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Cornelius staff working on new rules for rentals

By Andrew Warfield

The good news for Cornelius is that the lakeside town has apparently become something of a tourist destination.

The bad news for a handful of lakefront residents is that, as a tourist hot spot, a few lakefront homes are being used as vacation rentals.

And sometimes, tourists don't act like they live there, which shouldn't be surprising because they don't.

Such is the issue the Cornelius town board has been wrestling with in recent months, and which it may address with a short-term moratorium next month. That would be a prelude to considering new remedies to the problem.

Assuming it really is a problem.

At the Sept. 8 town board meeting, commissioner Jim Bensman likened such sweeping measures to "hitting a nail with a sledgehammer." And his colleague, Dave Gilroy, whose neighbors are occasional renters, thought the whole thing unworthy of governmental intervention. Still, the complaints keep coming and senior town staff insists a stricter ordinance is necessary to provide more clarity to what is expected of homeowners who rent their homes. If nothing else, it would make life easier for the planning department and the police if they knew what they were supposed to do.

Town commissioners tasked the staff to put a policy together earlier this month. It could result in a final vote sometime in November or December.

"The key to enforcement is we are going to clean it up some and make it more enforceable," says town manager Anthony Roberts. "One thing we don't want to do is go knocking on the door and going through everybody's bedroom to make sure these rentals are in compliance. At the end of the day, if the board votes on an outright ban, it will be a moot point. If they vote to tighten up the text amendment, it will provide more clarity on enforcement issues."

The board may decide that the existing ordinance for vacation rental permits and nuisance laws are enough, providing they are enforced. That would be fine by Gilroy, who says writing more laws may be overkill.

"I think if you take a fact-based approach to the problem, there have been precious few complaints concerning this issue," says Gilroy. "Most of those we have received are concentrated on one or two locations. I'm not at all clear on how an outright ban on vacation rentals is any more enforceable than pulling a permit. This is a location-specific problem, so why not deal with it in a location-specific way?"

Lest anyone think Gilroy is attempting to protect his next-door neighbor, he points out he is not a big fan of living next door to a vacation rental. The home, he says, is owned by a physician who lives in Virginia and purchased his Lake Norman home as a vacation house for himself. He also rents it out, Gilroy says, about six weeks a year.

Cornelius staff has identified 14 lakefront properties as vacation rentals, four of them unpermitted. Five are permitted condominiums in the Harborside community with one additional unpermitted unit there. There is also one condo at Kings Point and one unpermitted condo at The Moorings. The remaining six are single-family homes stretching from Torrence Chapel Road to the tip of Brigadoon Place at the far end of Jetton Road. But as Gilroy's experience attests, there are likely far more renters than that. Because most handle the situation in upstanding fashion, the "problem" goes unnoticed.

One option that will be presented to the board is to ban all vacation rentals in areas zoned General Residential (all single family) and Neighborhood Residential (mostly single-family with some multi-family) districts. That pretty much covers all of Lake Norman's coves within the Cornelius town limit. It would be allowed in the rest of the town. Currently, all vacation rentals are located in the GR and NR districts, where the ban would be in effect.

The board will also receive, as another option, a list of stricter codes that would, in theory, put some teeth in the current permitting process. They would include levying and paying occupancy taxes just like hotels do, increase permit fees and provide the planning director broader enforcement and permit revocation powers.