2013-609
12-9-2013

Town of Matthews North Carolina

DATE FILED 12-9-13
APPLICATION NUMBER 2013-609
For office use only

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CHANGE IN CONDITIONS

(SEE FILING INSTRUCTIONS)

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

☐ A change in zoning classification of the property hereinafter described; or

☒ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 193-202-8 and 193-202-14

Address of property: 9016 and 9024 Boyd Drive, Matthews NC 28105

Location of property:

Title to the property was acquired on 29 December 1977
and was recorded in the name of Lawrence C. and (wife) Lora C. Hendricks
whose mailing address is 9024 Boyd Drive, Matthews NC 28105

The deed is recorded in Book 7 and Page 335 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B2(CD) Requested zoning classification: B2 (with new CD's)

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List reason(s) why zoning should be changed (use separate sheet if necessary):

Please see attached

Signature of property owner (must be original)

Lawrence C. Hendricks

Print name of property owner

9024 Boyd Drive

Property owner's mailing address

Matthews NC 28105

Property owner's mailing address, continued

Property owner's mailing address, continued

704-579-9429 (c)

Property owner's phone number/email address

Signature of property owner (must be original)

Lora C. Hendricks

Print name of property owner

9024 Boyd Drive

Property owner's mailing address

Matthews NC 28105

Property owner's mailing address, continued

Property owner's mailing address, continued

704-617-0508 (c)

Property owner's phone number/email address

Signature of agent (if any)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

Agent's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

ATTACHMENT -- Page 2 - APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION
HENDRICKS

List reason(s) why zoning should be changed:

This property is located between Independence Boulevard, a major thorough way, and Sam Newell Road, a main collector road; thereby, making this a transitional area with a new growth potential of business and housing developments. Infiniti of Charlotte is located at one entrance and a number of our development's parcels at the lower end have been rezoned to O-9 (CD), 2 parcels are B-2 (CD), and the remaining parcels are R-9. On-going future road changes *could* allow access roads through our small residential area allowing our community residents an option to either rezone or sell their property with a business opportunity.

We have been operating Buster's Transmission Service at this location since obtaining a B-2 (CD) zoning from Matthews **27 February 1989**. We have been so thankful that from our small location in Matthews, our **24-year** reputation and customer base has extended to Canada, California and Texas and along with our business being on-line, we have done *automotive diagnostic problem solving extending to Israel and Australia.* WSOC's Brian Stickly has done a traffic report from our driveway. We do not advertise, our customer base is **only** by referrals and family members from our previous customers and businesses. We keep the grounds very well maintained. Passers by cannot tell we operate an automotive repair shop by looking at the property. Nothing is obvious keeping the appearance of a business very "low keyed." But, we would like to retire and allow the business and reputation to continue

In questioning our present location versus the relocation of our business, we have made the suggestion to a number of our customers about moving. They reassured us that they have enjoyed and felt very comfortable and safe being able to bring their cars to a family environment and would be very disappointed if we relocated.

We are hoping that our history of maintaining the grounds and keeping a low-profiled business in a residential community without any incidents or complaints will help in your decision.

WITH THE ABOVE SAID, we would like you, the Town of Matthews Board of Commissioners to consider the following request to grant us this petition and remove the existing ownership clause reverting 9016 and 9024 Boyd Drive back to R-9 upon sale. This petition would allow property to be ***leased*** letting property and business to remain **B-2** with the following **"new" conditions**:

PROPOSED REZONGING CONDITIONS

1. REMOVE EXISTING B2-CD OWNERSHIP CLAUSE "REVERTING PROPERTY BACK TO R-9 UPON SALE OF BUSINESS."
2. ALLOW PROPERTY TO BE "LEASED" WITH BUSTER'S TRANSMISSION SERVICE TO BE "UNDER NEW MANAGEMENT." SALE OF BUSINESS WOULD BE TO A REPUTABLE PERSON. THIS NEW CONDITION WOULD ALLOW THEM TO REMAIN UNTIL THEY RELOCATE BUSINESS.
3. THE PROPERTY AND RESPONSIBILITY OF MAINTENANCE WILL REMAIN WITH LAWRENCE C. AND LORA C. HENDRICKS.

With the lease of property and new ownership of business, the following conditions would be part of the re-zoning and will listed and adhered to in the lease.

1. SITE TO REMAIN THE SAME WITH TWO (2) EXTERIOR LIFTS AND GARAGE
2. NO ADDITIONAL LIFTS OUTSIDE REPAIR AREAS
3. NO MORE THAN 8 CLIENT VEHICLES AT ANYTIME, NONE STORED IN DRIVEWAY OR REAR YARD
4. NO PARKING IN FRONT YARD GROUNDS
5. GROUNDS CONTINUING TO BE MAINTAINED AND LANDSCAPED AS RESIDENTIAL HOME
6. SIGNAGE TO REMAIN SAME (BUSINESS NAME "ONLY" ON GARAGE

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List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.
See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

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193-202-06 / 193-202-07
TAX PARCEL
Larry Allen Fisher, Jr.
PROPERTY OWNER NAME(S)
9033 Boyd Drive
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-202-09
TAX PARCEL
Clyde H. Simerly / Kathleen K. Simerly
PROPERTY OWNER NAME(S)
9008 Boyd Drive
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-202-05
TAX PARCEL
Joyce Dean Stack
PROPERTY OWNER NAME(S)
PO Box 1054 / 9009 Scenic Drive
OWNER MAILING ADDRESS
Matthews NC 28106-1054
OWNER MAILING ADDRESS, CONTINUED

193-203-07
TAX PARCEL
Luana Stout and Rodney Arndt
PROPERTY OWNER NAME(S)
9017 Boyd Drive
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-203-21
TAX PARCEL
Sherry Kight
PROPERTY OWNER NAME(S)
9021 Boyd Drive
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-203-06
TAX PARCEL
Russell William Wise SR
PROPERTY OWNER NAME(S)
2015 Hayden Way
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-203-08
TAX PARCEL
Jefferine Hope Grier
PROPERTY OWNER NAME(S)
9023 Boyd Drive
OWNER MAILING ADDRESS
Matthews NC 28105
OWNER MAILING ADDRESS, CONTINUED

193-202-04
TAX PARCEL
Allen Lee Stack and Ronald Steve Stack
PROPERTY OWNER NAME(S)
PO Box 1054 / 9001 Scenic Drive
OWNER MAILING ADDRESS
Matthews NC 28106-1054
OWNER MAILING ADDRESS, CONTINUED

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SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews 12/9/13

Town Board of Commissioners formally accepts application and sets Public Hearing date 1/13/14

Notices sent via mail to affected/adjacent property owners on or before 1/27/14

Protest petition filed with Planning Department by 5:00 pm on 2/5/14

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning 2/10/14

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request 2/25/14

Town Board of Commissioners approves or denies application 3/10/14

GENERAL STATUTE 160A-385: CHANGES.

(a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issues pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1

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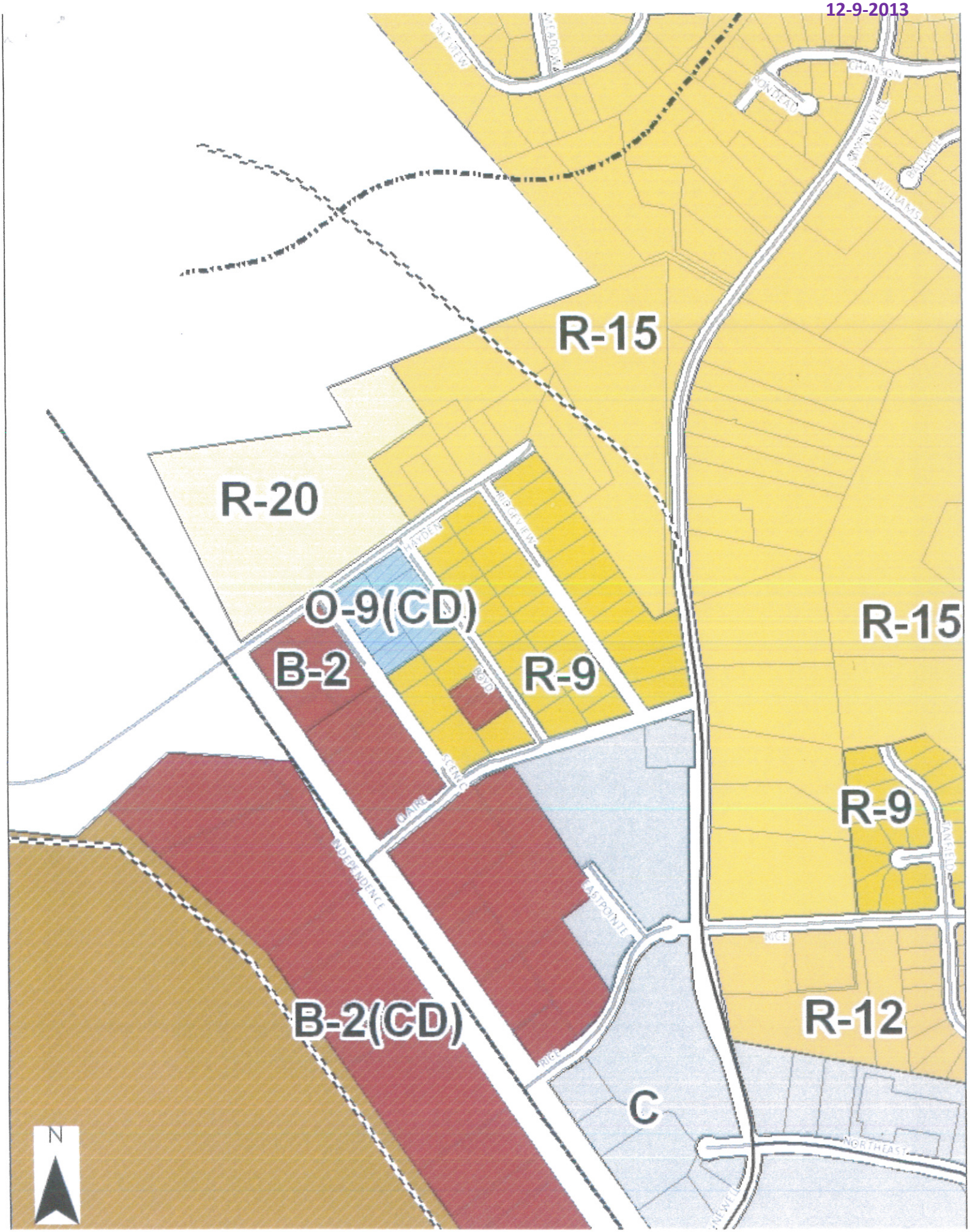

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Mecklenburg County, NC POLARIS
Property Ownership Land Records Information System

Adjoining Owner's Report

Buffer Distance: 100 Feet
12/5/2013 2:24:15 PM

Click Here to Open Owner's List (Comma-Delimited)

This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
19320204	ALLEN LEE STACK AND RONALD STEVE STACK	PO BOX 1054	MATTHEWS	NC	28106-1054	L32M7-335 9001 SCENIC DR	06483	682	0 SMAC
19320205	JOYCE DEAN STACK	PO BOX 1054	MATTHEWS	NC	28106-1054	L33&34M7-335 9009 SCENIC DR	03313	498	0 SMAC
19320206	LARRY ALLEN JR FISHER	9033 SCENIC DR	MATTHEWS	NC	28105	LB M53-830	08972	009	0.624 SMAC
19320208	LAWRENCE C HENDRICKS AND LORA C HENDRICKS	9024 BOYD DR	MATTHEWS	NC	28105	L43M7-335 9016 BOYD DRIVE	04019	813	0 AC
19320209	CLYDE H SIMERLY AND KATHLEEN K SIMERLY (TRUSTEES)	9008 BOYD DR	MATTHEWS	NC	28105	L42 M7-335	12757	830	0 SMAC
19320210	CLYDE H SIMERLY AND KATHLEEN K SIMERLY (TRUSTEES)	9008 BOYD DR	MATTHEWS	NC	28105	L41 M7-335	12757	834	0 SMAC
19320214	LAWRENCE C HENDRICKS AND LORA C HENDRICKS	9024 BOYD DR	MATTHEWS	NC	28105	L44M7-335 9024 BOYD DR	04019	813	0 AC
19320306	RUSSELL WILLIAM SR WISE AND RUSSELL WILLIAM SR WISE	2015 HAYDEN WY	MATTHEWS	NC	28105	L51M7-335 BOYD DR	17881	853	0 SMAC

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✓	19320307	LUANA STOUT AND RODNEY ARNDT	9017 BOYD DR	MATTHEWS	NC	28105	L52 M7-335	10438	370	0 SMAC
○	19320321	SHERRY KIGHT	9021 BOYD DR	MATTHEWS	NC	28105	L53 M7-335	08187	499	0 SMAC

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Mecklenburg County, NC POLARIS
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Buffer Distance: 100 Feet
12/5/2013 2:23:38 PM

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Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
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19320206	LARRY ALLEN JR FISHER	9033 SCENIC DR	MATTHEWS	NC	28105	LB M53-830	08972	009	0.624 SMAC
19320207	LARRY ALLEN JR FISHER	1007 N FEDERAL HWY PO BOX B-5	FT LAUDERDALE	FL	33304	LA M53-830	08972	009	0.79 SMAC
19320208	LAWRENCE C HENDRICKS AND LORA C HENDRICKS	9024 BOYD DR	MATTHEWS	NC	28105	L43M7-335 9016 BOYD DRIVE	04019	813	0 AC
19320209	CLYDE H SIMERLY AND KATHLEEN K SIMERLY (TRUSTEES)	9008 BOYD DR	MATTHEWS	NC	28105	L42 M7-335	12757	830	0 SMAC
19320214	LAWRENCE C HENDRICKS AND LORA C HENDRICKS	9024 BOYD DR	MATTHEWS	NC	28105	L44M7-335 9024 BOYD DR	04019	813	0 AC
19320307	LUANA STOUT AND RODNEY ARNDT	9017 BOYD DR	MATTHEWS	NC	28105	L52 M7-335	10438	370	0 SMAC

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19320308	JEFFERINE HOPE GRIER	9023 BOYD DR	MATTHEWS	NC	28105	L54 M7-335	15158	186	0 SMAC
19320321	SHERRY KIGHT	9021 BOYD DR	MATTHEWS	NC	28105	L53 M7-335	08187	499	0 SMAC

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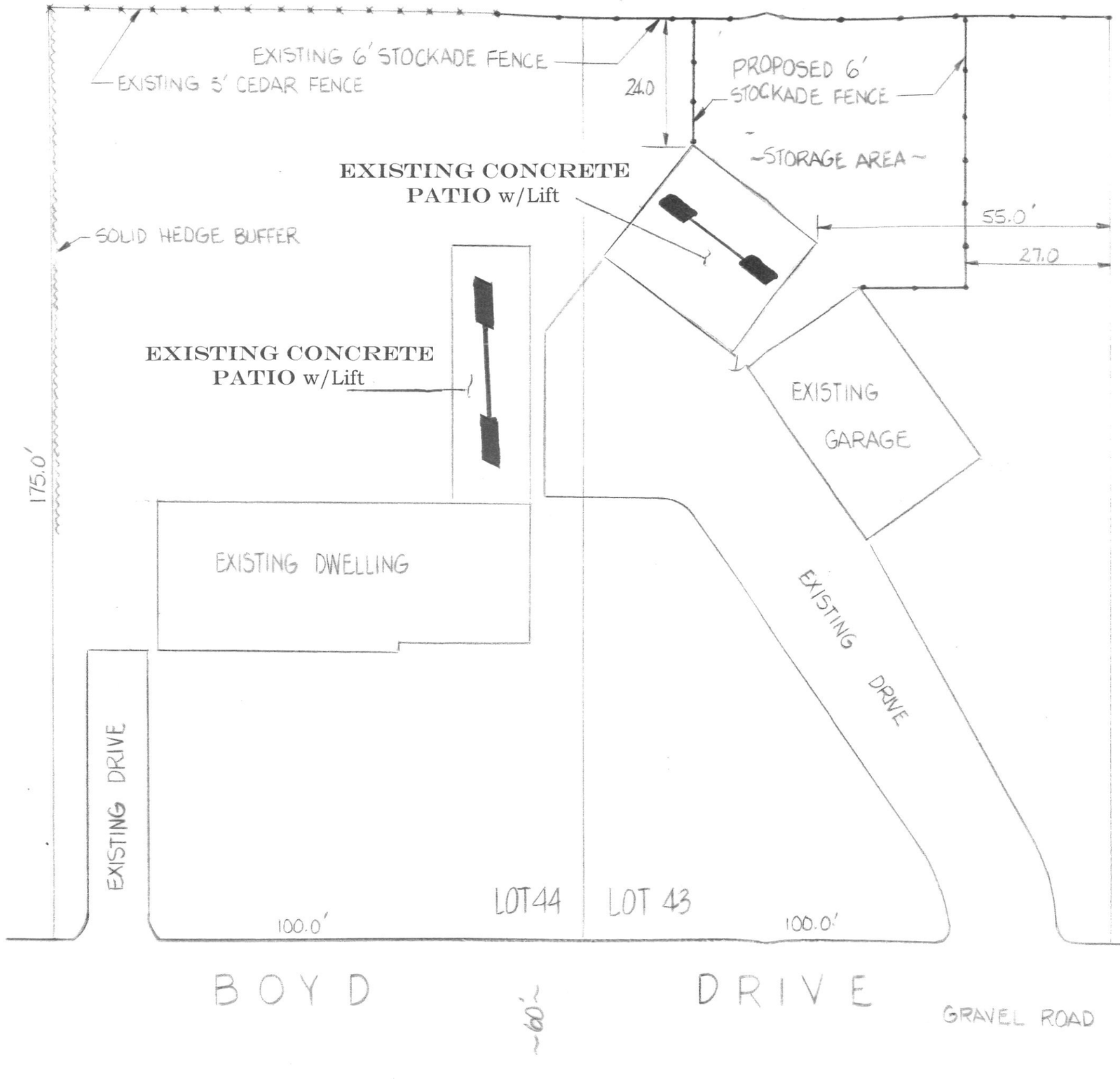

PROPOSED REZONING CONDITIONS

1. REMOVE EXISTING B2-CD OWNERSHIP CLAUSE "REVERTING PROPERTY BACK TO R-9 UPON SALE OF BUSINESS"
2. ALLOW PROPERTY TO BE "LEASED" WITH BUSTER'S TRANSMISSION SERVICE TO BE "UNDER NEW MANAGEMENT." SALE OF BUSINESS WOULD BE TO A CLOSE FAMILY MEMBER OR A REPUTABLE PERSON. THIS NEW CONDITION WOULD ALLOW THEM TO REMAIN UNTIL THEY RELOCATE BUSINESS.
3. THE PROPERTY AND RESPONSIBILITY OF MAINTENANCE WILL REMAIN WITH LAWRENCE AND LORA HENDRICKS.

WITH THE LEASE OF PROPERTY AND NEW OWNERSHIP OF BUSINESS, THE FOLLOWING CONDITIONS WOULD BE LISTED AND ADHERED TO IN THE LEASE.

1. SITE TO REMAIN THE SAME WITH TWO (2) EXTERIOR LIFTS AND GARAGE.
2. NO ADDITIONAL LIFTS OUTSIDE REPAIR AREAS
3. NO MORE THAN (8) CLIENT VEHICLES AT ANYTIME, NONE STORED IN DRIVEWAY OR REAR YARD.
4. NO PARKING IN FRONT YARD GROUNDS.
5. GROUNDS CONTINUING TO BE MAINTAINED AND LANDSCAPED AS RESIDENTIAL HOME
6. SIGNAGE TO REMAIN SAME (BUSINESS NAME "ONLY" ON GARAGE)

SCALE 1" = 20'

REZONING PROPOSAL

CHANGE "CONDITIONS" OF B2-CD

ADDRESS: 9024 BOYD DR., MATTHEWS, NC

PLAT NO.: 193-202-08 & 14 | DWG. NO. 100

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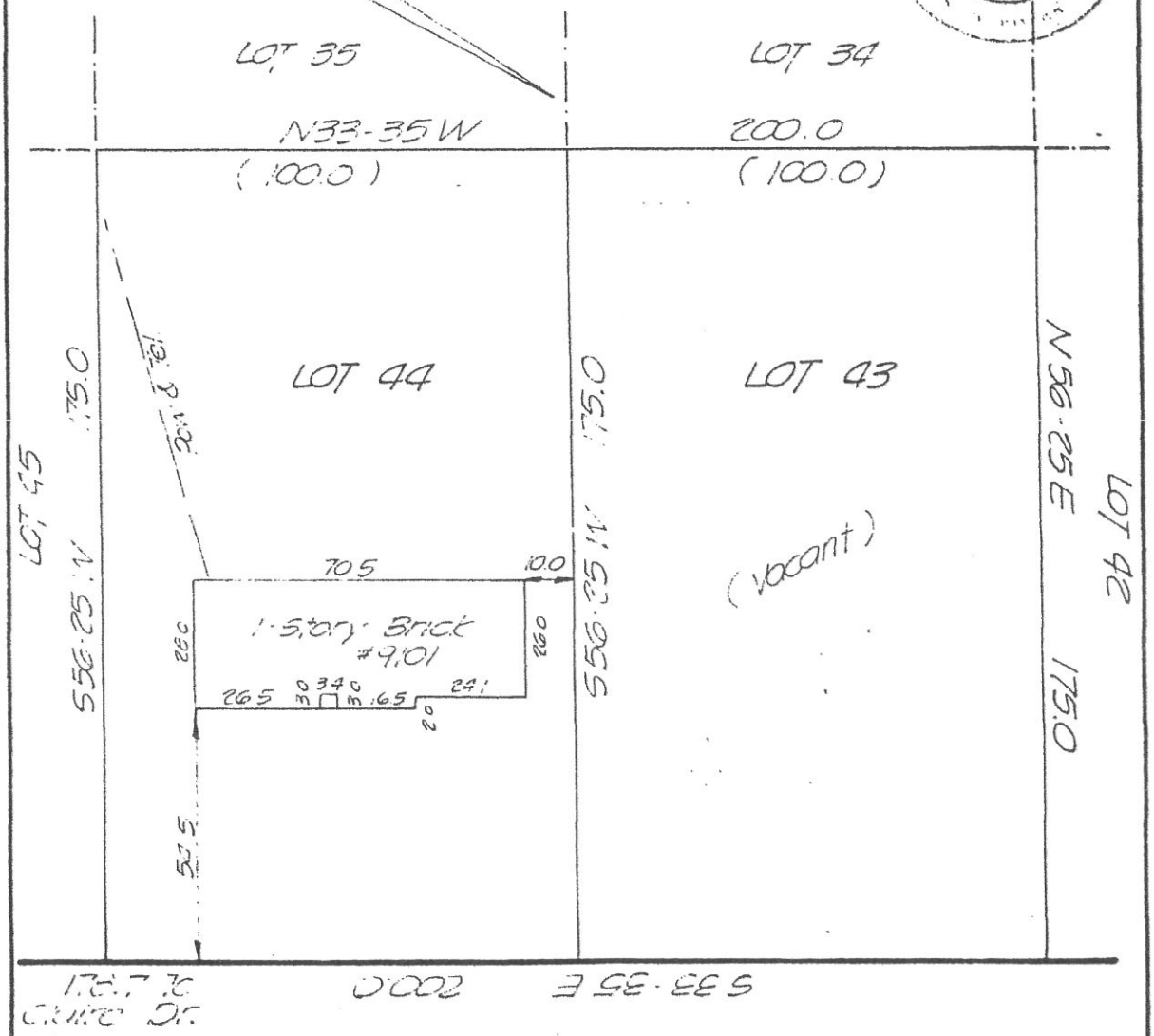
THIS IS TO CERTIFY THAT ON THE 22nd DAY OF Dec. 19 11 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE AS SHOWN HEREON.

SIGNED R.B. Pharr

R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS



BOYD 60 DRIVE

Physical SURVEY
OF
LOTS 43 & 44 BOULEVARD ACRES

SCALE 1" = 20'
CHARLOTTE, N. C.

THE PROPERTY OF Lawrence C Hendricks & Wife Lora C Hendricks

MAP RECORDED IN BOOK ____ AT PAGE 335 DEED RECORDED IN BOOK ____ PAGE ____

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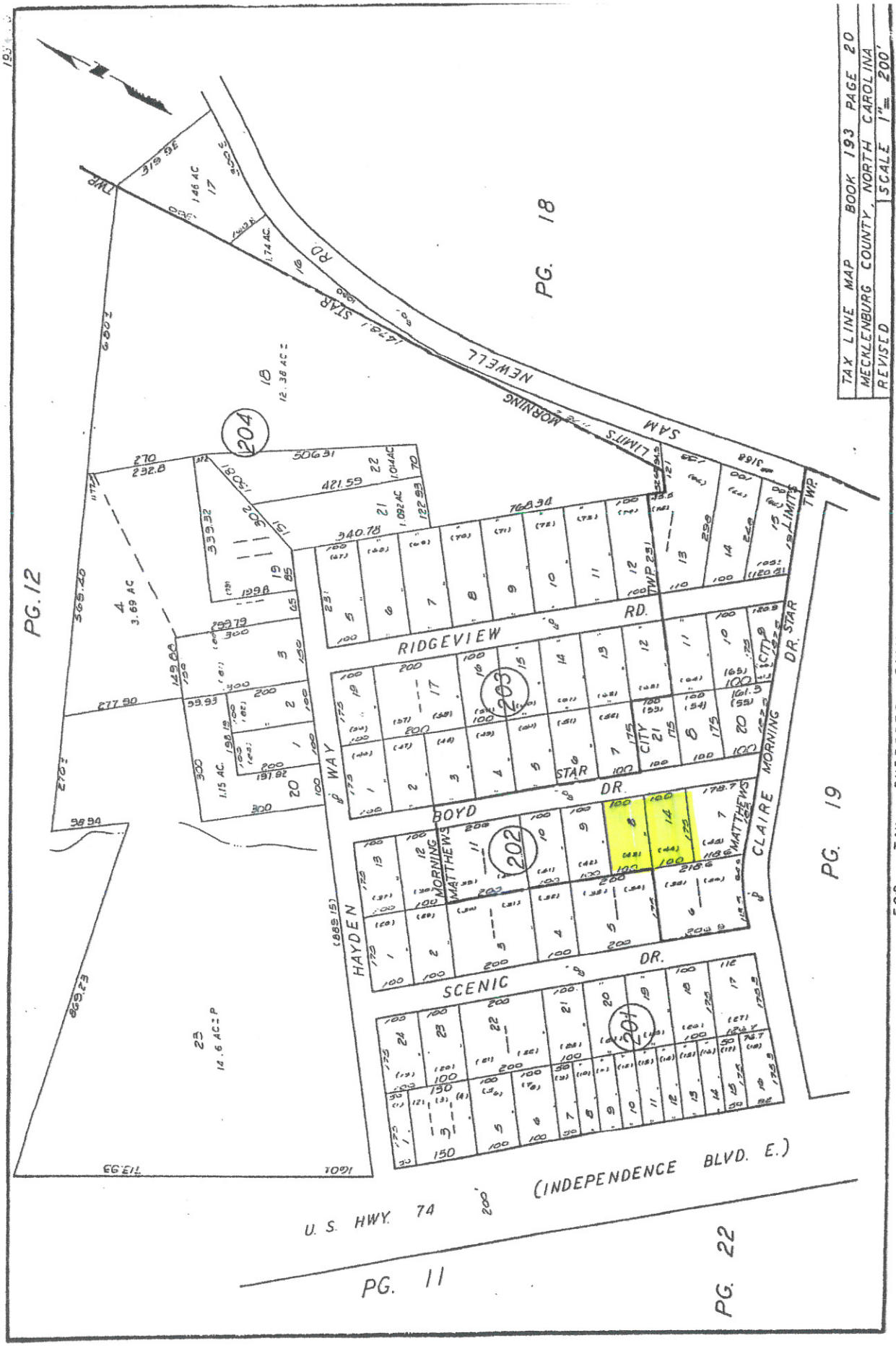
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