

INSTRUMENT # 2011143923



2011143923

Ordinance – Benjamin DeWitt Funderburk House

Ordinance designating as an Historic Landmark a property known as the “Benjamin DeWitt Funderburk House” (listed under Tax Parcel Number 19326104, and including the exterior of the house, outbuildings, and the land associated with Tax Parcel Number 19326104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of October 31, 2011) The property is owned by Jimaana Properties Inc. and is located at 201 West Charles Street, Matthews, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the Board of Commissioners of the Town of Matthews, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 28th day of November, 2011, on the question of designating property as an historic landmark known as the Benjamin DeWitt Funderburk House; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 14th day of November, 2011, on the question of designating a property known as the Benjamin DeWitt Funderburk House as an historic landmark; and

Charlotte-Mecklenburg Historic Landmarks

WHEREAS, the Benjamin DeWitt Funderburk House was constructed in 1904 and is important as one the best examples of early twentieth century architecture in Matthews; and

WHEREAS, the Benjamin DeWitt Funderburk House is a remarkably well-preserved example of the transitional Queen Anne-Colonial Revival style in Matthews; and

WHEREAS, in its grand scale and fashionable style, this house clearly asserted Funderburk's rank among the leading citizens of Matthews; and

WHEREAS, the Benjamin DeWitt Funderburk House represents the prosperity and development of Matthew at the end of the 19th century; and

WHEREAS, the property known as the Benjamin DeWitt Funderburk House is owned by Jimaana Properties Inc.

NOW, THEREFORE, BE IT ORDAINED by the members of the Board of Commissioners of the Town of Matthews, North Carolina:

1. That the property known as the "Benjamin DeWitt Funderburk House" (listed under Tax Parcel Number 19326104, and including the exterior of the house, outbuildings, and the land associated with Tax Parcel Number 19326104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of October 31, 2011) is hereby designated as an historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 201 West Charles Street in Matthews, North Carolina. Features of the property are more completely described in the *Survey and Research Report on the Benjamin DeWitt Funderburk House (2011)*.

2. That said exterior is more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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5. That a suitable sign may be posted indicating that said property has been designated as an historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the Benjamin DeWitt Funderburk House be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That the property which is designated as an historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 29th day of November, 2011, by the members of the

Board of Commissioners of the Town of Matthews, Mecklenburg County, North Carolina.

 Bill Kleinmann
Clerk to The Board

Approved as to form:

Mark R. Buehler

Town Attorney



J. DAVID GRANBERRY
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

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