TOWN OF BLACK MOUNTAIN

160 MIDLAND AVENUE • BLACK MOUNTAIN, NORTH CAROLINA 28711
Phone (828) 419-9300 • Fax (828) 419-7210 • TDD 800-735-2962
www.townofblackmountain.org

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Interim Town Manager
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Town Clerk
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ZONING ORDINANCE VIOLATION AND CITATION
(includes daily civil penalty of $50.00)

March 17, 2026

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

RE: Zoning Ordinance Violation and Citation 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 revealed that the property noted above is in violation of the Land Use Code of the Code of Ordinances of the Town of Black Mountain.

Specifically, it was found that 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.

Notice of the violation was provided to you by a Courtesy Notice dated July 3, 2025, and a Zoning Ordinance Violation dated September 23, 2025. At their February 19, 2026, meeting, the Board of Adjustment voted to approve their order regarding your appeal; the order states that the Zoning Ordinance Violation dated September 23, 2025, was correctly issued.

Additional notice of the violation was provided to you by a Zoning Ordinance Violation and Citation dated February 20, 2026. It included the following:

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

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



Section 1.11.10 (Civil Penalties) of Appendix A (Land Use Code) of the Town of Black Mountain Code of Ordinances states:

A. Pursuant to N.C.G.S. § 160A-175, the town may impose civil penalties in the form of fines for violation of its development regulations. Subsequent citations for the same violation may be issued by the enforcement official if the offender does not pay the citation (except as otherwise provided in a warning citation) after it has been issued, unless an appeal of the citation is pending.

B. The following penalties are hereby established:

   1. *Warning citation:* Correct violation within timeframe established by written citation.
   2. *First citation:* Up to $50.00, with each day considered a separate offense and a cumulative fine not to exceed $500.00.
   3. *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.

Any questions relating to this 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)