TOWN OF BLACK MOUNTAIN

160 MIDLAND AVENUE • BLACK MOUNTAIN, NORTH CAROLINA 28711
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NOTICE OF FINE PAYMENT DUE AND CONTINUING VIOLATION

May 6, 2026

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

RE: Accumulated fine (including payment due) and violation for 19 Timber Park Drive (Buncombe County Property ID Number 061869152900000), Black Mountain, NC 28711

Dear Property Owners,

Investigation by the zoning administrator of the Town of Black Mountain reveals that the property noted above remains in violation of the Land Use Code of the Code of Ordinances of the Town of Black Mountain.

Specifically, the property in question is in violation of Section 4.7.13.3 (Temporary Uses) of Chapter 4 of Appendix A (Land Use Code) of the Town of Black Mountain due to the presence of illegal storage containers.

Notice of violation was provided to you by a Courtesy Notice dated July 3, 2025, and a formal Zoning Ordinance Violation dated September 23, 2025. You appealed the notice to the Town Board of Adjustment. On February 19, 2026, after conducting a hearing, the Board of Adjustment voted to affirm the zoning administrator's decision to issue the zoning violation. You were served with the Board's Order, a copy of which is enclosed. You did not appeal this Order.

Additional notices were provided to you by Zoning Ordinance Violation and Citations dated February 20, 2026, and March 17, 2026, that included the following:

THIS IS YOUR NOTICE OF VIOLATION, AND THE PENALTY OF $50.00 PER DAY SHALL BEGIN TO ACCRUE FIFTEEN DAYS AFTER YOUR RECEIPT OF THIS NOTICE OF VIOLATION.

The penalty of $50.00 per day begins to accrue on March 25, 2026, with $50.00 for March 25, $50.00 for March 26, and for each subsequent day, until the violating condition no longer exists.

You have incurred a total fine amount of $500.00 per fines per Section 1.11.10 (Civil Penalties) of Appendix A (Land Use Code), as follows:

DATE	AMOUNT	TOTAL
March 25, 2026	$50	$50
March 26, 2026	$50	$100
March 27, 2026	$50	$150
March 28, 2026	$50	$200
March 29, 2026	$50	$250
March 30, 2026	$50	$300
March 31, 2026	$50	$350
April 1, 2026	$50	$400
April 2, 2026	$50	$450
April 3, 2026	$50	$500

To date, no steps have been taken to remedy the problem. This photo was taken May 6, 2026:



Contact this office to pay the $500.00. If you fail to correct the zoning violation and pay the $500.00 by **May 25, 2026**, the Town will likely bring a civil action to enjoin or abate the zoning violation and recover the penalties in a civil action in the nature of debt collection, per item ***(B)(3)*** of Section 1.11.10 which is:

> *Subsequent citations for same offense:* $500.00. If the offender fails to pay the civil penalties within 30 days after having been cited, the town may recover the penalties in a civil action in the nature of debt collection.

In addition, the Town may apply for a court order of abatement so as to have the containers removed including having a lien placed on your property for the cost of executing the order. This would occur per Section 1.11.8 (Court Injunctions or Order of Abatement) of Appendix A (Land Use Code) which is:

A. *Injunction.* The planning director, zoning administrator or building inspector, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction to correct a violation of these development regulations. Any person violating these development regulations shall be subject to the full range of equitable remedies provided in chapter 160D of the North Carolina General Statutes.
B. *Order of abatement.* In addition to an injunction, town enforcement agents may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:
    1. Buildings or other structures on the property be closed, demolished, or removed;
    2. Fixtures, furniture or other moveable property be moved or removed entirely;
    3. Improvements, alterations, modifications or repairs be made; or
    4. Other actions necessary to bring the property into compliance with these development regulations.
C. *Execution of court decisions.* If the responsible party fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing the order in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

In summary, you must correct the zoning violation and pay the fines by May 25, 2026. Failure to do so by that date will likely lead to court intervention. Any questions relating to this notice should be directed to this office.

Thank you for your cooperation in this matter.

Respectfully,

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