



City of San Antonio

Legislation Details (With Text)

File #: 19-2654
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/18/2019
Title: BOA-19-10300016: A request for a special exception to allow a total of 1 short term rental (Type 2) units, located at 212 Camargo. Staff recommends Denial. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. BOA 19-10300016 Attachments

Date	Ver.	Action By	Action	Result
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Case Number: BOA-19-10300016
Applicant: Louis A. Wootton II
Owner: Louis A. Wootton II
Council District: 1
Location: 212 Camargo
Legal: Lot 3, Block 5, NCB 924
Description:
Zoning: "RM-4 H HS AHOD" Residential Single-Family Lavaca
Historic Airport Hazard Overlay District
Case Manager: Mercedes Rivas, Planner

Request

A request for a special exception, as described in Section 35-374.01, to allow 1 additional short term rental (Type 2) unit.

Executive Summary

The subject property is located at 212 Camargo. The applicant is seeking a special exception to allow for the operation of one (1) additional Type-2 short term rental unit at a property with a total of 2 dwelling units. 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. In this case, the blockface is defined as the south side of Camargo Street between San Arturo Street and Canal Street.

There are a total of 2 units within this two family dwelling. One (1) Type 2 Short Term Rental Permit has already been approved for this address. If this special exception is approved, there will be a total of two (2) Type 2 Short Term Rentals on this block face and at this address. Records also indicate that two properties on this blockface to the east of the subject property are operating as Type 1 (owner-occupied) short term rentals (218 Camargo Street and 222 Camargo Street), and a Type 2 is operating on the blockface across Camargo Street (205 Camargo Street), and another Type 2 is operating on the blockface adjacent to this subject blockface (108 San Arturo Street).

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

One Type 2 permit, STR Permit number (2019-0304) has already been issued for one of the units on this property.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 H HS AHOD” Residential Single-Family Lavaca Historic Airport Hazard Overlay District	Two Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“RM-4 H HS AHOD” Residential Single-Family Lavaca Historic Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 H HS AHOD” Residential Single-Family Lavaca Historic Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 H HS AHOD” Residential Single-Family Lavaca Historic Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 H HS AHOD” Residential Single-Family Lavaca Historic Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Lavaca Neighborhood Plan and currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Lavaca Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Camargo Street 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.

The property appears to be well kept, there is a driveway for guests to park as well as off-street parking of one space, and nothing about the property in question places it out of character with those in the immediate vicinity. No Code Enforcement history exists on the property.

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

Approval of this special exception will result in an additional Type 2 operating on a blockface which already includes several properties operating as a Short Term Rental Type 1 or Type 2, and may have the effect of saturating the blockface 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.

During field visits staff noted that there is a driveway as well as 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 second permit for the operation of one (1) Type-2 short term rental for this property. However, approval will result in both of the units on this property acting as Short Term Rental units, and will also result in an additional Type 2 operating on a blockface which already includes several properties operating as a Short Term Rental Type 1 or Type 2.

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. Staff could find no unique situation, as one Type 2 Short Term Rental permit has already been issued for this address, allowing one other unit to be used as a long-term rental.

Alternative to Applicant's Request

Denial of the requested special exception will result in the property owner not being able to operate one additional Type 2 Short Term Rental unit.

Staff Recommendation

Staff recommends **DENIAL** of the special exception in **BOA-19-10300016**, based on the following findings of fact:

1. One Type 2 rental already is permitted by right on this property. Approval of an additional Type 2 short term rental operating on a blockface which already includes several properties operating as a Short Term Rental Type 1 or Type 2 may result in a change of character in the neighborhood.