BEFORE THE TOWN OF BLACK MOUNTAIN BOARD OF ADJUSTMENT
BUNCOMBE COUNTY, NC

SHANE AND ERIN LUNSFORD APPEAL OF	)	
ZONING ADMINISTRATOR'S DECISION	)	
NOTICE OF VIOLATION	)	ORDER
19 TIMBER PARK DRIVE	)	
BLACK MOUNTAIN, NC 28711	)	

THIS MATTER came up for hearing before the Town of Black Mountain Board of Adjustment (sometimes referred to hereinafter as "Board") at its January 15, 2026, meeting upon the appeal by Shane and Erin Lunsford of the Town of Black Mountain's Zoning Administrator notice of violation regarding temporary shipping containers at 19 Timber Park Drive, Black Mountain, NC 28711 ("19 Timber Park Drive");

Based upon the information and evidence presented and after hearing all of the evidence, the Board does hereby make the following **FINDINGS OF FACT:**

1. Shane and Erin Lunsford ("Lunsford") appealed the Town of Black Mountain's Zoning Administrator's notice of violation that the temporary shipping containers at 19 Timber Park Drive have exceeded the allowable amount of time to remain on the property and are temporary in nature ("Appeal").

2. All required notices were mailed and published, and signs were properly posted regarding this Appeal.

3. No ex parte communications occurred with regards to this Appeal and no member of the Board reported any bias, conflict of interest, close familial or personal relationship, or financial benefits with regards to the parties, properties and issues on Appeal.

4. In addition to Lunsford and the Town, neighboring property owner John George ("George") was granted standing by the Board to fully participate in the hearing. All parties with standing were given the opportunity to offer oral testimony and to submit documentary evidence, as well as examine and cross-examine witnesses.

5. All witnesses and parties with standing were properly sworn in under oath to testify before the Board at the start of the hearing.

6. Russell Cate, The Town of Black Mountain's Zoning Administrator ("Zoning Administrator") was offered by the Town, and accepted by the Board, as an expert in urban planning without objection.

7. The Town admitted two exhibits into evidence as follows:

a. Town's Exhibit #1 – Code Violation Case #54 – 19 Timber Park Drive
b. Town's Exhibit #2 – Excerpts from the Town of Black Mountain Land Use Code

8. Lunsford and George did not offer the testimony of any expert witnesses and did not admit any documents into evidence.

9. The shipping containers located in the front yard of 19 Timber Park Drive are temporary storage and have been on the property in excess of 120 days.

10. No competent, material and substantial evidence was presented to the Board that the containers are not being used for temporary storage and that they have been on the property for less than 120 days.

NOW, THEREFORE, based on the forgoing **FINDINGS OF FACT**, the Board hereby makes the following **CONCLUSIONS OF LAW:**

1. This Board has jurisdiction to hear and decide appeals of the Zoning Administrator's determinations under the Land Use Code of the Town of Black Mountain, NC.

2. The Board only considered the competent, material and substantial evidence presented by the Parties in connection with the Appeal.

3. This Board finds that the Zoning Administrator correctly determined that the shipping containers at 19 Timber Park Drive are temporary in nature and have been on the property in excess of the allowable time granted in the Town of Black Mountain's Land Use Code.

4. This Board further finds that the Zoning Administrator correctly issued a Notice of Violation for the shipping containers located at 19 Timber Park Drive for being in place longer than the allowable time, not having a building permit, and being placed in the front yard.

NOW, THEREFORE, based on the forgoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW**, the Town of Black Mountain Board of Adjustment **ORDERS** as follows:

Upon motion and second, this Board affirms, by a vote of 5-0 of the voting Board members present, the Zoning Administrator's determination that the shipping containers at 19 Timber Park Drive are temporary and have been on the property in excess of the allowable 120 days and that a Notice of Violation was correctly issued.

This the _____ day of _____, 2026.

Town of Black Mountain Board of Adjustment
By: _____
Lauren Dodgin, Chair