



TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT

January 15, 2026

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

-
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 December 18, 2025, as written [or as amended]**
 4. **OLD BUSINESS**
 - 4.A. **Appeal of Zoning Administrator's Decision - 19 Timber Park Drive**
 5. **NEW BUSINESS**

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

**TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT**

The Black Mountain Board of Adjustment held its regular meeting on Thursday, December 18, 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:

Nicole Stallings, Vice Chair
John Hines
Linda Brinson
David Barley
Mary Hall, Alternate
Tom Rausch, Alternate

Absent:

Lauren Dodgin, Chair
Chloe Brown, Alternate

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:10 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and one (1) alternate member.

II. ADOPTION OF AGENDA

Jennifer Tipton had one change to the agenda. Due to sickness, the appellant for 19 Timber Park Drive is not in attendance and the hearing will need to be continued. Nicole Stallings made a motion to adopt the agenda as amended. The motion was seconded by John Hines and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

There were two changes to the minutes of November 20, 2025. The vote for the variance at 131 S Ridgeway needs to be changed to 4-1 with David Barley voting against the motion. The setback measurements for 131 S Ridgeway need to be changed to thirteen feet and seven feet. Nicole Stallings made a motion to adopt the minutes of November 20, 2025, as amended. The motion was approved by a vote of 4-0, with Mary Hall abstaining.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Appeal – 19 Timber Park Drive

Due to sickness of the appellant, staff is requesting that the hearing for 19 Timber Park Drive be continued to January 15, 2025, at 6:00 p.m. at Town Hall, 160 Midland Avenue. Nicole Stallings

Board of Adjustment Regular Meeting
December 20, 2025

made a motion to continue the hearing until January 15, 2025, at 6:00 p.m. at Town Hall, 160 Midland Avenue. The motion was seconded by John Hines and approved by a vote of 5-0.

2. Variance Request – 204 Stafford Street

There were no individuals requested standing to be a party to the hearing.

There were no ethical or conflict of interest issues with any of the board members and there was no objection to the full panel.

Jennifer Tipton swore in Russell Cate, Dennis Gregory and Tracy Gregory.

Nicole Stallings opened the hearing.

Russell Cate summarized his staff report. The applicants are seeking a reduction in the front setback to add a 12' x 8' deck. The required front setback is twenty feet, and the applicants are seeking a reduction of eight feet (this was clarified from the twelve feet noted in the application).

Dennis and Tracy Gregory, 204 Stafford Street, stated that the original stoop/small porch had to be removed due to repairs caused by Tropical Storm Helene. A photo was provided in the staff report that showed the location of the original stoop.

Nicole Stallings made a motion to go into recess. The motion was seconded by John Hines and approved by a vote of 5-0.

The board members deliberated the variance standards and noted that there had been an original stoop that had to be removed and that stoop was already into the setback and that due to the slope of the back of the lot, the house is situated to be exactly twenty feet from the edge of pavement.

Nicole Stallings 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 there was an existing stoop/porch that had to be removed due to damage from Tropical Storm Helene.
2. The hardship results from conditions that are peculiar to the property such as location, size or topography because of the slope in the back, the house is situated exactly twenty feet from the edge of pavement.
3. The hardship does not result from actions taken by the property owner as the house and stoop/porch were built before the applicants 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 justice is achieved as all surrounding

Board of Adjustment Regular Meeting
December 20, 2025

properties are residential, there is no danger of the deck being in the road, and will allow the applicants to have a similar feature as the other homes in the neighborhood.

Nicole Stallings made a motion to grant the requested variance to a reduction of eight feet of the front setback. The motion was seconded by John Hines and approved by a vote of 5-0.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:48 p.m.

Prepared by:

Lauren Dodgin, Chair

Jennifer Tipton, Senior Admin

Board of Adjustment Regular Meeting
December 20, 2025



**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
Legal Notice of Evidentiary Hearing for Appeal.....21
Certificate of Service.....22

Jennifer Tipton

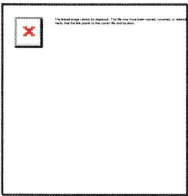
From: Russell Cate
Sent: Wednesday, November 26, 2025 9:25 AM
To: Jennifer Tipton
Subject: FW: can you please give me an update on the containers?

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
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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?

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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?

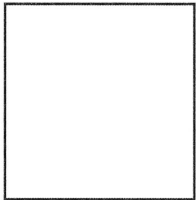
Thank you.

Russell B. Cate, CZO

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org



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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.

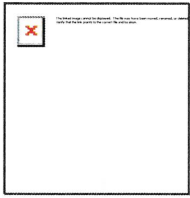
Must be located in the side or rear yards, and cannot be closer than five feet to the side and rear property lines. These are the definitions of side and rear yard:

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

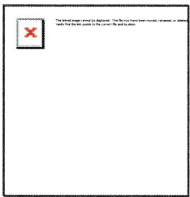


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If you know of any places that allow temporary placement of containers please let us know.

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,

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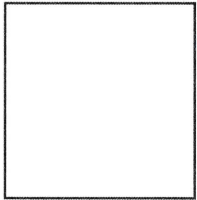
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Russell B. Cate, CZO

Planner, Zoning Administrator

828-419-9373

Russell.cate@tobm.org



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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.)

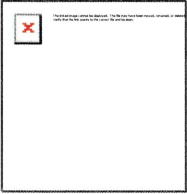
Thank you.

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 Helewee</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
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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 #
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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



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- 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

