

FOR REGISTRATION
Fredrick Smith
REGISTER OF DEEDS
Mecklenburg County, NC
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PETERSAL



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Ordinance Amendment – Benjamin DeWitt Funderburk House

Amendment to the Historic Landmark Designation Ordinance for the property known as the “Benjamin DeWitt Funderburk House” originally adopted by the Board of Commissioners of the Town of Matthews, North Carolina, on November 29, 2011. The existing Ordinance would be amended to include the interior of the Benjamin DeWitt Funderburk House as part of the previous historic landmark designation of the House’s exterior, outbuildings, and associated land, such that the entire property known as the “Benjamin DeWitt Funderburk House” (listed under Tax Parcel Identification Number 19326104, and including both the interior and exterior of the House, the exterior of the outbuildings, and the land listed under Tax Parcel Identification Number 19326104 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of August 1, 2023) is designated as a Historic Landmark. The property is owned by James L. Johnson and is located at 201 West Charles Street in Matthews, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this amendment to the existing ordinance identified herein as prescribed in Chapter 160D, Article 9, 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 21th day of Nov, 2023, on the question of the amendment of the prior ordinance granting historic landmark designation for the property known as the Benjamin DeWitt Funderburk House to extend that landmark designation to include the interior of the 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 13th day of Nov, 2023, on the question of the amendment of the

Mail To:
Charlotte-Mecklenburg
Historic Landmarks Commission
2100 Randolph Road
Charlotte, NC 28207

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prior ordinance granting historic landmark designation for the property known as the Benjamin DeWitt Funderburk House to extend that landmark designation to include the interior of the House; and

WHEREAS, effective November 29, 2011, the members of the Board of Commissioners of the Town of Matthews, North Carolina, designated the property known as the Benjamin DeWitt Funderburk House (listed under Tax Parcel Number 19326104, and including only the exterior of the House, the outbuildings, and the land associated with Tax Parcel Number 19326104 in the Mecklenburg County Tax Office, Charlotte, North Carolina) as a historic landmark. The ordinance so designating the Benjamin DeWitt Funderburk House as a historic landmark is filed with the Mecklenburg County Register of Deeds as Ordinance Book 26963, Pages 255-259; and

WHEREAS, like the exterior of the House, the interior of the circa 1904 Benjamin DeWitt Funderburk House is important as one of the best examples of early twentieth century architecture in Matthews; and

WHEREAS, like the exterior of the House, the interior of 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, the interior of the Benjamin DeWitt Funderburk House clearly asserted Funderburk's rank among the leading citizens of Matthews; and

WHEREAS, the interior of the Benjamin DeWitt Funderburk House represents the prosperity and development of Matthews at the end of the nineteenth century; and

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WHEREAS, the interior of the Benjamin DeWitt Funderburk House retains high degrees of integrity of location, design, setting, materials, workmanship, feeling, and association; and

WHEREAS, based on the additional information further detailed in the 2011 *Survey and Research Report on the Benjamin DeWitt Funderburk House* and the associated *Addendum to the Survey and Research Report for the Benjamin DeWitt Funderburk House* (August 17, 2023), all of which is incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the interior of the property known as the Benjamin DeWitt Funderburk House possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the Benjamin DeWitt Funderburk House, because consent for interior design review of the building has been given by the owner, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the property known as the Benjamin DeWitt Funderburk House is owned by James L. Johnson.

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

1. That the existing ordinance designating the Benjamin DeWitt Funderburk House a historic landmark be amended to include the interior of the House within the historic landmark designation for the property known as the “Benjamin DeWitt Funderburk House” (listed under Tax Parcel Number 19326104, and including the exterior of the House, the outbuildings, and the land listed under Tax Parcel Number 19326104 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of August 1, 2023), pursuant to Chapter 160D, Article 9, as

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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. Interior and exterior features of the property are more completely described in the 2011 *Survey and Research Report on the Benjamin DeWitt Funderburk House* and the associated *Addendum to the Survey and Research Report for the Benjamin DeWitt Funderburk House* (August 17, 2023).

2. That said interior and exterior are more specifically defined as the historic and structural fabric, especially including all original interior architectural features, all original exterior architectural features, all original exterior architectural features of the outbuildings, 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 160D, Article 9, and amendments thereto, and hereinafter adopted.

4. Nothing in the amended 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

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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.

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

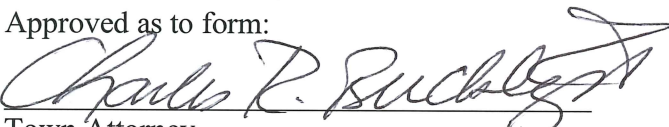
6. That the owner of the historic landmark known as the Benjamin DeWitt Funderburk House be given notice of this amendment to the existing ordinance as required by applicable law and that copies of this amendment be filed and indexed in the offices of the Town Clerk, Building Standards Department, Mecklenburg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

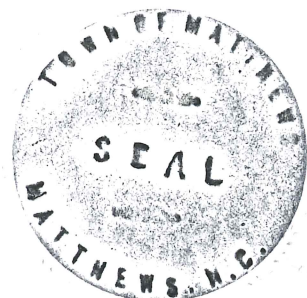
7. That which is designated as a historic landmark shall be subject to Chapter 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 27th day of November, 2023, by the members of the Board of Commissioners of the Town of Matthews, Mecklenburg County, North Carolina.


Clerk to Town Board

Approved as to form:


Town Attorney



CERTIFICATION

I, Lori Canapinno, Town Clerk of the Town of Matthews, North Carolina, do hereby certify that the foregoing is a true and exact copy of an ordinance approving an amendment to the Historic Landmark Designation Ordinance for the property known as the "Benjamin DeWitt Funderburke House" adopted by the Board of Commissioners of the Town of Matthews, North Carolina in regular session convened on the 13th day of November 2023, the reference having been recorded in full in Ordinance Book 8.

WITNESS my hand and the corporate seal of the Town of Matthews, North Carolina, this the 14th day of December 2023.


Lori Canapinno, Town Clerk

