TOWN OF BLACK MOUNTAIN
BOARD OF ADJUSTMENT

The Black Mountain Board of Adjustment held its regular meeting on Thursday, January 15, 2026, 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:

Lauren Dodgin, Chair
John Hines
Nicole Stallings
Linda Brinson
Mary Hall, Alternate
Ted Rausch, Alternate

Absent:

David Barley
Chloe Brown, Alternate

Staff:

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

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of four (4) regular members and one (1) alternate.

II. ADOPTION OF AGENDA

Lauren Dodgin made a motion to adopt the agenda as presented. The motion was seconded by Nicole Stallings and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Lauren Dodgin made a motion to adopt the minutes of December 28, 2025, as written. The motion was seconded by Nicole Stallings and approved by a vote of 4-0.

IV. OLD BUSINESS

1. Appeal of Zoning Administrator's Decision – 19 Timber Park Drive
   Ted Rausch, Alternate, joined the panel of board members to serve as the fifth member.

   Jennifer Tipton swore in John George for consideration of a party with standing.

   - John George, 23 Timber Park Drive, stated that he is the next-door neighbor to the Appellant and that his house looks directly down onto the shipping containers. Mr. George stated that he feels that the shipping containers would have an impact on selling the property for aesthetic reasons and would devalue the home. Mr. George stated that the shipping containers do not suit the neighborhood. The board voted 5-0 that Mr. George does have standing.

All board members stated that there were no ethical considerations, no conflicts of interest, no close business or familial relationships, and no financial outcomes for any member of the board.

There were no objections to the seated panel of board members.

Jennifer Tipton swore in:

- Russell Cate
- Shane Lunsford

Chair Lauren Dodgin opened the evidentiary hearing at 6:13 p.m.

Russell Cate gave a brief summary explaining that a complaint had been received about shipping containers being in place for longer than the 120 days allowed by the ordinance. Mr. Cate presented the case file to the board members and Attorney Brian Gulden asked that the case file be admitted by the board into evidence. Chair Dodgin accepted the case file. Mr. Cate referenced the courtesy notice that was sent to the Appellant on July 3, 2025. Mr. Cate then presented ordinance section excerpts to the board members and Attorney Gulden asked that the ordinance excerpts be admitted by the board into evidence. Chair Dodgin accepted the ordinance excerpts. Mr. Cate read from the ordinance excerpts regarding the temporary use of containers or "PODs" and that based on inspection activity, staff was able to confirm that the shipping containers have been on site since January 2025 and that 120 days from that would have been the end of May. Mr. Cate also noted that the ordinance states that no use is to be allowed with a permit and in compliance with all zoning ordinances. The courtesy letter sent to the Appellant required that the shipping containers be removed from the property. Mr. Cate noted that there had been follow-up with the Appellant with letters and phone calls. The Appellant did submit a building permit application for the shipping containers, however, they cannot be in the front yard as these are so the permit has not yet been approved or issued. Mr. Cate did offer the Appellant some additional information and other possible solutions. A notice of violation was sent to the Appellant on September 23, 2025 and between then and to today, there have been no changes to the property. Mr. Cate also noted that North Carolina does not allow for the granting of use variances.

Shane Lunsford did not have any questions for Mr. Cate.

John George did not have any questions for Mr. Cate.

Shane Lunsford, 19 Timber Park Drive, thanked the board for hearing his appeal. Mr. Lunsford said that he has lived in the home since February of 2021 and both his home and business were damaged by Tropical Storm Helene. Mr. Lunsford stated that his warehouse space for his business went from twelve thousand square feet to four thousand square feet and he is working on renovating the business. During the initial recovery from the storm, the shipping containers held household items and business items while repairs were being made. The interior repairs to the home have been completed but mitigation is still needed on the outside of the home. During this time, he has created a non-profit and one of the shipping containers is a holding place for salvaged materials and is still trying to get into a warehouse. Mr. Lunsford said that he did speak

to the Homeowner's Association about the containers and offered to mitigate by painting the containers. The containers are intended to be temporary. Mr. Lunsford stated that his house sits below ground level due to a slope and there is nowhere else to place the structures. Mr. Lunsford stated that he is looking for additional warehouse space or other areas where he can move the containers to but it is cost prohibitive at this time. Mr. Lunsford said that he hopes to have the containers removed by mid- to late spring and was not aware of the impact to the neighbors.

John George said that the position of the containers speak for itself and would like help in maintaining the rules for residential properties. Mr. George stated that he would be willing to work with a timeframe but would want a specific date.

Mr. Lunsford asked Mr. George if the pictures provided in the packet reference materials in front of the containers as shown in the dated pictures. Mr. George replied yes and that there was no change in the view.

There were no rebuttal comments.

There were no closing statements.

Chair Dodgin made a motion to close the evidentiary hearing at 6:48 p.m. The motion was seconded by Nicole Stallings and approved by a vote of 5-0.

The board entered into deliberations and noted that the containers have been in place for three times longer than the allowable timeframe. There are costs to storage regardless of the location. They noted that the Appellant did say that they containers have been there longer than the allowable times and that they are for temporary storage.

With regard to ZA-25-0025, the administrative appeal of Shane and Erin Lunsford from the issuance of a Notice of Zoning Ordinance Violation by the Town of Black Mountain's Zoning Administrator regarding the use of property located at 19 Timber Park Drive, Black Mountain, North Carolina, Chair Dodgin moves the board to make the following findings of fact and conclusions of law:

That the decision of the Zoning Administrator regarding the use of property located at 19 Timber Park Drive, Black Mountain, North Carolina, should be affirmed, in whole due to the fact that the shipping containers are temporary storage and have been in place for longer than the 120 days allowed by ordinance.

Accordingly, Chair Dodgin further moved the board to affirm the decision in whole in accordance with and only to the extent represented by the above findings and conclusions.

The motion passed by a vote of 5-0.

V. NEW BUSINESS

None.

VI. COMMUNICATION FROM BOARD OF ADJUSTMENT

None.

VII. COMMUNICATION FROM STAFF

None.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned at 6:57 p.m.

Prepared by:

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Jennifer Tipton, Senior Admin

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Lauren Dodgin, Chair