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

COURTESY NOTICE

July 3, 2025

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

Dear Property Owners,

This notice is in regards to a complaint received 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 until 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 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.

You are advised that unless this violation is corrected or otherwise remedied within fifteen (15) days of receiving this courtesy notice, you will be subject to a notice of violation. AT THIS TIME, HOWEVER, THERE ARE NO FINES ASSOCIATED WITH THIS COURTESY NOTICE.

Please disregard this courtesy notice if the issue has already been corrected.

If you're interested in establishing an accessory structure on your property, this is the definition from Section 1.2.3 (Definitions) of Appendix A (Land Use Code):

> 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 shall be permitted per lot, per the following:

- For lots adjacent to public roads (*Timber Park Drive is a Town roadway*), accessory structures shall be located only in the side or rear yards. Accessory structures must be located no closer than five feet to the side or rear property lines.
- Accessory structures shall not be more than two stories.
- Accessory structures shall not cover more than 30 percent of the yard that they're placed in.

(reference: Section 4.5.4 of Chapter 4)

To permit an accessory structure, complete the enclosed residential permit application and submit it to Jennifer Tipton, Permit Coordinator: Jennifer.tipton@tobm.org, 828-419-9371. Or submit the application via GovWell: https://app.govwelltech.com/black-mountain
Put "N/A" for items that are not applicable. If you have questions about GovWell, contact Jennifer.

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)

RESIDENTIAL PERMIT APPLICATION

www.townofblackmountain.org

PROPERTY INFORMATION		
Property Address:	PIN #:	
Property Owner:	Phone #:	Email:
Floodplain: □ Yes □ No	Flood Zone:	Flood Development Permit Required: □ Yes □ No

PERMIT TYPE (check appropriate permit type)

□ New Construction □ Manufactured Home □ Duplex □ Secondary Dwelling

□ Accessory Structure □ Deck/Patio □ Fence □ Addition □ Retaining Wall

□ Remodel/Renovation □ Demolition (WNC Air Quality Permit required)

PROJECT INFORMATION

Project Description: _____

_____

_____

Total Project Cost: $ _____ Duke Energy Premise #: _____

Heated SF:	Covered Unheated SF:	Open Decks SF:	Asphalt/Concrete SF:
Area of Land Disturbed:	# of Bedrooms	# of Bathrooms	# of Kitchens

Gas Appliances: _____

_____

(a gas schematic must be attached to this permit)

ZONING INFORMATION

Zoning District:	Height:	# of Parking Spaces:	Acreage:
Front Setback:	Side Setback:	Rear Setback:	Average Slope %:

A site plan showing the location of the structure and the distance to the property lines must be attached to this application.

Is this project creating a duplex:
□ Yes □ No

CONTRACTOR INFORMATION

General Contractor:	Phone #:	License #:
Electrical Contractor:	Phone #	License #:
Plumbing Contractor:	Phone #:	License #:
Mechanical Contractor:	Phone #:	License #:

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RESIDENTIAL PERMIT APPLICATION

www.townofblackmountain.org

ADDITIONAL INFORMATION TO BE ATTACHED TO PERMIT APPLICATION
□ 2 sets of plans □ MSD/Septic Permit □ Lien Agent □ Manual J Calculations □ WNC Air Quality Permit (required for demolition) □ Site Plan (must include a note stating the total added impervious area for the project, must include dimensions of impervious surfaces to be added during the project, and must indicate any existing impervious surfaces)

The undersigned hereby certifies that he/she is the contractor and authorized agent of the owner and the above information is correct to the best of his/her knowledge and hereby makes application for a permit and inspection of work described above. All work will be done in accordance with all applicable Federal, State, and local laws and regulations and that it is understood that this permit will expire if work is not commenced and inspected within six months of the date of issue. This permit will also expire if work stops at any time for 12 months or more and no inspections are performed to verify work in progress.

_____ _____

Signature Date

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