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.

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 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

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

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
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 opportunity 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 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 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
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

193-202-05
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

193-203-21
TAX PARCEL
Sherry Kight
PROPERTY OWNER NAME(S)
9021 Boyd Drive
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
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
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.

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EXISTING CONCRETE PATIO w/Lift

EXISTING DWELLING

EXISTING 8' STOCKADE FENCE

EXISTING 3' CEDAR FENCE

PROPOSED 6' STOCKADE FENCE

STORAGE AREA

SOLID HEDGE BUFFER

175.0'

55.0'

27.0'

100.0'

100.0'

LOT 44

LOT 43

1224.0 x 790.0

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 BUSTERS TRANSMISSION SERVICE TO BE "UNDER NEW MANAGEMENT" SALE OF BUSINESS WOULD BE TO A CLOSE FAMILY MEMBER OR A REPUTABLE PERSON. THE 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 LIFTED 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 (6) 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. SIGNS 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

2013-609
12-9-2013
THIS IS TO CERTIFY THAT ON THE 22ND DAY OF OCTOBER 1977 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE AS SHOWN HEREBON.

SIGNED
R.B. PHARR
R. B. PHARR & ASSOCIATES, REGISTERED SURVEYORS

LOT 35
N 33.35° W
100.0
(100.0)

LOT 34

LOT 44

LOT 43

LOT 42

BOYD & DRIVE

Physical SURVEY OF LOTS 43 & 44 BOULEVARD ACRES

SCALE 1" = 100' CHARLOTTE, N.C.

THE PROPERTY OF LAWRENCE C. HENDRICKS & MILDRED C. HENDRICKS

MAP RECORDED IN BOOK AT PAGE DEED RECORDED IN BOOK PAGE