



TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT

December 18, 2025

REGULAR MEETING AGENDA

Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

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 Conserve Resources; print only when necessary.

The Town of Black Mountain is committed to providing accessible facilities, programs, and services for all people in compliance with the American with Disabilities Act (ADA). Hearing assistive devices are available at the door. Should you need other assistance or accommodation for this meeting, please contact Town Clerk Wesley Barker at: town.clerk@tobm.org, or **(828) 419-9300 / TDD (800) 735-2962**

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1. **CALL TO ORDER**
 - 1.A. **Welcome**
 - 1.B. **Determination of Quorum**
 2. **ADOPTION OF AGENDA**
 - 2.A. **Motion: To adopt the agenda as presented [or as amended]**
 3. **ADOPTION OF MINUTES**
 - 3.A. **Motion: To adopt the minutes of November 20, 2025, as written [or as amended]**
 4. **OLD BUSINESS**
 5. **NEW BUSINESS**
 - 5.A. **Appeal of Zoning Administrator Decision - 19 Timber Park Drive**

5.B. Variance Request - 204 Stafford Street

- 6. COMMUNICATION FROM ZONING BOARD OF ADJUSTMENT**
- 7. COMMUNICATION FROM STAFF**
- 8. ADJOURNMENT**



**Town of Black Mountain
Board of Adjustment**

Date; December 18, 2025 **Regular Session Agenda** **Time: 6:00 pm**
Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

I. CALL TO ORDER

- **Welcome**
- **Determination of Quorum**

II. ADOPTION OF AGENDA

- Motion: To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- Motion: To adopt the minutes of November 20, 2025, as written [or as amended]

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

- Appeal of Zoning Administrator Decision – 19 Timber Park Drive
- Variance Request – 204 Stafford Street

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT



PUBLIC NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

REGULAR MEETING

Thursday, December 18, 2025, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet for their monthly meeting on **Thursday, December 18, 2025, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

The meeting is open to the public.

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact Jennifer Tipton at (828) 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 12/01/2025

www.townofblackmountain.org

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, November 20, 2025, at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Lauren Dodgin, Chair
John Hines
Nicole Stallings
Linda Brinson
David Barley
Mary Hall, Alternate
Ted Rausch, Alternate

Absent:

Chloe Riddle, Alternate

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator
Michelle Kennedy, Planning Director
Brian Gulden, Town Attorney

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of five (5) regular members and two (2) alternates.

II. ADOPTION OF AGENDA

Nicole Stallings made a motion to adopt the agenda as presented. The motion was approved by consensus by a vote of 5-0.

III. ADOPTION OF MINUTES

Lauren Dodgin made a motion to adopt the minutes of October 15, 2025, as written. The motion was approved by consensus by a vote of 5-0.

IV. OLD BUSINESS

1. Special Use Permit Request – 399 Blue Ridge Road

Jennifer Tipton swore in Mike Nelson, Ron Collins, Greg Hall, and Maggie Sharp for consideration of parties with standing.

- Mike Nelson, 504 Sweet Birch Park Lane, stated that Sweet Birch Commons has a stormwater problem and wants to make sure that the contractor for this proposed project is aware of the issue. The board voted 2-3 that Mr. Nelson does not have standing (Lauren Dodgin, John Hines, and Nicole Stallings voting no).
- Ron Collins, 400 Blue Ridge Road, stated that he lives across the street from the proposed development and that due to gravity, the water runs toward his house which

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increases his risk of flooding. The board voted 5-0 that Mr. Collins has standing and can participate as a party in the hearing.

- Greg Hall, 545 Sweet Birch Park Lane, stated that he is in similar proximity to the proposed development and that the proposed development will diminish property values. Mr. Hall said that they want clarification and are concerned that the homes will not be to the specifications of the neighborhood and will or could drive down values. The board voted 3-2 that Mr. Hall does have standing and can participate as a party in the hearing (Lauren Dodgin and Nicole Stallings voting no).
- Maggie Sharp, 501 Sweet Birch Park Lane, stated that there is a ditch along side of her property and the drainage runs behind the south side of the proposed development and water runs from the property into the ditch. The board voted 5-0 that Ms. Sharp does not have standing.

Chair Lauren Dodgin stated that she was approached by a lady in the grocery store about the proposed development and Mrs. Dodgin told the lady that she could not speak about the matter. Chair Dodgin said that there was nothing about the interaction that would give her a bias or sway her decision in the matter.

David Barley stated that someone had approached him about the proposed development and Mr. Barley only encouraged them to come to the meeting. Mr. Barley said that there was nothing about the interaction that would give him a bias or sway his decision in the matter.

There were no objections to the seated panel of board members.

Jennifer Tipton swore in:

- Russell Cate, Planner I/Zoning Administrator
- Nathan West, Fuller Center Disaster Rebuilders
- Jesse Gardner, Civil Design Concepts
- Heather Venom, Burlington Associates of CLT

Mr. Cate summarized the special use request. The request is for a planned unit development of 50 dwellings, a mixture of single-family and duplexes, on 9.98 acres at 399 Blue Ridge Road. The proposed development calls for 17.2% of open space, a 20' wide internal private road, a ten-foot landscape buffer around the perimeter of the property, and stormwater control measures. A portion of the property is inside of the 100-year floodplain. Mr. Cate also noted that the Blue Ridge Road Small Area Plan calls for similar housing. Mr. Cate said that there are two conditions that the board can consider:

- Granting an eight-foot-wide easement on Old Lakey Gap Road for a sidewalk
- Granting an easement for a sidewalk or greenway that abuts Blue Ridge Road

Mr. Cate explained that with a planned unit development, the density must be at least four units an acre but no more than eight units an acre. The property is zoned TR-4 and has a density of four units an acre by right. With the proposal, the density comes out to five units an acre. The

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proposed development offers more amenities than required and would have to meet the minimum floodplain development requirements and that would also require a permit.

The applicant did not have any questions for Mr. Cate but did state that the staff report noted that the proposed development meets all of the goals and an indication of alignment with the stated goals.

Ron Collins did not have any questions of Mr. Cate.

Greg Hall stated that all eight goals have not been met and that the town would not weigh in on goal number seven but rather be placed on the five board members. Attorney Gulden objected.

The applicant, Nathan West, introduced the development team.

- Jesse Gardner, Civil Design Concepts, stated that he is a civil engineer with twenty years' experience working with these types of developments and has worked at Civil Design Concepts for twenty years. Mr. Gardner asked to be accepted as an expert witness. Chair Lauren Dodgin made a motion to accept Mr. Gardner as an expert witness. The motion was seconded by David Barley and approved by a vote of 5-0.
- Heather Venom, Burlington Associates of CLT, stated that she has a degree in law and historic preservation. Ms. Venom has worked with community land trusts for twenty plus years. Ms. Venom ran a community land trust in Athens, Georgia, and is now a consultant on community land trusts. Ms. Venom asked to be accepted as an expert witness. Chair Lauren Dodgin made a motion to accept Ms. Venom as an expert witness. The motion was seconded by David Barley and approved by a vote of 5-0.
- Nathan West, Fuller Center Disaster Rebuilders, stated that he is the Director of Operations and lives in Black Mountain with his family. Mr. West, on behalf of Fuller Center Disaster Rebuilders, is the applicant for the special use permit request.

Mr. West said that Fuller Center Disaster Rebuilders came to Black Mountain Presbyterian Church after Hurricane Helene to help rebuild the community. Mr. West said he wanted to get involved and that is how he came to be with the company. So far, Fuller Center Disaster Rebuilders has put thirty-one families back into their homes, twenty-one of those in Buncombe County. Mr. West said that there is a need for housing for people who cannot get funds to continue to live here. The proposed design is for a community of safe housing since it is not feasible to try and buy individual lots. Fuller Center Disaster Rebuilders has partnered with the American Red Cross, Lowes, local churches, Mennonite groups, and many other organizations and has been able to provide three hundred homes in North Carolina since 2018. The proposed design will be under a Community Land Trust (CLT) and Mr. West asked Heather Venom to provide more information about CLT's.

Ms. Venom explained that CLT's are a model in which the community will be the stewards of the land. There is a 99-year lease in perpetuity, and a board will be made up of the residents of the community. The lease is renewable. Homes are owner-occupied and if there is a transfer of ownership, the CLT gets first rights to take over the lease or it can go to another low income

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family. There are currently three hundred and fifty CLT's in the United States and have been in existence since the 1970's. There are currently twenty CLT's in North Carolina. CLT's are a one-time investment and build a relationship between the organization and the homeowner.

Mr. West said that Hurricane Helene survivors will be given priority and will then go to generational rents and workforce housing. Mr. West then asked Jesse Gardner to speak about the design of the proposed project.

Mr. Gardner said that he has been working with Mr. West and Fuller Center Disaster Rebuilders for six to eight months on this proposed project. Mr. Gardner said that he used Elevate Black Mountain in designing the proposed project. Blue Ridge Road will be the primary corridor and infrastructure is already available. Mr. Gardner said that Planned Unit Development allows for cluster development, like Sweet Birch Commons, and it allows for savings on infrastructure. There are no environmental sensitivities, and the project will require a Floodplain Development Permit. Mr. Gardner referenced some other developments in the area in terms of density:

- Manufactured home park – 5 units/acre
- Manufactured home park – 6 ½ units/acre
- Magnolia Creek Development – 6 ½ units/acre
- Sweet Birch Commons – 6 units/acre

Mr. Gardner noted that the property across from the subject property on the Old Lakey Gap side is in Buncombe County's jurisdiction and is zoned R1 which allows for 10 units/acre. Mr. Gardner said that he has worked with the applicant to ensure the proposed project meets their goals, the Town's goals, and the community's goals. The road entrance will be aligned with S Blue Ridge Road, almost across from the entrance of Sweet Birch Commons. The homes will be clustered and will be out of the floodplain area. There will be eight acres of impervious surface and will leave the natural features. A proposed trail system will enhance pedestrian connectivity and there will be common shared spaces. The number of trips generated by this proposed development does not trigger the requirement for a traffic impact analysis, but Mr. Gardner said that there is sufficient capacity on Blue Ridge Road to handle the additional trips. Mr. Gardner said that the development will be a low impact development for stormwater requirements and the plan is to have a storm drainage network that will go to the stormwater control measure which will then clean and control the rates of the water. There are some cross pipe issues that will need to be fixed and there is a plan to install sales behind the homes and all stormwater will remain on the property. A cross section will be constructed and will then direct the water back to the stream that is on the property. Nine structures will be elevated eight feet above the base flood elevation. The plan is to build the homes to the Fortified Gold Standard, and the homes will be stick built. Mr. Gardner summarized the special use requirement standards and said that they are not asking for anything special than any other previous development. They would welcome the condition of the right-of-way on Blue Ridge Road for a sidewalk or greenway and the eight foot right-of-way on Old Lakey Gap Road for a sidewalk.

Ron Collins did not have any questions of Mr. West, Ms. Venom, or Mr. Gardner.

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Greg Hall stated that there have been no comp sales, transactional sales or any other evidence presented to show that the proposed project would not diminish property values. Mr. Hall then asked where the stormwater was going to go and if there had been an engineering study done.

Mr. Gardner said that the homes are going to be a quality product and pointed out that renderings of the proposed dwellings have been provided. Mr. Gardner said that he has met with town staff about the stormwater requirements and he understands the ordinance. For this phase of the project, the stormwater is conceptual, but a full study will be completed and submitted with the stormwater permit application, and it will then be reviewed by a third-party engineer.

The board asked about a traffic report for the proposed project. Mr. Gardner stated that all traffic will be routed to Blue Ridge Road at the buildout. Mr. Gardner said that the proposed project would cause about four hundred and eighty trips a day and that Blue Ridge Road has plenty of capacity. The proposed project will have two parking spaces per unit with five overflow spaces.

Ron Collins, 400 Blue Ridge Road, stated that there has been no answer as to where the water goes and he is concerned about. Mr. Collins said that he questions the 24% impervious amount that would make the stormwater low impact. Mr. Collins questioned if that impervious amount includes the road and parking because that would make the lot more impervious. Mr. Collins said that the wetland area of the property is a swamp even during a standard rainfall. The stormwater is his biggest concern and said that the stormwater control measures are designed based on averages of a one-year, twenty-four event and most of the storms are above average. Mr. Collins said that he ran a stormwater system for a company and that the property can't absorb more water and questions where five acres of water is going to go. Mr. Collins said that there are limited discharge points and the water spills into his yard, increasing his flooding risk. Mr. Collins asked that his written comments be submitted to the board.

Greg Hall, 545 Sweet Birch Park Lane, asked that the board look at grace that has been given about things in the past and to use their discernment in making a decision about this proposed project.

Mr. Gardner addressed the stormwater issue and said that the road and rooftops will drain into existing drains and the existing stream and said that the stormwater cannot go off site. There will be an outlet into the unnamed tributary on the property. Mr. Gardner noted that the outlet is downstream of Mr. Collins' house. Mr. Gardner also noted that the wetlands area will remain untouched.

Chair Dodgin made a motion to close the evidentiary hearing. The motion was seconded by David Barley and approved by a vote of 5-0.

The board made the following findings of fact for the Special Use Permit requirements:

1. The application does meet the requirements for granting a Special Use Permit for the following reasons:

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- a. The use will not be detrimental to or endanger the public health, safety, or general welfare.
- b. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity.
- c. The use will not substantially diminish or impair property values within the immediate vicinity.
- d. The use will not impede the normal and orderly development and improvement of surrounding properties.
- e. The exterior appeal of the use will not conflict with that of the neighborhood or district in which it is located.
- f. Adequate utilities, access roads, drainage or other necessities have been provided for.
- g. Adequate measures have been or will be taken to provide proper ingress and egress designed to minimize traffic congestion on public streets.
- h. The use does conform to other applicable regulations in the district in which it is located.

David Barley made a motion to accept the findings of fact as read. The motion was approved by a vote of 4-1 with John Hines voting against the motion.

The board made the following findings of fact for the Planned Unit Development requirements:

1. The application does meet the requirements for a Planned Unit Development for the following reasons:
 - a. The use does satisfy the density requirements.
 - b. The use is compatible with those other uses allowed in the underlying zoning district.
 - c. The use does satisfy the dimensional requirements for the zoning district in which it is located related to the perimeter of the project and the maximum building height.
 - d. The use does comport with the planned unit development design features.
 - e. The use does provide adequate access and points of ingress and egress designed to maximize safety and minimize traffic hazards.
 - f. The use does satisfy the parking requirements for a planned unit development.
 - g. The use does satisfy the landscaping and open space requirements for a planned unit development.
 - h. The use does or will provide for adequate utilities and other necessary services.

Nicole Stallings made a motion to accept the findings of fact as read. The motion was approved by a vote of 4-1 with John Hines voting against the motion.

Chair Laurel Dodgin made a motion to grant the requested special use permit to allow a Planned Unit Development on property located at 399 Blue Ridge Road, Black Mountain, within the jurisdiction of the Town in accordance with and only to the extent represented in the application and plans and subject to the following conditions:

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November 20, 2025

1. Dwellings to be built to Fortified Gold Standard.
2. Grant an eight-foot right-of-way on Blue Ridge Road and Old Lakey Gap Road to the extent allowed by NCDOT and that any sidewalk or greenway comply with the Blue Ridge Road Small Area Plan.
3. The development must meet all state and town conditions for stormwater and other development regulations that are applicable.

The motion was seconded by David Barley and approved by a vote of 5-0.

2. Variance Request – 131 S. Ridgeway Avenue

Jennifer Tipton swore in Scott Russell for consideration of a party with standing. Mr. Russell said that he was attending the meeting to advocate for the variance request because of the need for more housing. The board voted 5-0 that Mr. Russell did not have standing.

There were no ethical issues or conflicts of interest from any of the board members. Jennifer Tipton swore in Russell Cate, Planner I/Zoning Administrator, and Richard King, Applicant.

Mr. Cate summarized the variance request as a request to reduce the side and rear setback requirements in order to convert the existing garage into living space. The property is zoned HB-8. The existing single-family home was constructed in 1955 and is seven hundred and ninety-one square feet in size. The existing garage was constructed in 1984 and is seven hundred and sixty-eight square feet in size.

Richard King, 1104 North Fork Road, spoke about the history of the surrounding area and how two existing homes have already been torn down and new, larger homes have been constructed. The existing home is a 1950's craftsman home and an addition would not preserve the history of the home or neighborhood. The conversion of the garage would not encroach into the setbacks as there are no additions planned to the garage. Mr. King wants to be able to add additional dwelling space in a walkable and approachable neighborhood. The final variance request is for a side setback of thirteen feet and a rear setback of seven feet.

Chair Lauren Dodgin made a motion to close the evidentiary hearing. The motion was seconded by John Hines and approved by a vote of 5-0.

The board found the following findings of fact:

1. There are unnecessary hardships that would result from the strict application of the regulations because of the large setback requirements of the HB-8 zoning district for residential structures.
2. The hardship results from conditions that are peculiar to the property such as location, size or topography because it was not common for attached garages and the size of the lot doesn't have a better location for a garage.

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3. The hardship does not result from actions taken by the property owner as the house and garage were already built and in existence when the applicant purchased the property.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations such that public safety is secured and substantial is achieved as it will allow the applicant to make use of his property as others in the surrounding neighborhood have been able to do.

Chair Lauren Dodgin made a motion to grant the requested variance to a reduction in the setback at the property line opposite of S. Ridgeway Avenue to 17' and the setback at the property line opposite of Center Avenue to 3' for the property located at 131 S. Ridgeway Avenue, Black Mountain in accordance with and only to the extent represented in the application and plans. The motion was seconded by John Hines and approved by a vote of 4-1 with David Barley voting against the motion.

3. Approval of Order for Variance – 31 Hillcrest Road

Chair Lauren Dodgin made a motion to approve the order for the variance request at 31 Hillcrest Road. The motion was seconded by John Hines and approved by a vote of 5-0.

V. NEW BUSINESS

None.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 9:51 p.m.

Prepared by:

Lauren Dodgin, Chair

Jennifer Tipton, Senior Admin



**Town of Black Mountain
Planning & Development**

304 Black Mountain Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

December 11, 2025

Chair to the Board of Adjustment
160 Midland Avenue
Black Mountain, NC 28711

VIA Email and Regular Mail

RE: 19 Timber Park Drive Appeal to the Board of Adjustment

Dear Chair,

Pursuant to NCGS §160D-405(e), please find enclosed the Record in the above-referenced case, which I am transmitting to the Board of Adjustment. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jennifer Tipton
Clerk to Board of Adjustment

Enclosures

CC: Shane and Erin Lunsford
Brian Gulden, Esq.
Board of Adjustment Members
Russell Cate, Planner I/Zoning Administrator
Michelle Kennedy, Planning Director

BEFORE THE TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT
BUNCOMBE COUNTY

SHANE AND ERIN LUNSFORD)
APPEAL OF ZONING ADMINISTRATOR DECISION)
19 TIMBER PARK DRIVE)
BLACK MOUNTAIN, NC 28711)

RECORD

Emails between Russell Cate and Shane Lunsford.....3
Notice of Violation Dated September 23, 2025.....14
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Appeal Application Dated September 26, 2025.....18
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Certificate of Service.....22

Jennifer Tipton

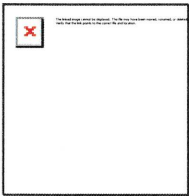
From: Russell Cate
Sent: Wednesday, November 26, 2025 9:25 AM
To: Jennifer Tipton
Subject: FW: can you please give me an update on the containers?

First email

From: Russell Cate
Sent: Tuesday, July 29, 2025 4:01 PM
To: shane.lunsford@gmail.com; eelunsford@gmail.com
Subject: can you please give me an update on the containers?

Good afternoon Shane and Erin,
Can you please give me an update on the containers?
Thank you.

Russell B. Cate, CZO
Planner, Zoning Administrator
828-419-9373
Russell.cate@tobm.org



Town of Black Mountain, NC
304 Black Mountain Ave. | Black Mountain NC 28711
www.townofblackmountain.org

From: Shane Lunsford <shane.lunsford@gmail.com>
Sent: Thursday, July 10, 2025 3:08 PM
To: Ronnie McAbee <ronnie.mcabee@tobm.org>; Erin <eelunsford@gmail.com>
Subject: Container at 19 Timber Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ronnie,

Sorry I missed you the other day. I wanted to reach out and follow up from your visit. We are working to relocate the containers and sell our home. Our hope is to have a new location for them in the near future.

I do apologize for any complaints you have been getting about the containers.

I will keep you updated and if you need anything please do not hesitate to contact me.

Thank you,

Shane & Erin Lunsford
828-280-9639

Jennifer Tipton

From: Russell Cate
Sent: Wednesday, November 26, 2025 9:25 AM
To: Jennifer Tipton; Jennifer Tipton
Subject: FW: can you please give me an update on the containers?

2nd email

From: Russell Cate
Sent: Tuesday, July 29, 2025 4:32 PM
To: Shane Lunsford <shane.lunsford@gmail.com>
Cc: eelunsford@gmail.com
Subject: RE: can you please give me an update on the containers?

Thank you for this update, Shane.

Russell B. Cate, CZO
Planner, Zoning Administrator
828-419-9373
Russell.cate@tobm.org



Town of Black Mountain, NC
304 Black Mountain Ave. | Black Mountain NC 28711
www.townofblackmountain.org

From: Shane Lunsford <shane.lunsford@gmail.com>
Sent: Tuesday, July 29, 2025 4:26 PM
To: Russell Cate <russell.cate@tobm.org>
Cc: eelunsford@gmail.com
Subject: Re: can you please give me an update on the containers?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Russell,

We are working to sell the house and currently looking for an alternate location for them to be moved to. I am hoping in the next two weeks to have a location and get them scheduled to be moved.

If you know of any places that allow temporary placement of containers please let us know.

We are also happy to apply for a permit for them if that is a simpler temporary solution until we can get them relocated which will happen either way as we are selling the home.

Thank you,

Shane Lunsford

On Tue, Jul 29, 2025 at 4:01 PM Russell Cate <russell.cate@tobm.org> wrote:

Good afternoon Shane and Erin,

Can you please give me an update on the containers?

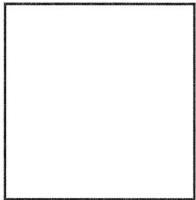
Thank you.

Russell B. Cate, CZO

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org



Town of Black Mountain, NC

[304 Black Mountain Ave. | Black Mountain NC 28711](#)

www.townofblackmountain.org

From: Shane Lunsford <shane.lunsford@gmail.com>

Sent: Thursday, July 10, 2025 3:08 PM

To: Ronnie McAbee <ronnie.mcabee@tobm.org>; Erin <eelunsford@gmail.com>

Subject: Container at 19 Timber Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ronnie,

Sorry I missed you the other day. I wanted to reach out and follow up from your visit. We are working to relocate the containers and sell our home. Our hope is to have a new location for them in the near future.

I do apologize for any complaints you have been getting about the containers.

I will keep you updated and if you need anything please do not hesitate to contact me.

Thank you,

Shane & Erin Lunsford

828-280-9639

Jennifer Tipton

From: Russell Cate
Sent: Wednesday, November 26, 2025 9:25 AM
To: Jennifer Tipton
Subject: FW: can you please give me an update on the containers?
Attachments: residential_permit_application_202406050745465415.pdf

3rd email

From: Russell Cate
Sent: Tuesday, July 29, 2025 5:03 PM
To: Shane Lunsford <shane.lunsford@gmail.com>
Cc: eelunsford@gmail.com
Subject: RE: can you please give me an update on the containers?

Hi Shane,

They are well beyond the Code's 90-day allowance, so please remove them immediately.

If you're converting them to accessory structures, this week submit a residential permit application for two accessory structures. The application is attached. Submit completed application to Jennifer Tipton, Permit Coordinator: Jennifer.tipton@tobm.org

Another option for permit application is:

Permit Application System (GovWell): <https://app.govwelltech.com/black-mountain>

Put "N/A" for items that are not applicable.

If you have questions about the permit application process, contact Jennifer Tipton, Permit Coordinator, at Jennifer.tipton@tobm.org, 828-419-9371.

This is the definition of accessory structure:

A structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use which is not used as a dwelling unit.

These are the requirements:

No more than two accessory structures are permitted per lot.

An accessory structure cannot be more than two stories.

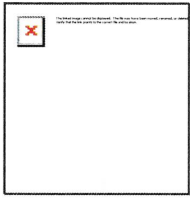
Must be located in the side or rear yards, and cannot be closer than five feet to the side and rear property lines. These are the definitions of side and rear yard:

Yard, rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at closest point to rear lot line.

Yard, side: A space extending from the front yard to the rear yard between the principal building and side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Thank you.

Russell B. Cate, CZO
Planner, Zoning Administrator
828-419-9373
Russell.cate@tobm.org

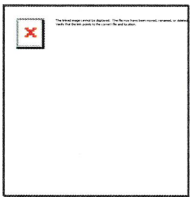


Town of Black Mountain, NC
304 Black Mountain Ave. | Black Mountain NC 28711
www.townofblackmountain.org

From: Russell Cate
Sent: Tuesday, July 29, 2025 4:32 PM
To: Shane Lunsford <shane.lunsford@gmail.com>
Cc: eelunsford@gmail.com
Subject: RE: can you please give me an update on the containers?

Thank you for this update, Shane.

Russell B. Cate, CZO
Planner, Zoning Administrator
828-419-9373
Russell.cate@tobm.org



Town of Black Mountain, NC
304 Black Mountain Ave. | Black Mountain NC 28711
www.townofblackmountain.org

From: Shane Lunsford <shane.lunsford@gmail.com>
Sent: Tuesday, July 29, 2025 4:26 PM
To: Russell Cate <russell.cate@tobm.org>
Cc: eelunsford@gmail.com
Subject: Re: can you please give me an update on the containers?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Russell,

We are working to sell the house and currently looking for an alternate location for them to be moved to. I am hoping in the next two weeks to have a location and get them scheduled to be moved.

If you know of any places that allow temporary placement of containers please let us know.

We are also happy to apply for a permit for them if that is a simpler temporary solution until we can get them relocated which will happen either way as we are selling the home.

Thank you,

Shane Lunsford

On Tue, Jul 29, 2025 at 4:01 PM Russell Cate <russell.cate@tobm.org> wrote:

Good afternoon Shane and Erin,

Can you please give me an update on the containers?

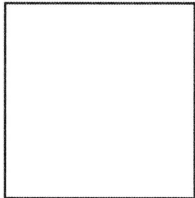
Thank you.

Russell B. Cate, CZO

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org



Town of Black Mountain, NC

[304 Black Mountain Ave. | Black Mountain NC 28711](#)

www.townofblackmountain.org

From: Shane Lunsford <shane.lunsford@gmail.com>

Sent: Thursday, July 10, 2025 3:08 PM

To: Ronnie McAbee <ronnie.mcabee@tobm.org>; Erin <eelunsford@gmail.com>

Subject: Container at 19 Timber Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ronnie,

Sorry I missed you the other day. I wanted to reach out and follow up from your visit. We are working to relocate the containers and sell our home. Our hope is to have a new location for them in the near future.

I do apologize for any complaints you have been getting about the containers.

I will keep you updated and if you need anything please do not hesitate to contact me.

Thank you,

Shane & Erin Lunsford

828-280-9639

Jennifer Tipton

From: Russell Cate
Sent: Wednesday, November 26, 2025 9:26 AM
To: Jennifer Tipton
Subject: FW: a heads up about the comment (corrections-needed) I posted to #BLG-25-0374 (two accessory structures)
Attachments: Sec. 1.7. 3 - Variances.pdf; variance_application.pdf

Final email

From: Russell Cate
Sent: Friday, October 31, 2025 10:32 AM
To: shane.lunsford@gmail.com
Subject: a heads up about the comment (corrections-needed) I posted to #BLG-25-0374 (two accessory structures)

Hi Shane,

I want to give you a heads up that I posted this comment (corrections-needed) in GovWell for your permit - # BLG-25-0374 (two accessory structures):

Timber Park Drive is a town roadway. Item (E) (2) in Section 4.5.4 of Chapter 4 states: "For lots adjacent to town or state roadways, accessory structures shall be located only in the side or rear yards."

Revise site plan to show that each of the two accessory structures is in the side or rear yard.

Add enough detail on site plan showing conformity with the requirement stated in item (E) (4): "Accessory structures cannot cover more than 30 percent of the yard they're in." Also, depict the street on the site plan.

On revised site plan, include measurements showing that each of the two accessory structures is no closer than FIVE FEET to the side and rear property lines.

[Definition of accessory structure: A structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use which is not used as a dwelling unit.]

The location requirement for accessory structures is something for which you can seek a variance from the Board of Adjustment. I've attached Section 1.7.3 (Variances) as well as the variance application.

The variance application fee, which covers the legal and administrative costs of the hearing that the BOA holds in considering a variance application, is about \$670, paid at time of submission of application. If you need the exact amount, let me know.

The paper version of the application's attached, but note that any application can be submitted electronically:

Permit Application System (GovWell): <https://app.govwelltech.com/black-mountain>

Put "N/A" for items that are not applicable.

If you have questions about the permit application process, contact Jennifer Tipton, Permit Coordinator, at Jennifer.tipton@tobm.org, 828-419-9371.

(If you complete the paper version of an application, submit it to Jennifer.)

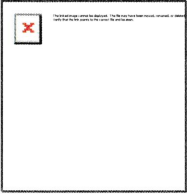
Thank you.

Russell B. Cate, CZO

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org



Town of Black Mountain, NC

304 Black Mountain Ave. | Black Mountain NC 28711

www.townofblackmountain.org



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

ZONING ORDINANCE VIOLATION

September 23, 2025

Shane Lunsford and Erin Lunsford
19 Timber Park Dr.
Black Mountain, NC 28711

RE: Zoning Ordinance Violation at 19 Timber Park Drive (Buncombe County Property ID Number 061869152900000), Black Mountain, NC 28711

Dear Property Owners,

A complaint of a zoning ordinance violation was received by this office. The violation is regarding storage units that have been in place for more than 120 days at 19 Timber Park Drive (Buncombe County Property ID Number 061869152900000). Item **B** in Section 4.7.13.3 (Temporary Uses) of Chapter 4 of Appendix A (Land Use Code) lists the requirements for storage units:

Requirements for storage units or "PODS"

- This section applies to temporary, self-contained storage units, not including trailers for office use or temporary shelter, which are intended to be picked up and moved to various locations on demand.
- The maximum time a temporary storage unit shall be placed on a parcel is 120 days.
- PODS shall be placed so as not to interfere with traffic or as to create a traffic hazard.

The two storage units have been at 19 Timber Park Drive since no later than January of this year.

Please know that it is a violation of the Code of Ordinances to establish and maintain a use that is not permitted. Section 4.3.1 (A) of Chapter 4 explains that use of land must conform with zoning requirements:

No building or land shall be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the town zoning regulations.

Note that per state statute, there is no such thing as a "use variance." In other words, the Board of Adjustment is not allowed to consider an application from a property owner to establish a use that's not permitted.

You are required to remove the storage units from your property.

The Town's Code of Ordinances is available online at:

https://library.municode.com/nc/black_mountain/codes/code_of_ordinances

CORRECTIVE ACTION REQUIRED

You are hereby required to remove the storage units from your property.

The property must be brought into compliance within fifteen (15) days of receipt of this notice. Failure to comply may result in a notice and citation for which a civil penalty of \$50.00 shall be assessed per day. Pursuant to Chapter 1, Section 1.11.6 of the Town of Black Mountain Land Use Code, this enforcement decision may be appealed to the Board of Adjustment following all procedures documented therein and pasted below.

Any questions relating to this warning notice should be directed to this office.

Thank you for your cooperation in this matter.

Respectfully,

Russell Cate, Planner / Zoning Administrator (phone: 828-419-9373; email: russell.cate@tobm.org)

1.11.6 Notices of violations and right to appeal.

- A. When work or activity has been undertaken in violation of state law, this code or the terms of a development approval, a written notice of violation may be issued by the responsible enforcement official. The notice of violation shall be delivered by personal delivery, electronic delivery, or first-class mail to all responsible parties. The notice of violation may be posted on the property.
- B. The notice of violation shall include a description of the violation and the actions necessary to correct the violation and shall require such remedial action be taken within a prescribed time period not to exceed 90 days. The enforcement officer may extend the 90-day period at his or her discretion for reasonable mitigating circumstances, but must document the reasons for the extension. Enforcement officers may waive penalties in cases where emergency or temporary repairs have been made out of necessity for the welfare and safety of the public or structure.

If the violation at issue is a violation of the State Building Code, the property owner or party responsible for the violation may appeal the issuance of the citation to the Commissioner of Insurance pursuant to N.C.G.S. § 160D-1127.

For all other violations, the property owner or party responsible for the violation may appeal the issuance of the citation to the board of adjustment within 30 days of the date of the receipt of the written citation by filing an appeal application with the town clerk.

The town may use any combination of the actions and penalties provided in this section to prevent, correct, stop, abate, or penalize a violation of the development regulations.

1.7.3 Variances.

- A. The board of adjustment shall authorize upon application in specific cases such variance from the terms of the town's development regulations as will not be contrary to the public interest and were owing to special conditions, a literal enforcement of the provisions of town zoning regulations will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the development regulations and in a way that the spirit of the town zoning regulations shall be preserved, public safety and welfare secured, and substantial justice done.
- B. Variance requests pertaining to property, signs, or structures within the town's designated historic district, or on structures designated on the National Register, must be reviewed by the town's historic preservation commission and a recommendation in the form of a certificate of appropriateness provided prior to the board of adjustment's deliberations
- C. The existence of a nonconforming use of neighboring land, building or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for a requested variance.
- D. In no event shall the board of adjustment grant a variance which would:
 - 1. Allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification or the district boundary of the property in question.
 - 2. Vary from the flood protection provisions within the designated floodway district in any way which would result in any increase in the flood levels during the regulatory flood discharge or threaten the public safety (see flood hazard protection ordinance concerning variances).
 - 3. Conflict with the North Carolina State Building Code, the North Carolina Fire Code, or any other state code unless otherwise authorized by laws and regulations.
 - 4. Permit the creation of a nonconforming lot.
 - 5. Deviate from the sign regulations within the sign ordinance unless the requested variance is within the town's historic district and the variance would further the goals of the town's historic preservation commission.
- E. A variance may be granted in the individual case of unnecessary hardship upon the board of adjustment being able to establish the following findings:
 - 1. That unnecessary hardship would result from the strict application of the development regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
 - 2. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;
 - 3. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
 - 4. That the requested variance is consistent with the spirit, purpose, and intent of the development regulations, such that public safety is secured, and substantial justice is achieved.

-
- F. After the board of adjustment approves a variance, the applicant shall follow all appropriate procedures set forth in these regulations for the receipt of permits, certificates, and other approvals necessary in order to proceed with development.

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

APPEAL FORM www.townofblackmountain.org

APPELLANT INFORMATION	
Name: <i>Shane + Eric Lunsford</i>	
Address: <i>19 Timber Park Dr, Black Mtn, NC 28711</i>	
Phone #: <i>828-280-9639</i>	Email: <i>shane.lunsford@gmail.com</i>
APPEAL FROM DECISION OF ZONING ADMINISTRATOR	
This is an appeal from a decision of the Zoning Administrator, to wit:	
AFFECTED PROPERTY	
Address: <i>19 Timber Park Dr, Black Mountain, NC 28711</i>	
PIN #: <i>061869152906000</i>	Zoning Classification:
GROUNDS FOR APPEAL	
<i>Containers were used during Disaster mitigation. We had loss of Business Merchandise. Today containers serve household storage + business storage.</i>	
STATEMENT AND SUBSTANTIATION OF STANDING	
<i>Grounds for appeal = Disaster Mitigation from Helewer</i>	
ACKNOWLEDGEMENT	
<i>[Signature]</i> Appellant	Date: <i>09/26/2025</i>
Attorney for Appellant	Date:
OFFICE USE ONLY	
Date Received:	Received by:

Town of Black Mountain
 160 Midland Avenue, Black Mountain, NC 28711
 Phone: 828-419-9300 ~ Fax: 828-669-2030
www.townofblackmountain.org



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

ZONING ORDINANCE VIOLATION

September 23, 2025

Shane Lunsford and Erin Lunsford
19 Timber Park Dr.
Black Mountain, NC 28711

RE: Zoning Ordinance Violation at 19 Timber Park Drive (Buncombe County Property ID Number 061869152900000), Black Mountain, NC 28711

Dear Property Owners,

A complaint of a zoning ordinance violation was received by this office. The violation is regarding storage units that have been in place for more than 120 days at 19 Timber Park Drive (Buncombe County Property ID Number 061869152900000). Item *B* in Section 4.7.13.3 (Temporary Uses) of Chapter 4 of Appendix A (Land Use Code) lists the requirements for storage units:

Requirements for storage units or "PODS"

- This section applies to temporary, self-contained storage units, not including trailers for office use or temporary shelter, which are intended to be picked up and moved to various locations on demand.
- The maximum time a temporary storage unit shall be placed on a parcel is 120 days.
- PODS shall be placed so as not to interfere with traffic or as to create a traffic hazard.

The two storage units have been at 19 Timber Park Drive since no later than January of this year.

Please know that it is a violation of the Code of Ordinances to establish and maintain a use that is not permitted. Section 4.3.1 (A) of Chapter 4 explains that use of land must conform with zoning requirements:

No building or land shall be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the town zoning regulations.

Note that per state statute, there is no such thing as a "use variance." In other words, the Board of Adjustment is not allowed to consider an application from a property owner to establish a use that's not permitted.

You are required to remove the storage units from your property.

The Town's Code of Ordinances is available online at:

https://library.municode.com/nc/black_mountain/codes/code_of_ordinances

CORRECTIVE ACTION REQUIRED

You are hereby required to remove the storage units from your property.

The property must be brought into compliance within fifteen (15) days of receipt of this notice. Failure to comply may result in a notice and citation for which a civil penalty of \$50.00 shall be assessed per day. Pursuant to Chapter 1, Section 1.11.6 of the Town of Black Mountain Land Use Code, this enforcement decision may be appealed to the Board of Adjustment following all procedures documented therein and pasted below.

Any questions relating to this warning notice should be directed to this office.

Thank you for your cooperation in this matter.

Respectfully,

Russell Cate, Planner / Zoning Administrator (phone: 828-419-9373; email: russell.cate@tobm.org)

1.11.6 Notices of violations and right to appeal.

- A. When work or activity has been undertaken in violation of state law, this code or the terms of a development approval, a written notice of violation may be issued by the responsible enforcement official. The notice of violation shall be delivered by personal delivery, electronic delivery, or first-class mail to all responsible parties. The notice of violation may be posted on the property.
- B. The notice of violation shall include a description of the violation and the actions necessary to correct the violation and shall require such remedial action be taken within a prescribed time period not to exceed 90 days. The enforcement officer may extend the 90-day period at his or her discretion for reasonable mitigating circumstances, but must document the reasons for the extension. Enforcement officers may waive penalties in cases where emergency or temporary repairs have been made out of necessity for the welfare and safety of the public or structure.

If the violation at issue is a violation of the State Building Code, the property owner or party responsible for the violation may appeal the issuance of the citation to the Commissioner of Insurance pursuant to N.C.G.S. § 160D-1127.

For all other violations, the property owner or party responsible for the violation may appeal the issuance of the citation to the board of adjustment within 30 days of the date of the receipt of the written citation by filing an appeal application with the town clerk.

The town may use any combination of the actions and penalties provided in this section to prevent, correct, stop, abate, or penalize a violation of the development regulations.



LEGAL NOTICE

BLACK MOUNTAIN BOARD OF ADJUSTMENT

EVIDENTIARY HEARING

Thursday, December 18, 2025, at 6:00 p.m.

The Black Mountain Board of Adjustment will meet on **Thursday, December 18, 2025, at 6:00 p.m.** in the Council Room in the Town Hall Building, 160 Midland Avenue, Black Mountain, NC. The purpose of this meeting is to hear an appeal of the Zoning Administrator's decision for 19 Timber Park Drive, PIN #0618-69-1529.00000, regarding shipping containers being used for storage for over a year.

The meeting is open to the public.

Jennifer Tipton
Senior Admin

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at 419-9371 or by email at Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 12/01/2025
Published in the Black Mountain News 12/04/2025 and 12/11/2025

www.townofblackmountain.org

CERTIFICATE OF SERVICE

This is to certify that the foregoing Record has been duly served by deposit a copy of the same in the United States Mail, first-class, postage pre-paid, as well as by electronic mail, to the following:

Mr. and Mrs. Shane Lunsford
19 Timber Park Drive
Black Mountain, NC 28711
Shane.lunsford@gmail.com

Mr. Brian Gulden, PA
11 N Market Street
Asheville, NC 28801
bgulden@vwlawfirm.com

Lauren Dodgin
Board of Adjustment Chair
PO Box 847
Black Mountain, NC 28711
ladodgin@gmail.com

John Hines
Board of Adjustment Member
203 S Blue Ridge Road
Black Mountain, NC 28711
John.hines@gmail.com

Nicole Stallings
Board of Adjustment Member
267 Fern Way
Black Mountain, NC 28711
Ndstallings01@yahoo.com

Linda Brinson
Board of Adjustment Member
251 Avena Road, Apt. 9
Black Mountain, NC 28711
lindabrinson@yahoo.com

David Barley
Board of Adjustment Member
301 View Street
Black Mountain, NC 28711
barleyd@gmail.com

Mary Hall
Board of Adjustment Alternate Member
545 Sweet Birch Park Lane
Black Mountain, NC 28711
maryehall@maryehall.com

Ted Rausch
Board of Adjustment Alternate Member
122 Louisa Street
Black Mountain, NC 28711
tedkrausch@gmail.com

Chloe Brown
Board of Adjustment Alternate Member
112 Brookhaven Drive
Black Mountain, NC 28711
chloeptreadway@gmail.com

Name	Address	City	State	Zip
Steve Imig; Amy Oxendale-Imig	10 E Keesler St #F	Black Mountain	NC	28711
Marna Prine; Cole Prine	100 Tree Canopy Ln	Black Mountain	NC	28711
Lance Grunge; Kythera Grunge; Kimberley Dolan	24 Rustling Pine Trl	Black Mountain	NC	28711
Old Clear Creek Properies LLC; Dogwood Builders NC LLC	PO Box 1684	Candler	NC	28715
Sidney Barham; Janet Barham	17 McMurray Ln	Black Mountain	NC	28711
Douglas Brock; Marcia Coit	296 Old Lakey Gap Rd	Black Mountain	NC	28711
Douglas Brock; Marcia Coit	296 Old Lakey Gap Rd	Black Mountain	NC	28711
Douglas Brock; Marcia Coit	296 Old Lakey Gap Rd	Black Mountain	NC	28711
Sidney Barham; Janet Barham	14 McMurray Ln	Black Mountain	NC	28711
Douglas Brock; Marcia Coit	296 Old Lakey Gap Rd	Black Mountain	NC	28711
Douglas Cline; Lisa Cline	11 Timber Park Dr	Black Mountain	NC	28711
Howard Feinsilber	7 Timber Park Dr	Black Mountain	NC	28711
Shane Lunsford; Erin Lunsford	19 Timber Park Dr	Black Mountain	NC	28711
Douglas Brock; Marcia Coit	296 Old Lakey Gap Rd	Black Mountain	NC	28711
John George; Noreen Jarvis-George	23 Timber Park Dr	Black Mountain	NC	28711
Randel Patty; Robin Patty	305 Cornell Ave	Baton Rouge	LA	70808
Bruce Grob; Banta Whitner	27 Timber Park Dr	Black Mountain	NC	28711
Alton Hancock; Jane Hancock	22341 Fairway View Dr	Zachary	LA	70791
Christmount Christian Assembly Inc	222 Fern Way	Black Mountain	NC	28711
Joseph Cook; Judith Cook	2411 Crestmoor Rd Apt PH3	Nashville	TN	37215

PIN #
61859765600000
61859846300000
61859852500000
61859878800000
61859889700000
61859926900000
61859938800000
61859947700000
61859960900000
61869047400000
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61869093500000
61869152900000
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61869257500000
61869277900000
61869562200000
61869673900000
61897253000000
61960201300000



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF EVIDENTIARY HEARING FOR APPEAL OF ZONING ADMINISTRATOR DECISION

Date: December 3, 2025

To: Property Owners within 200 feet of the subject property located at:
19 Timber Park Drive

RE: Evidentiary Hearing for Appeal of Zoning Administrator Decision #**ZA-25-0007**

Dear Property Owner,

Please be advised that an application for an Appeal of a Zoning Administrator Decision has been filed with the Black Mountain Planning and Development Office and Town Clerk concerning the property at 19 Timber Park Drive. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property as required by the Town of Black Mountain Land Use Code Section 1.7.1 (D)(3).

Appellant Information:

- Appellant Name: Shane and Erin Lunsford

Property Information:

- Property Address: 19 Timber Park Drive
- Parcel Identification Number: 0618-69-1529.00000
- Current Zoning: SR-2

This is an Appeal from a Decision of the Zoning Administrator, to wit:

Containers were used during disaster mitigation. We had loss of business warehouse. Today containers serve household storage and business storage.

Brief Statement of Grounds for Appeal:

Disaster mitigation from Hurrican Helene.

Evidentiary Hearing Details:

An evidentiary hearing will be held to consider this application. All interested parties are encouraged to attend.

- Date: December 18, 2025



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

- Time: 6:00 p.m.
- Location: Council Room, Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:

- Review the Application:
<https://blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=685>
- Contact the Planner: Russell Cate ♦ 828-419-9373 ♦ russell.cate@tobm.org

The meeting is open to the public.

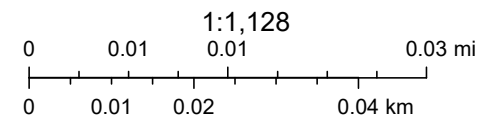
Sincerely,

Jennifer Tipton
Senior Admin/Clerk to Board of Adjustment
Town of Black Mountain Planning and Development Department

Buncombe County



December 2, 2025



**Town of Black Mountain Staff Report
Board of Adjustment**

Case No: V-25-07

Case Name: 204 Stafford St.

Hearing Date: December 18, 2025

Procedure: Variance Evidentiary Hearing

Address of Variance Request:

204 Stafford Street

Black Mountain, NC 28711

Property ID Number (PIN): 061905507800000

Applicant:

Dennis R. Gregory, Jr.

204 Stafford St.

Black Mountain, NC 28711

Request:

The applicant is seeking a variance from the Urban Residential (UR-8) zoning district's 20-foot front setback requirement. The context is the addition of a front porch that is to be 12 feet wide and eight feet deep. The applicant is seeking an eight-foot reduction in the front setback requirement; the front of the new porch is to be twelve feet from the front property line.

Town Staff:

Jennifer Tipton, Clerk to Board of Adjustment

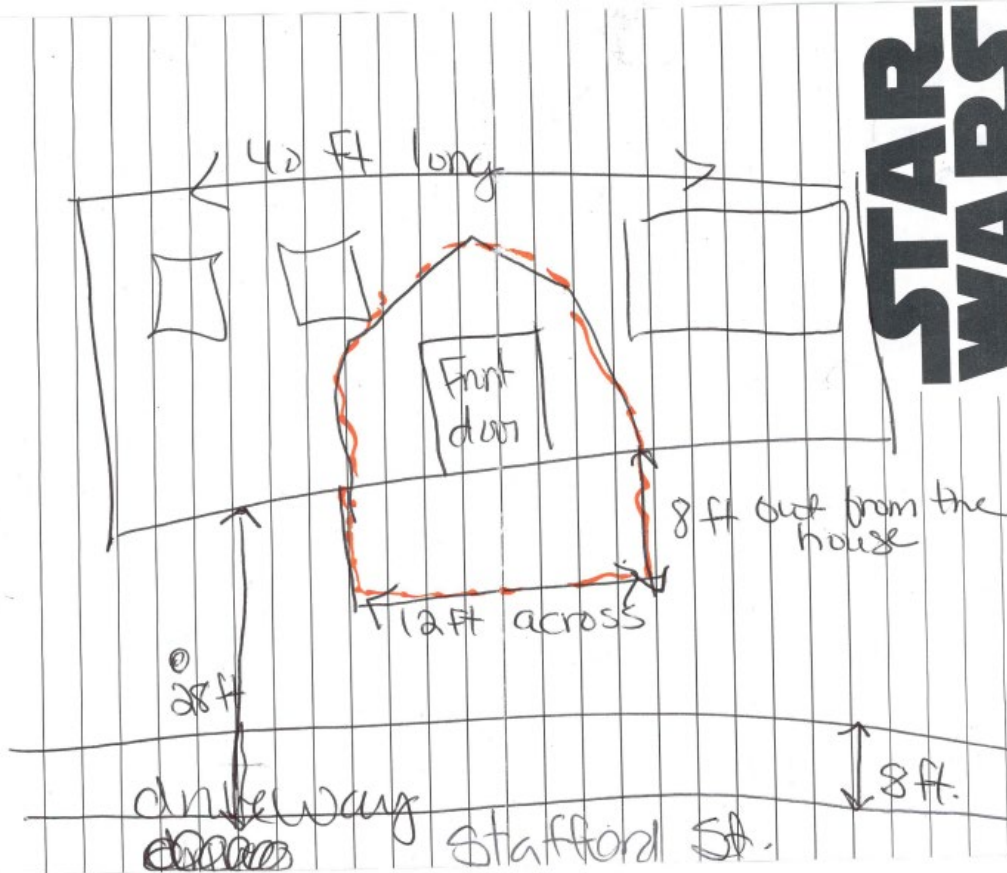
Russell Cate, Planner 1/Zoning Administrator

I. SUMMARY OF REQUEST

The applicant is seeking an eight-foot variance from the front setback requirement of the Urban Residential (UR-8) zoning district of 20 feet. The context is the addition of a front porch to the home.

Section 4.4.3 of Chapter 4 explains that the setback measurement is taken from the right of way line or the property line, whichever is further back, and that the measurement is "to the nearest portion of the building or structure."

Below is the applicant's site plan:

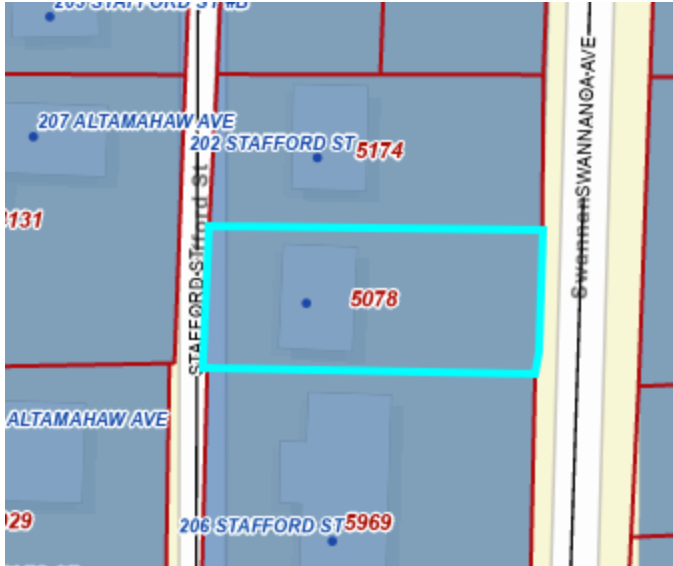


II. PROCESS – REQUIRED CITY APPROVALS

In addition to this variance, the applicant will need to obtain zoning compliance approval and a building permit that demonstrates compliance with all applicable standards of the Zoning Ordinance and the North Carolina Building Codes.

III. ZONING AND LAND USE

The property is in the Urban Residential (UR-8) zoning district. This clip is from Buncombe GIS (5078 is the subject property):



The *Minimum Yard Requirements* in UR-8 are:

- Front: 20 feet
- Side: 10 feet
- Rear: 15 feet

Reference: Section 4.7.15 (Dimensional Requirements by Zoning District) of Chapter 4.

The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	UR-8	UR-8	UR-8	UR-8
Adjacent Land Uses	Single-family home	Single-family home	Single-family home	Single-family home

The *Purpose and Intent* of the UR-8 zoning district is:

The mixed residential district is established to provide a variety of housing types, promote density in the more urbanized and developable areas or town, and structure the orderly development of residential neighborhoods.

Reference: Section 4.7.4 (Urban Residential District – UR-8) of Chapter 4.

Existing Conditions

According to the Buncombe County Property Record Card for 204 Stafford Street, the parcel has a three-bedroom, single family home that has a total finished area of 1,200 square feet. The county lists the lot size as .18 acre. The overall slope of the lot is 15.9 percent (according to <https://www.mapwnc.org/find-slope-for-parcel>).

Below is a clip from Buncombe GIS with the 5 Foot Contours, *Stream & River* and 2020 – *DFIRM Flood Data* layers turned on (the property does not have any NC DEQ-classified surface waters and is not in the 100-year flood zone). **5078** is the subject property. Note: image is *Post Helene 2024*.



Below is a street view of the lot (photo taken on 12/3/2025).



IV. NOTIFICATION

Notice of the variance request and hearing was mailed to all property owners within 200 feet of the project site. Public notice was posted on the Town bulletin board and on the Town of Black Mountain website on December 1, 2025. Legal notice appeared in *Black Mountain News* the weeks of December 4, 2025, and December 11, 2025. The property was posted with a notice listing the time and date of the hearing.

V. ANALYSIS

The context of the variance request is addition of a front porch that is to be 12 feet wide and eight feet deep. Front porches are common features on homes in the Town of Black Mountain.

Section 4.4.3 (A) of the Land Use Code states that “Yard and setback requirements shall be met unless a variance is granted by the Board of Adjustment.”

Per Section 2.1.4 of the Land Use Code, a permit is required before work is begun and a permit shall not be issued until the town zoning administrator has provided authorization that the proposed structure is in compliance with the zoning district in which it is located.

Section 1.7.3 (A) of the Land Use Code states that the board of adjustment shall authorize upon application in specific cases such variance from the terms of the town’s land use code as will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the town ordinances will, in an individual case, result in practical difficulty or unnecessary hardship. Variances are not intended to provide limited relief from regulations in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed in the land use code and in a way that the spirit of the town regulations shall be preserved, public safety and welfare secured, and substantial justice done.

Town staff has determined that the applicants’ request to hear the variance is in accordance with Section 1.7.1 (A).

VARIANCE APPLICATION www.townofblackmountain.org

PROPERTY OWNER INFORMATION

Owner Name: Dennis R. Gregory Jr.
 Owner Address (Number, Street, City, State, ZIP): 204 Stafford St. Black mt 28711
 Home Phone: 231-5289 Cell Phone: 275-1917 Email Address: dennis.gregory.jr@gmail.com

APPLICATION FOR VARIANCE

I request a variance/variances from the following provisions of the ordinance:

Section Number(s): 4.7 Section Title(s): Zoning Regulations by District
Dimensional Requirements

Subsection letter(s) and/or number(s): 4.7.15 Subsection Title(s): Dimensional requirements
by zoning district

So that the below mentioned property can be used in a manner indicated by the plan attached to this form, or if the plan does not adequately reveal the nature of the variance, as more fully described herein (if applying for a variance in dimensional requirements, state the revised setbacks or height limitations desired below):

Seeking a 12ft variance for a front porch

PROPERTY INFORMATION

Parcel Number	Current Zoning	Acreage
<u>0019-05-5078</u>	<u>UR-8</u>	<u>.18</u>
Address		
<u>204 Stafford St</u>		
Average Slope %	Use of Property	
<u>15.90%</u>	<u>residential</u>	

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Zoning Board of Adjustment meeting is mandatory for the review of this application.

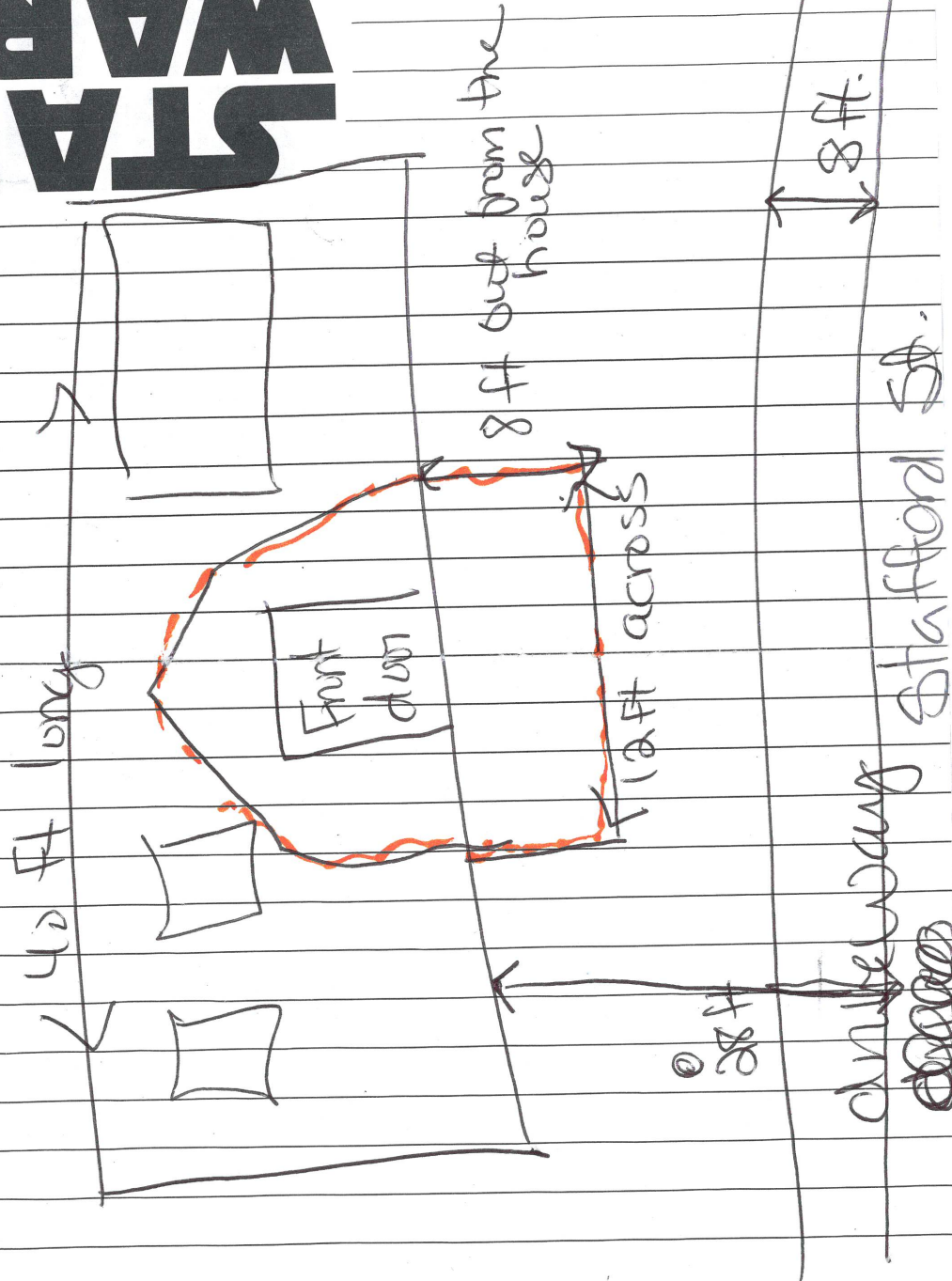
Petitioner Signature: Dennis Gregory Date: 11-25-2025

OFFICE USE ONLY

Date Received: 11/25/25 Fee: ~~\$600.00~~ SEE CURRENT FEE SCHEDULE
 Cash: Check: # 019101 Credit:
 Case Number: VAR-25. Meeting Date: 12/18/25

Town of Black Mountain
 160 Midland Avenue, Black Mountain, NC 28711
 Phone: 828-419-9300 ~ Fax: 828-669-2030

STAR WARS



VARIANCE BURDEN OF PROOF

In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the ZBA that it can properly grant the variance as provided for in Chapter 1, Section 1.7.3 Variances. The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance.

Please indicate how the proposed project meets the below requirements. If additional space is required, please provide the information on a separate sheet of paper.

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Hardship from not having a porch into our front door. Porch removed to accomodate repairs. Now it needs replacing but even our home only 25 feet from the driveway. We would like a porch 12ft long and 8ft wide.

2. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

Front yards very shallow from driveway to door but a porch is necessary. Would like one 8 x 12 to replace other one.

3. Indicate how the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

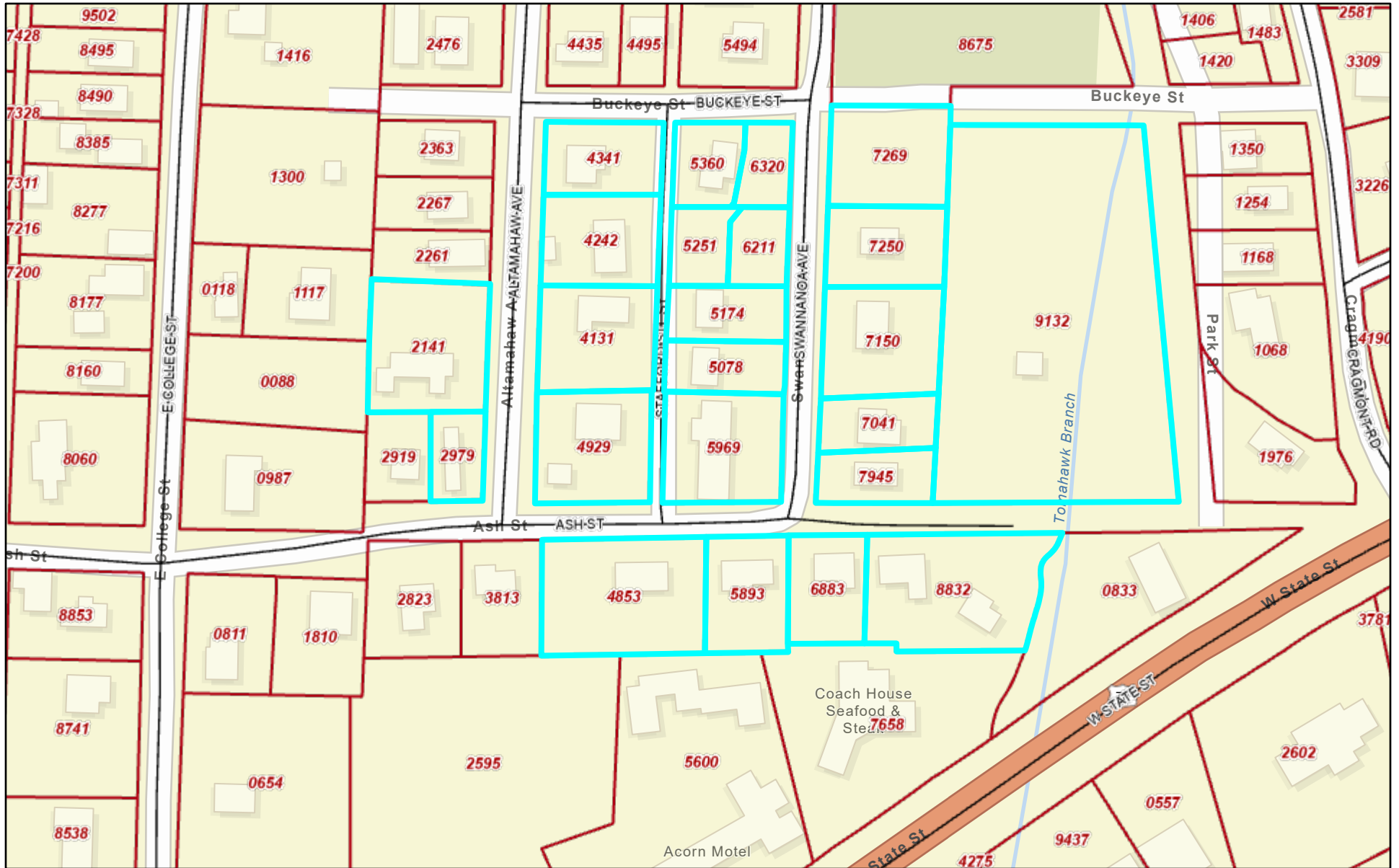
Previous front porch had to be removed in order to complete Helene repairs. Repairs have recently been completed and now we need another porch to our front door.

4. Indicate how the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

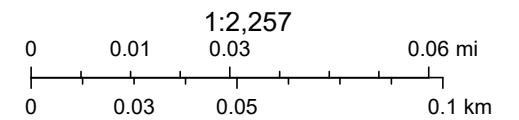
The front porch will not be a distraction or a danger and would allow us to use our property like everyone else in the neighborhood.

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

Buncombe County



December 2, 2025



Name	Address	City	State	Zip	PIN #
Bryan Rogers	210 Altamahaw Ave	Black Mountain	NC	28711	61904297900000
Marianne Heide	305 Ash St	Black Mountain	NC	28711	61904485300000
Steinhaus Family Trust	211 Altamahaw Ave	Black Mountain	NC	28711	61904492900000
C Panagiotopoulos Et Al	8 Breckenridge Pkwy	Asheville	NC	28804	61904589300000
Stanley Williams; Carolyn Williams	206 Stafford St	Black Mountain	NC	28711	61904596900000
Jennifer Trippe; Bainon Coursey	111 Ash St	Black Mountain	NC	28711	61904688300000
Toni Wegener	207 Swannanoa Ave	Black Mountain	NC	28711	61904794500000
David Bush; Alma Bush	115 Ash St	Black Mountain	NC	28711	61904883200000
Michele Raine; Montana Raine	206 Altamahaw Ave	Black Mountain	NC	28711	61905214100000
Clista Lewis; Keith Lewis	207 Altamahaw Ave	Black Mountain	NC	28711	61905413100000
Donald Braden; Deborah Braden	107 Fairway Dr	Black Mountain	NC	28711	61905424200000
Rudolph Torrico; Kathleen Torrico	201 Stafford St	Black Mountain	NC	28711	61905434100000
Dennis Gregory	204 Stafford St	Black Mountain	NC	28711	61905507800000
Judith Anderson	202 Stafford St	Black Mountain	NC	28711	61905517400000
Edward Chester; Ann Chester; Brian Scott	3105 Valcour Dr	Glenview	IL	60026	61905525100000
Sarah Magner	29 Lanvale Ave	Asheville	NC	28806	61905536000000
Burak Living Trust	202 Swannanoa Ave	Black Mountain	NC	28711	61905621100000
Ricci Vernon; Ferol Vernon	102 Buckeye St	Black Mountain	NC	28711	61905632000000
Brody Pup Properties LLC	510 SE 5th Ct	Pompano Beach	FL	33060	61905704100000
Darren Justice; Kimberly Justice	203 Swannanoa Ave	Black Mountain	NC	28711	61905715000000
Thomas Woodbury	147 Buckner Rd	Black Mountain	NC	28711	61905725000000
Thomas Woodbury	147 Buckner Rd	Black Mountain	NC	28711	61905726900000
Town of Black Mountain	160 Midland Ave	Black Mountain	NC	28711	61905913200000



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF EVIDENTIARY HEARING FOR VARIANCE REQUEST

Date: December 3, 2025

To: Property Owners within 200 feet of the subject property located at:
204 Stafford Street

RE: Evidentiary Hearing for Variance Application #**VAR-25-0007**

Dear Property Owner,

Please be advised that an application for a Variance has been filed with the Black Mountain Planning and Development Office concerning the property at 204 Stafford Street. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property as required by the Town of Black Mountain Land Use Code Section 1.7.1 (D)(3).

Applicant Information:

- Applicant Name: Dennis Gregory, Jr.

Property Information:

- Property Address: 204 Stafford Street
- Parcel Identification Number: 0619-05-5078.00000
- Current Zoning: UR-8
- Ordinance Section: Section 4.7.15, Dimensional Requirements by Zoning District
- Variance Requested for: reducing the front setback by 12' to build a front porch

Evidentiary Hearing Details:

An evidentiary hearing will be held to consider this application. All interested parties are encouraged to attend.

- Date: December 18, 2025
- Time: 6:00 p.m.
- Location: Council Room, Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

- Review the Application:
<https://blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=685>
- Contact the Planner: Russell Cate ♦ 828-419-9373 ♦ russell.cate@tobm.org

Purpose of a Variance:

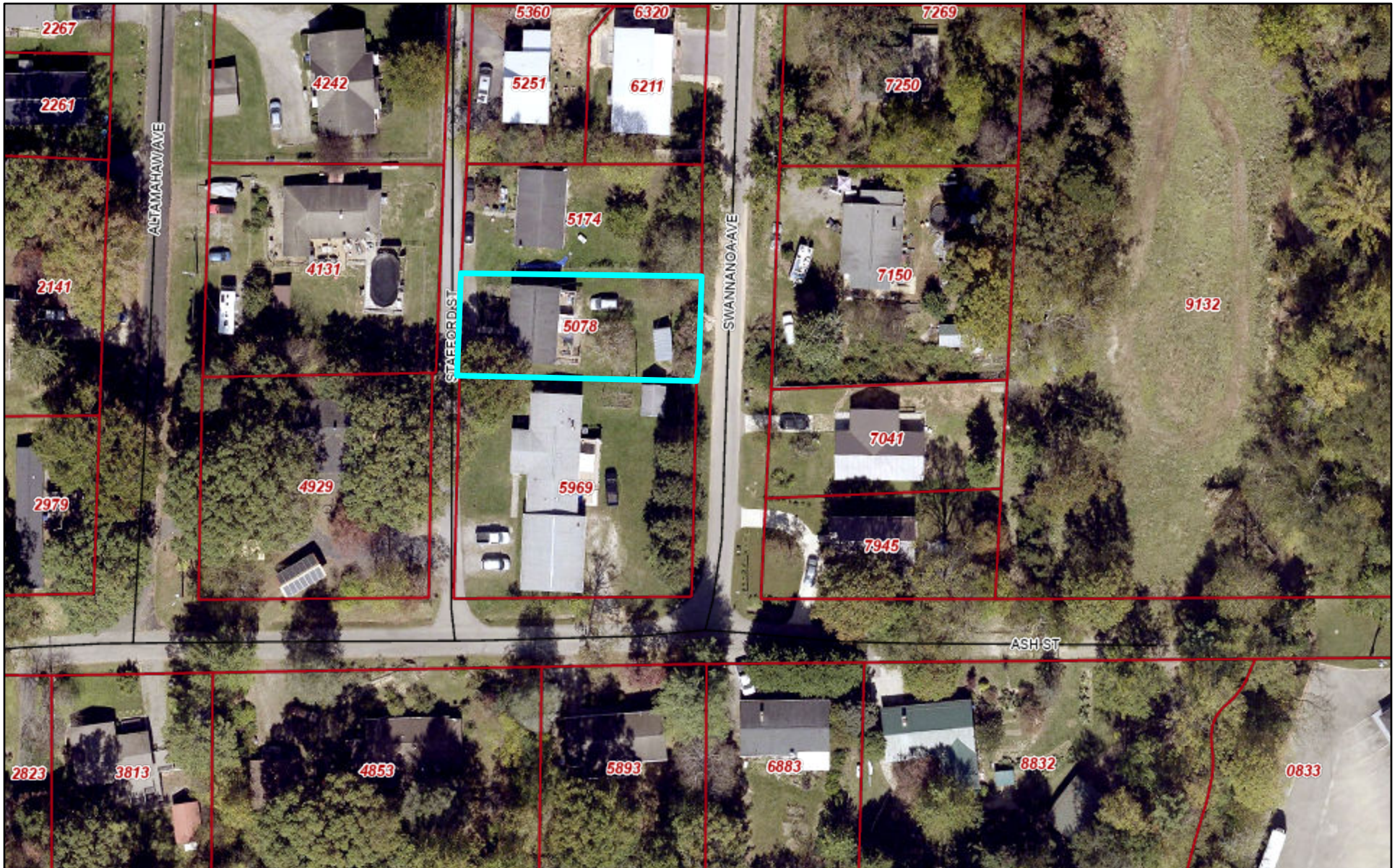
Variations are intended to provide limited relief from regulations in those cases where the strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the development regulations and in a way that the spirit of the zoning regulations shall be preserved, public safety and welfare secured, and substantial justice achieved.

The meeting is open to the public.

Sincerely,

Jennifer Tipton
Senior Admin/Clerk to Board of Adjustment
Town of Black Mountain Planning and Development Department

Buncombe County



December 2, 2025

