

# MEMORANDUM



DATE: November 17, 2015

TO: Daniel Cobb

FROM: Chief Phil Harris



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**SUBJECT: Concerns to address with Short Term Rentals**

Most of the concerns I have had expressed to me refer to current violations of our nuisance codes. I propose that the Planning Board assure the landlords clearly state to renters that our City Ordinances will be strictly enforced. Included in those codes are:

- Noise
- Trash, both on the property and off the property
- Health hazards (fire and sanitation, including cleanliness)

Streets must remain clear and without an effect on current neighborhood use. I suggest all parking be handled off-street.

We also want the owners and the renters to be protected against each other. Our decisions should warn against:

- Wild parties (Think "Party Bus")
- Unlawful uses (Meth labs, brothels)
- Predators of all kinds
- Identity theft
- Theft
- Criminal damage
- Squatters
- Bait and switch client
- Bait and switch rentals
- Non-payment
- Improper payment (Stolen credit cards, etc.)
- Etc.

Both renters and landlords must think like a criminal and prevent problems.

Hotels have been through the problems and have a model that is sound. Short-term rentals are inexperienced in solving extreme problems.

## Daniel Cobb

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**From:** bryan cooper <bcooper839@yahoo.com>  
**Sent:** Tuesday, October 20, 2015 8:40 PM  
**To:** Daniel Cobb  
**Cc:** Aaron Bland  
**Subject:** short term rental issue

Dear Mr. Cobb:

I am writing to you because of your role as City of Brevard liaison with the Planning Board, and to express my concern with the direction the City is taking by not enforcing its code against clearly illegal short-term rentals in single-family zoned areas.

I have showed patience, civility and respect for due process regarding my neighbor's decision to run what is effectively a motel, by speaking with Aaron Bland and expressing my concern and gathering facts after the activity started.

But I must now ask that immediate enforcement of the law occur, to ensure that such illegal action is not codified or grandfathered in, with permanent negative impact on the peace, quiet and tranquility of our single-family zoning.

Please know I did not buy into my home on Rice Street with the possibility that adjacent properties and entire homes would have the potential to effectively become motels, seasonal or year-round. And, since the activity started this past summer, it is my request that it will not continue.

I also must let you know that I heard second-hand that a resident's car was hit on the street by one of the short-term renters, and that it was basically a "hit and run," forcing a neighbor to contact the owner for redress. I will try to confirm what at present is hearsay, and provide more details when possible.

Last, I hope you can send me the names and contact information for the Planning Board members, and kindly ask that you advise them of my legal and procedural concerns. And that I truly hope that their recommendation to City Council will be to leave single-family zoning intact and fully protected, and that they will respect the many residents who quietly sit on the side-lines, yet equally hope for the best for protecting their neighborhoods.

I appreciate your time and attention, and would like the opportunity to converse with you and any interested Board members.

Sincerely,

L. Bryan Cooper

p.s. I also observed that (and correct me if I am wrong), if there was a Planning Board Meeting scheduled this week, it was not noticed with posted agenda on the Brevard website -- see below.

## Daniel Cobb

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**From:** Ann Hollingsworth  
**Sent:** Thursday, October 29, 2015 9:36 AM  
**To:** Jayne Fought  
**Cc:** Daniel Cobb  
**Subject:** Re: Airbnb

Hi Jayne,

I have copied your email to Daniel Cobb. He is our Planning Director and works closely with our Planning Board. They are the ones gathering information and making a recommendation to us. I have used Airbnb and VRBO so I am familiar with both and understand your concerns. Unfortunately some landlords in our community are extremely inconsiderate of their neighbors which is causing this issue to come before us. You can always come before our next City Council meeting on Nov 16th and speak under public comments and participation. Please feel free to stay in touch!

All My Best,

Ann Hollingsworth

On Oct 28, 2015, at 8:50 PM, Jayne Fought wrote:

> Dear Brevard City Council Members,

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> My name is Jayne Fought, and I operate an Airbnb in Brevard's ETJ. I read in the October 26th issue of the Transylvania Times that the city council is "looking at how to regulate the usage of short-term rentals in its community."

>

> I believe every one of you were quoted as saying you were looking for "more information", or "holding off on forming an opinion" until you received more information.

>

> I would like to extend an invitation to each and every one of you to sit down for a cup of coffee with me and hear my experience as someone who has both stayed in an Airbnb in Brevard before moving to this community, and as a current resident and Airbnb host.

>

> Too often issues come up and only the people with complaints are heard. As much as I would like to just go about quietly and peacefully living my life and contributing in meaningful ways to this community, I feel compelled to at least be available to share my story.

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> I look forward to talking with each of you.

>

> Sincerely,

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> Jayne Fought

> 81 Canvasback Court

> (260) 463-1904

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## Daniel Cobb

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**From:** Tom Traywick <tom.traywick@gmail.com>  
**Sent:** Monday, November 02, 2015 4:53 PM  
**To:** Daniel Cobb  
**Cc:** Elda Brown  
**Subject:** City of Brevard: Short Term Rental Planning

November 2, 2015

Daniel Cobb, Director  
Planning and Zoning Department  
City of Brevard  
95 West Main Street  
Brevard, NC 28712

RE: Regulation of Short Term Rental ("STR")

Dear Mr. Cobb,

My wife Tanne and I have lived in Transylvania County since 2004 when we began our retirement period of life. We recently completed the survey on the City of Brevard web site but cannot attend the meeting Thursday night. This letter is intended to be helpful to you and your department in the work that you have ahead of you on this important matter.

We have, since 2009, rented to vacationers as the situation allowed. In 2013 we bought a second home in Brevard that allowed us to divide our time between our Mountain House on upper East Fork and our town house on the "Morningside" of town, and to rent one or the other when available. We have received 100% five-star reviews from guests and have never had a complaint by neighbors. Our neighbors would have a difficult time telling the difference whether our guests or we were staying in the house.

Our guests have come from Central Canada to Maine to Texas and have in every case been well-behaved prosperous people who have come to Brevard for various reasons but all ultimately have come to spend money and enjoy what the area has to offer, and to do it while staying in quiet relaxing homelike accommodations.

It is likely that, as we grow older, we eventually decide to live full time in the house in town. This arrangement has generated cash flow to supplement our fixed income in retirement and for maintenance and improvement of the two properties. If this STR option were not open to us we would have no choice but to sell one or the other of the properties.

This arrangement has contributed substantial funds to government by way of the 11.75% sales and occupancy taxes. This arrangement has been mutually beneficial to all segments of the local economy, not the least of which is the very nice Brevard resident who provides well paid housekeeping services from four to ten days per month at our two sites. She depends on other similar enterprises for her livelihood.

We would support action by the City of Brevard that would reasonably permit STR's through an application and licensing process. We would support reasonable regulations that would penalize any sites that prove to be repeat nuisance offenders.

We would encourage the City of Brevard to take a fresh look at City Nuisance Ordinances for complaints about behavior at all types of properties, not just STR related complaints. Residential nuisances are generally the same types of behavior whether long term rental or short term rental or owner occupancy.

Following is a link to "Best Practices in STR Regulation" provided by the STR Advocacy Center, including a resolution by the US Conference of Mayors:

<http://www.stradvocacy.org/media/STRAC-Best-Practices1.pdf>

The site also includes case studies and statements from other city planners as to their experience in working with this question.

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Please let me know if you have any question in this matter. I would be happy to talk with you.

Sincerely,

Tom Traywick  
653 Big Hill Road  
Brevard, NC 28712  
828 553 9366

cc:  
Elda Brown

## Daniel Cobb

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**From:** Renee Baker <renee@fodderstackfarm.com>  
**Sent:** Friday, November 06, 2015 8:57 AM  
**To:** Daniel Cobb  
**Subject:** My Vacation Rental Property Story

Hi Daniel,

I attended the meeting yesterday and didn't speak but wanted to share this article on my property that was just published on-line by Our State Magazine. It gives you a nice feel for my property.

<http://www.ourstate.com/homeplace-fodderstack-farm/>

We have significantly improved our property and our neighbors love us!

Warmly,  
Renee Baker  
FodderstackFarm.com

# Comments on Short Term Rental Survey

(unable to submit from our computer)

My wife and I are close to completing an extensive renovation started one year ago to a very neglected property purchased in town with the intention of using it as a short term rental. At the outset, there were no rules against the practice which influenced our decision to buy that location and many subsequent remodeling/quality decisions throughout the remodeling process. A quality job is being done inside and out and I'm often given encouragement and thanks by neighbors, passersby, and motorists. There are three points I'd like to make.

First, you all know the benefits from tax revenue, tourist impact on local dining and shops, and the stories about lodging shortage - going to Hendersonville or Arden to stay instead of locally. Much was said so I won't elaborate.

Second and on a more personal note is the cost, time and EFFORT that has gone into this project. At a time when we seem to be gearing our local economy toward tourism this seemed like the perfect way for the individual to have/supplement income and save for future college tuition for our sons and our own eventual retirement. Do the planners/council realize the personal impact this decision could have on people trying hard to live/stay in Brevard and working hard to do so? I can't believe this issue is coming up months/weeks away from my project getting off the ground.

(over please)

Lastly, there were comments at the Thursday meeting about negative impact on property values. I believe the opposite to be true. Vacation rentals by their nature must look, be maintained and managed in a attractive manner in order to survive and thrive. Our property was used/abused as an income rental for many years (decades according to neighbors). I could and would love to run down a list of the improvements we've made not to mention the money spent locally on materials and tradesmen. The neighborhood support has been rewarding and encouraging during the slow but steady progress you understand. If you've remodeled yourself, we're getting close to the end and it's looking good. I know neighbors are happy and thankful for the transformation (I've been told often). Our work has a positive affect on their property values and the neighborhood in general. Again, vacation rentals have to be and stay cute + tasteful. If there are issues (noise, parking, safety, registration or tax) - can't they be addressed individually rather than an ordinance banning the concept?

I hope the council realizes the affect this decision could have and does not end this goal/dream before it begins.

Dennis Eberhardt  
577-7898

222 Franklin St. - corner of  
French Bread and Franklin.

## Daniel Cobb

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**From:** luckyspot53@aol.com  
**Sent:** Monday, November 16, 2015 12:22 PM  
**To:** Daniel Cobb  
**Subject:** Planning Board Meeting

11/16/15

Daniel Cobb  
Planning Director, City of Brevard  
daniel.cobb@cityofbrevard.com

Dear Mr. Cobb,

Please accept this letter as input for the next Planning Board meeting regarding short term rentals (STR) in Brevard and Transylvania County. Due to miscommunication, we were unable to attend the first public "input session." Unfortunately, we are also unable to attend the scheduled meeting for 11/17/15.

It is my understanding that some of the concerns include a shortage of long term rentals (LTR) in our area and that the local hotel/motel businesses believe STRs create "unfair competition." It was also mentioned that a recent neighborhood noise complaint about a particular STR prompted some of the discourse.

STR properties and LTR properties are very different and NOT interchangeable, as they serve completely different populations. Both markets exist and need to be served. It would be unlikely that any of the STRs in our area would willingly devalue their property for the sake of providing a LTR in the price range that is most likely where the shortage exists. I recommend an incentive program for investors interested in providing LTRs rather than penalizing STRs. Clearly, STRs bring tourists representing a broad demographic that feed our local retail and restaurant establishments as well as local tourist attractions that are not as well supported by the local residents.

Likewise, more regulations on STRs will not stop LTRs or owner occupied residences from creating a nuisance in their neighborhoods. Perhaps a permit for EVERYONE planning to have a party is what you had in mind. However, it is my understanding that there is already an ordinance in place for such disturbances.

STR owners currently pay state and county sales & use taxes, occupancy taxes that fund our tourism promotions, real property and personal property taxes, and federal and state income taxes! I'm not sure what else might be imposed and still consider it an incoming producing property! To discourage STRs would seem counterintuitive to the city's current interest in promoting tourism and the tax base that supports its efforts.

As far as whether STRs are "unfair competition," it could be argued that hotel/motel businesses need to do a better job of competing in this market rather than expecting STRs to be regulated and discouraged from operating successfully. Just because they offer a product that is obviously well received in our market does not mean that their presence is "unfair."

Thank you for your consideration.

Respectfully,

Jamie and Buddy Tompkins  
254 Sideways Serpent Ln.  
Pisgah Forest, NC 28768  
luckyspot53@aol.com

## Aaron Bland

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**From:** Patricia Pettit <doodlepat@aol.com>  
**Sent:** Monday, November 16, 2015 5:15 PM  
**To:** Aaron Bland  
**Subject:** STR Survey comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Owners of homes in residential zones who rent their property for less than 30 days DO NOT CARE what happens to the neighborhood. They are physically and emotionally removed and could care less about the safety, noise, traffic and parking problems created by transients. They only care about the high revenue it creates for themselves.

Do these owners report their income to the State of N.C. and the IRS? Do they abide by any health standards? Do they inspect their beds for bed bugs after each guest checks out? Do they wash every plate, utensil, pot and pan between each guests visit? Do they have Handicapped accessibility. Do they have smoke alarms and carbon monoxide detectors in the rooms and hallways? Do they inform their homeowners insurance company to increase their liability and fire policy? But, they DO take money out of the pockets of local motels and restaurants.

We have recently seen a motel demolished where Bojangles is now located. WHY? Too high of a vacancy factor. We have seen a restaurant close its doors after 40 years. VRBO, etc. are the reason motels/restaurants do not make enough money to remain in business.

How can we attract new business and employees to our area when we have a shortage of good quality long term rentals due to the abundance of daily and weekly rentals popping up in our City every day. I own 3 homes in the City, in Residential zones. When I purchased the property a motel was not being run next door. If it were, I would have purchased elsewhere. I lived in Brevard in 1974-76 and returned in 2005 because it had so many great memories and was still a great place to live. I CARE about Brevard. I do not want to see Short Term Rentals ruin it.

Brevard is a desirable place to live, raise a family, retire. The City Council and the Planning Commission are elected/hired to be sure Brevard remains a great place to live. If restrictions are not made to eliminate short term rentals (less than 30 days) in the City limits, our property values will go down and we will no longer be a desirable to live. Our clean, small town atmosphere attracts famous actors like Steve Martin. I don't think he would appreciate the home next to him being rented by the day, do you? If our neighbor, the City of Asheville, and other popular cities across the United States have already seen the need to establish restrictions against short term rentals, then Brevard also needs to implement such a restriction. We don't need to wait until it becomes an emergency. We can stop home owners who rent for less than 30 days before it becomes uncontrollable. These Short Term Rental owners will still be able to rent there homes to Long term Tenants.

Please read the zoning code for the Residential districts and decide if you are willing to re-zone all of the residential zones into Motel/commercial zoning!

i will appear at all the City Council meetings and the Planning Commission meetings until something is done to eliminate Short Tern Rentals. Please pretend you have a home located next door to your house that is run as a Short Terms Rental (Motel), and then make your decision.

Please attach this email to the survey that I completed on line.

Thank you, Pat Pettit