



City of San Antonio

Legislation Details (With Text)

File #: 20-2292
Type: Staff Briefing - Without Ordinance
In control: Board of Adjustment

On agenda: 3/2/2020

Title: BOA-20-10300020: A request by Raymond Gonzales for a special exception to allow one (1) Type 2 short term rental unit, located at 221 Ira Avenue. Staff recommends Denial. (Council District 2) (Kayla Leal, Senior Planner (210) 207-0197, kayla.leal@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-20-10300020
Applicant:	Raymond Gonzales
Owner:	SATX Marketing Services LLC
Council District:	2
Location:	221 Ira Avenue
Legal Description:	Lot 7, Block 9, NCB 3863
Zoning:	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District
Case Manager:	Kayla Leal, Senior Planner

Request

A request for a special exception to allow one (1) additional Type 2 short term rental unit per the UDC Section 35-482(i).

Executive Summary

The subject property is located on the corner of Ira Avenue and Wesley Place, a short distance away from Broadway Street. The zoning of the property is “MF-33” Multi-Family District and currently has a duplex on the property. The subject property is surrounded by single-family residential uses and some duplexes. The applicant currently holds one Type 2 STR Permit for the subject property.

The applicant is seeking a special exception to allow for one (1) additional Type 2 STR for a total of two (2) at the property. A unit is defined as having its own distinct sleeping area, kitchen, and bathroom. Type-2 indicates that the owner/operator of the property does not occupy the site as their permanent legal residence.

Per the recently adopted code, Type 2 Short Term Rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadplex units on the blockface. At least one (1) Type 2 Short Term Rental shall be permitted per blockface, regardless of the total number of units on the blockface.

In this case, the blockface is defined as the northeast side of Ira Avenue between Margaret Street and Wesley Place. This property is one of eight (8) residential units on the blockface and is developed as a duplex, resulting in one (1) Short Term Rental permitted by right which has already been approved. The one (1) Type 2 Short Term Rental Permit has been approved at this address. Any other Type 2 Short Term Rentals on this blockface must seek a Special Exception from the Board of Adjustment.

There are a total of two (2) units within this two-family dwelling. The applicant is requesting both of these units as Type 2 Short Term Rentals. If this special exception is approved, there will be a total of two (2) Type 2 Short Term Rentals on this block face, resulting in 25% of the blockface. There is currently one (1) registered Type 2 Short Term Rental along the southwest side of Ira Avenue.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The subject property is within the original city limits of San Antonio and was zoned “D” Apartment District. Upon adoption of the 1965 zoning code, the zoning converted to “R-3” Multiple Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning districts converted to the current “MF-33” Multi-Family Residential District.

Permit History

The applicant applied for a Type 2 STR Permit in January of 2020. The permit was approved and active on February 4, 2020 and is due to expire on February 4, 2023.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Duplex

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
South	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
East	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential
West	“MF-33 NCD-6 AHOD” Multi-Family Mahncke Park Neighborhood Conservation Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Midtown Regional Center Plan and currently designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Mahncke Park Neighborhood Association.

Street Classification

Ira Avenue and Wesley Place are both classified as Local Streets.

Criteria for Review

According to Section 35-374.01 of the UDC, in order for a special exception to be granted, the applicant must demonstrate all of the following:

A. The special exception will not materially endanger the public health or safety.

The applicant is requesting the special exception to obtain one (1) Type 2 STR Permit in addition to one (1) active Type 2 STR Permit. The subject property is located on a corner property and has access off of both Ira Avenue and Wesley Place.

B. The special exception does not create a public nuisance.

Approval of the special exception would permit a total of two (2) Type 2 STRs operating in a duplex on the subject property. The surrounding area is predominately single-family residential and duplexes. The granting of a special exception allows one (1) additional Type 2 STR, which may have the effect of saturating the development which may create a public nuisance. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood will not be impacted which could mitigate this finding.

C. The neighboring property will not be substantially injured by such proposed use.

The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

- D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

There are about four (4) parking spaces provided at the subject property which is the maximum parking allowed for a duplex. The subject property appeared to have adequate utilities, access, and open space.

- E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within one year prior to the date of the application.

The applicant currently has one Short Term Rental Permit and does not have any history of revocation, citations, or convictions for violations of Chapter 16.

- F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

The duplex is existing and there is currently an approved Type 2 STR Permit for the subject property. The subject property is surrounded with residential uses, mostly consisting of single-family and some duplexes. Vehicular access to the property is located off of Wesley Place. The essential character of the neighborhood may include potential impacts to occupancy rates and property valuations. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

Alternative to Applicant's Request

Denial of the request would result in the applicant operating his current Type 2 Short Term Rental, which is the only one permitted by right, per the UDC.

Staff Recommendation

Staff recommends **DENIAL of BOA-20-10300020** based on the following findings of fact:

1. The applicant currently holds one (1) active STR Permit, granted February 4, 2020.