the town manger may institute and appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this chapter.

A civil penalty may not be appealed to the board of adjustment if the offender received a final written notice of violation and did not appeal to the board of adjustment within the time limit prescribed in section 4.10 of this chapter.

(c)

Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(d)

In addition to the penalties and remedies above, the town manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this appendix.

4.13.5. Violations within Resource Conservation District.

See subsection 3.6.3.

(Ord. No. 2013-06-24/O-10, § 1)

Materials added into the record at the 6.15.2020 HDC Meeting

PROPOSED FINDINGS OF FACT CORRECTIONS:

Finding 3. Sentence 3:

The strip of land that was included as part of the new lot for 370 Glandon caused the existing wood privacy fence and stone wall to trespass on the new lot.

CORRECTION:

THERE WAS NO STONE WALL EVEN CLOSE TO THIS AREA.

Finding 3. Sentence 4, end of paragraph:

The owners relocated the fence to their property at 360 Glandon.

CORRECTION:

THE FENCE WAS ALWAYS THERE; ONLY THE GATE HAD TO BE RELOCATED FURTHER DOWN EVERGREEN LANE FOR US TO EXIT OUR PROPERTY SO AS NOT TO TRESPASS.

APPLICABLE DESIGN GUIDELINES

Walls and Fences (page 17):

CORRECTION:

Items 1 through 4 should be deleted as NO HISTORIC FABRIC is involved.

Applicant's definition of **"historic"**:

The stone wall was not erected during the time of the Gimghoul neighborhood's period of significance (1924-1942) for its nomination to the National Register of Historic Places. It was built after 1955.

The only mention of "fieldstone retaining walls" in the Nomination are the ones that "line the street FRONTAGES of almost every property."

Streets, as noted in the Nomination, are only Gimghoul Road and Glandon Drive. Evergreen Lane is noted as a "service alley."

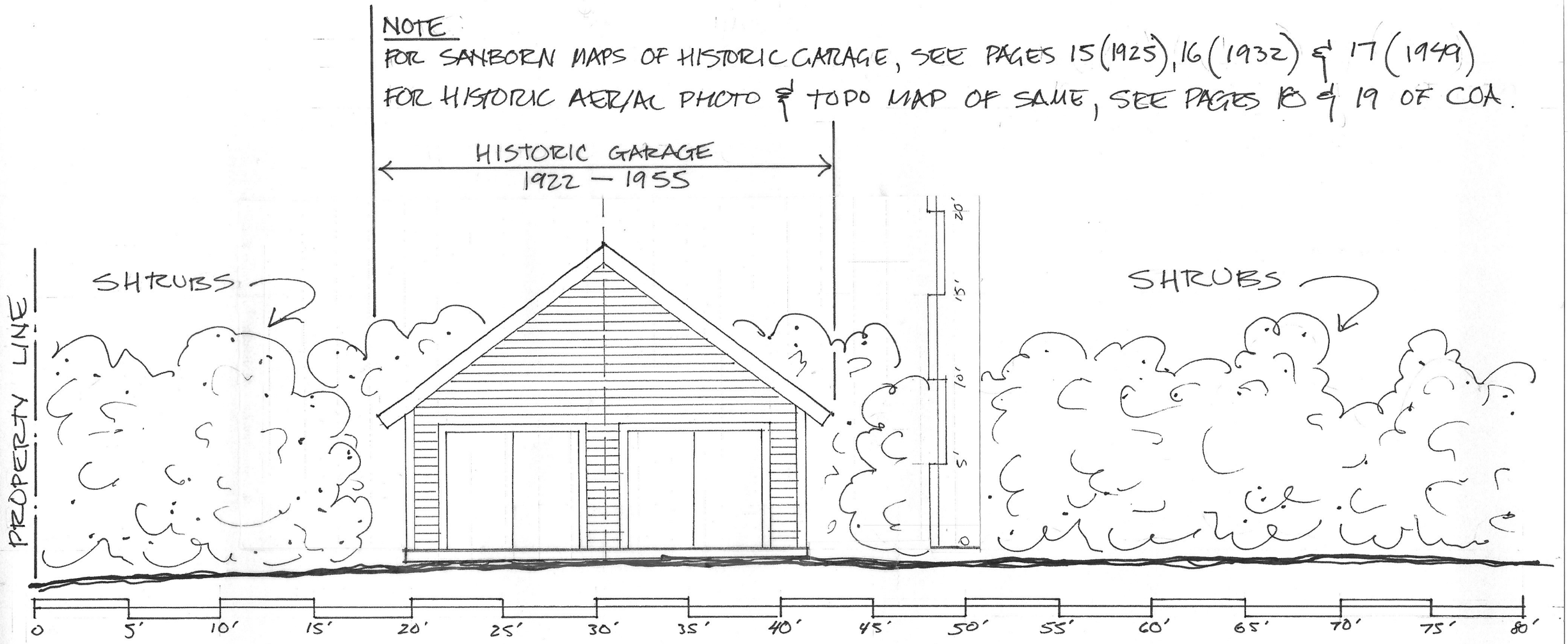


FIGURE 1: SITE OF HISTORIC GARAGE (1922-1955) ALONG EVERGREEN LANE

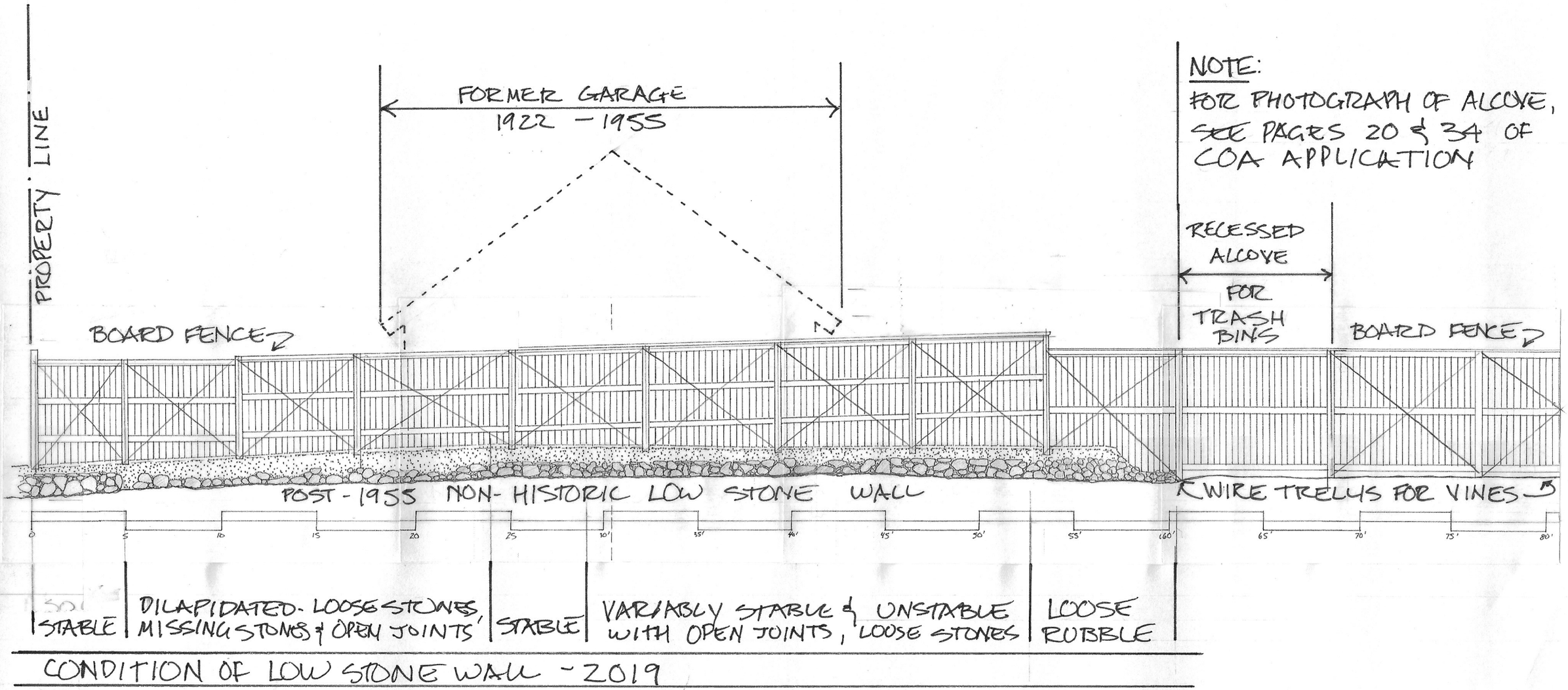


FIGURE 2: EXISTING CONDITION (2019) OF NON-HISTORIC LOW STONE WALL (POST-1955) AND NON-HISTORIC BOARD FENCE (POST-1979) ALONG EVERGREEN LANE

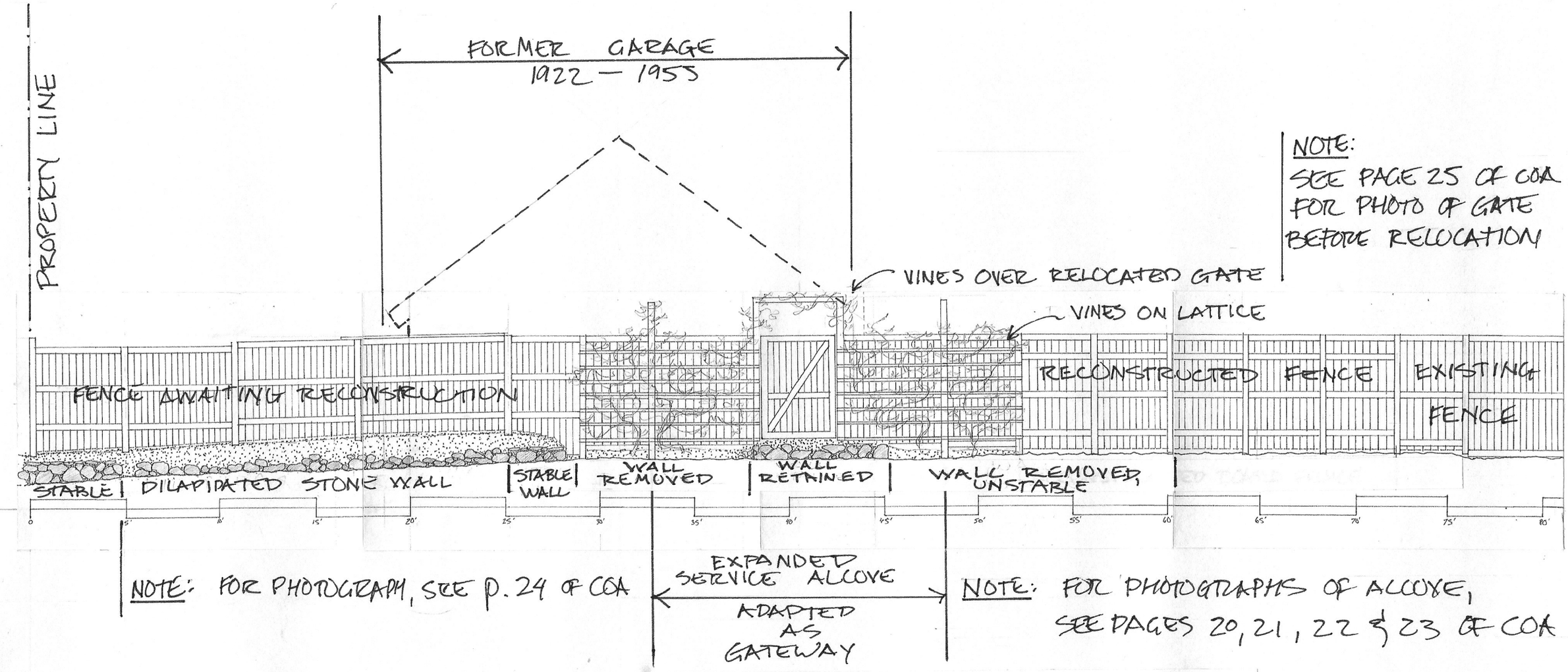


FIGURE 3: PORTIONS OF NON-HISTORIC BOARD FENCE *RECONSTRUCTED* IN 2019 (INCLUDING RELOCATED GATE) AND PORTIONS OF NON-HISTORIC LOW STONE WALL *REMOVED* IN 2019.

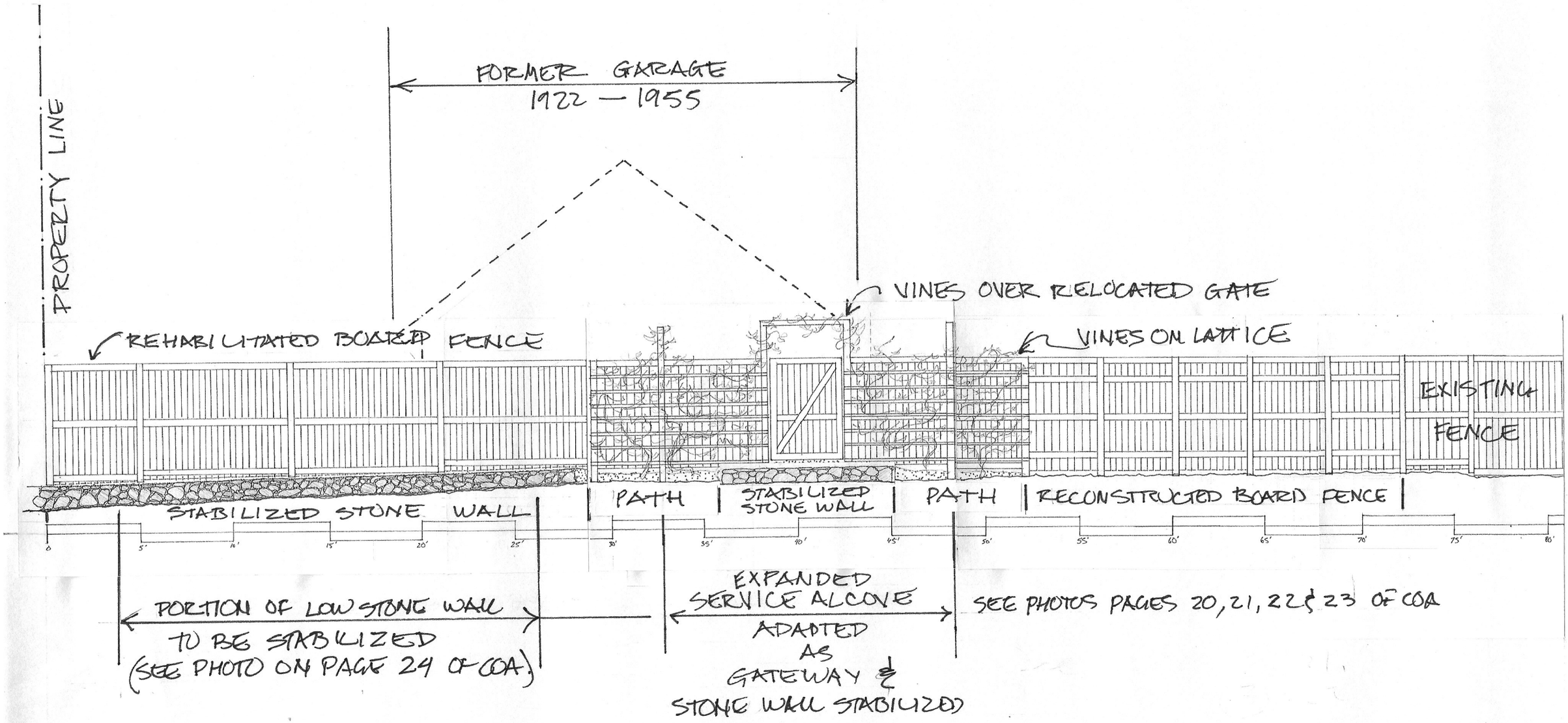


FIGURE 4: PORTIONS OF NON-HISTORIC BOARD FENCE WHICH REQUIRE REHABILITATION AND PORTIONS OF NON-HISTORIC STONE WALL WHICH REQUIRE STABILIZATION