ORDINANCE NUMBER

TOWN OF MATTHEWS, NORTH CAROLINA

Board Meeting of November 25, 1991


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 Board of Commissioners of the Town of Matthews, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 25th day of November, 1991, on the question of designating a property known as the "Funderburk Brothers Buildings" as a historic landmark; and

WHEREAS, the "Funderburk Brothers Buildings" constitute the surviving elements of the Funderburk Brothers Buildings and are an essential component of the historic streetscape of North Trade Street in Matthews; and

WHEREAS, the surviving elements of the "Funderburk Brothers Buildings" are the only physical remnants of the contribution made by the Funderburk family to the commercial development of Matthews, North Carolina; and

WHEREAS, the building at 159 North Trade Street is the original ca. 1878-1898 building erected by Ellison James Funderburk; and
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WHEREAS, the building at 157 North Trade Street is the first addition constructed ca.1901 by Benjamin DeWitt Funderburk as a dry goods store; and
WHEREAS, the surviving elements of the Funderburk Brothers Buildings bear testimony to the type of commercial vernacular architecture that was predominant in the small towns of Mecklenburg County in the late nineteenth and early twentieth centuries; and
WHEREAS, the “Funderburk Brothers Buildings” provide a timeless landmark in the changing streetscape of Matthews; and
WHEREAS, the current owner, Mr. Nick J. Miller, has faithfully maintained the “Funderburk Brothers Buildings” and have thereby made a substantial contribution to the cultural richness of Matthews and Mecklenburg County; and
WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the “Funderburk Brothers Buildings” possesses a structure having integrity of design, setting, workmanship, materials, and/or association; and
WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the “Funderburk Brothers Buildings” possesses special significance in terms of its history, architecture, and/or cultural importance; and
WHEREAS, the property known as the “Funderburk Brothers Buildings” is owned by Mr. Nick J. Miller,

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

1. That the property known as the “Funderburk Brothers Buildings” (including the exterior of the two commercial buildings located at 157 and 159 North Trade Street, the exterior of the blacksmith shop and grist mill, and the parcel of land upon which they are located, listed under Tax Parcel Number 192-262-06 is hereby designated as 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 on North Trade Street in Matthews, Mecklenburg County, N. C.

For purposes of description only, the locations of said buildings are noted as being situated on a tract of the property of Mr. Nick J. Miller as shown as Tax Parcel 192-262-06, being more particularly described as follows:
BEGINNING at the eastern corner of Tax Parcel 192-262-06 at the eastern corner of the ca. 1878-1898 Funderburk Brothers Building (159 North Trade Street, Matthews, N. C.) on the western margin of North Trade Street, Matthews, N. C., then following the southeastern boundary of said tax parcel to the southern corner of the ca. 1901 dry goods store of the Funderburk Brothers Buildings (157 North Trade Street), then following the southwestern wall of the ca. 1901 dry goods store of the Funderburk Brothers Buildings to the western corner; then following an imaginary line to the southern corner of the Blacksmith Shop/Grist Mill; then following the southwest wall of the Blacksmith Shop/Grist Mill to the boundary line of said tax parcel along the alley; then following the boundary line of said tax parcel along the alley to the northern corner of said tax parcel; then following the northeastern boundary of said tax parcel to the point and place of BEGINNING, which is the eastern corner of Tax Parcel Number 192-262-06.

2. That said designated landmark may be materially altered, restored, moved or demolished only following the 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. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

3. That 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 of 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 landmark owners from making any use of this landmark not prohibited by other statutes, ordinances, or regulations.

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

5. That the owners and occupants of the landmark known as the “Funderburk Brothers Buildings” 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,
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Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, and any amendments to it and any amendments hereinafter adopted.

Adopted the 25th day of November 1991 by the Members of Board of Commissioners of the Town of Matthews, Mecklenburg County, North Carolina.

Juanita V. Jordan
Town Clerk