RESOLUTION #

RESOLUTION AUTHORIZING ABATEMENT OF ZONING CODE VIOLATION AND COLLECTION OF FINES AT 19 TIMBER PARK DRIVE (PIN #0618-69-1529.00000)

WHEREAS, the Town of Black Mountain (the "Town") received an anonymous complaint in July 2025 about storage units that had been in place more than the allowed 120 days on the property located at 19 Timber Park Drive, Black Mountain, North Carolina, which property is listed of record as owned by Shane and Erin Lunsford (the "Property Owner"), through Deed recorded in Book 6025, Page 0066, Buncombe County, North Carolina Register of Deeds (the "Subject Property"); and

WHEREAS, Town staff conducted a site of visit of the Subject Property in July 2025 and confirmed the presence of two storage containers; and

WHEREAS, Town staff mailed a Courtesy Notice letter dated July 3, 2025, to the Property Owner both by regular mail and certified mail, informing them of the violation and that the storage containers need to be removed or a permit could be applied for to permit the storage containers as accessory structures; and

WHEREAS, the Property Owner sent an email dated July 29, 2025, to Russell Cate (the "Zoning Administrator") with an update that they are looking for an alternate location to move the storage containers to and hoping to have them moved within the next weeks; and

WHEREAS, Town staff conducted a follow-up site visit, and noted that the storage containers remained in place; and

WHEREAS, Town staff mailed a Notice of Violation letter dated September 23, 3035, to the Property Owner both by regular mail and certified mail, informing them of the continued violation and that the shipping containers must be removed from the property; and

WHEREAS, the Property Owner filed an appeal of the Notice of Violation with the Town of Black Mountain Board of Adjustment (the "Board") on September 26, 2025; and

WHEREAS, the Property Owner sent an email dated March 2, 2026, to Jennifer Tipton updating the office on the status moving the shipping containers and that a location had been secured to relocated the containers and are awaiting an updated lease; and

WHEREAS, the Zoning Administrator sent an email dated March 4, 2026, to the Property Owner informing them that staff would go by the Property two weeks from March 2, 2026, and take a photo to confirm the containers have been removed; and

WHEREAS, a Notice of Fine Payment Due and Continuing Violation dated May 6, 2026 was sent to the Property and Owner and it was made mention of the prior Notices of Zoning Violation and Citations dated February 2026, and March 17, 2026, that have been sent sent to the Property Owner indicating that a fine of $50.00 a day would begin to accrue every day after 15 days of receipt of the Notice of Zoning Violation and Citation; and

WHEREAS, fines began to accrue on March 25, 2026, and as of April 3, 2026, the fines had accrued to the amount of $500.00 and no remedy has been taken to resolve the violation; and

WHEREAS, there have been no additional discussions or actions from the Property Owner to remedy the violation or to pay the accrued fines; and

WHEREAS, in the interest of the public, health, safety, and welfare, and, as a result of the Property Owner of the Subject Property having failed to comply with the Notice of Fine Payment Due and Continuing Violation, the Town has determined that it is now necessary for the Town to proceed with an order of abatement through the court to remove the shipping containers as permitted in Chapter 1, Section 1.11.8 (B) of the Land Use Code and to seek the payment of accrued fines in the nature of debt collection as permitted in Chapter 1, Section 1.11.10 (B)(3) of the Land Use Code.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Town Council of the Town of Black Mountain, North Carolina, that pursuant to Chapter 1, Section 1.11.8 (B) and Section 1.11.10 (B)(3), Town staff is hereby authorized to obtain an order of abatement through the court to remove the storage containers and to seek the payment of accrued fines in the nature of debt collection in accordance with the terms of this Ordinance.

ADOPTED this 8th day of June 2026.

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C. Michael Sobol, Mayor

ATTEST:

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Wesley M. Barker, Town Clerk

APPROVED AS TO FORM:

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Craig Justus, Town Attorney