



City of San Antonio

Legislation Details (With Text)

File #: 19-2670

Type: Zoning Case

In control: Board of Adjustment

On agenda: 3/18/2019

Title: BOA-19-10300020: A request by Richard McKinney for a special exception, as described in Section 35-374.01, to allow 3 additional short term rental (Type 2) units, located at 11014 Belair Drive. Staff recommends Denial. (Council District 9)

Sponsors:

Indexes:

Code sections:

Attachments: 1. BOA-19-10300020 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300020

Applicant: Richard McKinney

Owner: Lee Ann McKinney

Council District: 9

Location: 11014 Belair Drive

Legal: Lot 23, Block 5, NCB 11721

Description:

Zoning: "C-1 AHOD" Light Commercial Airport Hazard Overlay District

Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a special exception, as described in Section 35-374.01, to allow 3 additional short term rental (Type 2) units.

Executive Summary

The subject property is located at 11014 Belair Drive at the southeast corner of Bel Air Drive and Anchor Drive. The property is addressed on Belair Drive, and it is the only residential structure on the blockface, in this case defined as the east side of Belair Drive between Lockhill-Selma Road and Anchor Street. Additionally, the blockface opposite to the property (the west side of Belair Drive) is entirely commercial in nature, and is zoned C-3, which prohibits operation of short term rentals. The applicant is seeking a special exception to allow for the operation of a total of four (4) Type-2 short term rental units 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 quadraplex units on the block face. At least one (1) Type 2 Short Term Rental shall be permitted per block face, regardless of the total number of units on the blockface.

The subject property is located in a blockface where this is the only residential use, the adjacent property is an automotive shop and across the street a veterinary hospital. There are no other permitted short term rentals on any adjacent blockface, and the nearest permitted STR is a Type 2 located approximately 1,003 feet to the east at 10910 Baltic Drive.

The first unit is permitted by-right, however the property owner will require the special exception for the remaining 3 units, as this is over the 12.5 percent limitation for the blockface. There are a total of 4 units within this building. If this request for 3 additional STR units is approved, it will result in 100% of the units on the blockface occupied as Type 2 short term rentals.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The applicant initially applied for registration of two (2) short term rental units on these properties and only one Type 2 was issued. The applicant applied for this special exception to then apply for the total of 4 STR permits.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Multi-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Veterinary Hospital
South	“MF-33 AHOD” Multi-Family Airport Hazard Overlay District	Church
East	“C-3 AHOD” General Commercial Airport Hazard Overlay District	Multi-Family Dwelling
West	“C-1 AHOD” Light Commercial Airport Hazard Overlay District	Automotive Shop

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the San Antonio International Airport Vicinity Community Plan and

currently designated as “Mixed Use” in the future land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Belair Drive is classified as a Local Street.

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.

There is no record of previous Code Enforcement issues in this property. The property appears to be well kept, there is ample off-street parking of 9 spaces, and nothing about the quadruplex places it out of character with other residential uses in the immediate vicinity. This area has a combination of multi-family dwellings and commercial uses.

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

Approval will result in 100% of the units on the blockface being permitted as Type 2 STRs; such a saturation of short term rentals may create a public nuisance. It should be noted that, as this is the only residential structure on the blockface, and if this structure was located on a typical blockface of 16 residential structures, two Type-2 STRs would be permitted by right. The Board could consider this which will maintain 50% of the units as long term rentals and the only two allowed on this block.

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.

During the visit to the site, staff noted that there is adequate off-street parking for guests of the short term rentals. The structure already exists with adequate utilities.

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 is seeking their first permit for the operation of a total of four (4) Type-2 short term rentals for this property. As such, no previous permit has been revoked. However, approval of the requested three (3) will result in 100% of the units permitted as Type-2 STRs on this blockface.

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.

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.

The Board can also consider public input from the neighborhood regarding the character in which the property is located. Additionally, the Board can also consider the unique situation of the request. The unique situation could be that this is the only residential structure on the block of two lots. If this structure was located on a typical blockface of 16 residential structures, two Type-2 STRs would be permitted by right. The Board could consider this which would still allow two other units as long term rentals and two STRs on the blockface.

Alternative to Applicant's Request

Denial of the requested special exception will result in the property owner not being able to operate the three additional short term rental units.

Staff Recommendation

Staff recommends **DENIAL in BOA-19-10300020**, based on the following findings of fact:

1. The approval of three additional Type 2 short term rental units on this blockface will result in all residential units on this blockface, and the entire block of Belair Drive, being utilized as Type 2 short term rentals.