



# City of San Antonio

## Legislation Details (With Text)

**File #:** 19-8085

**Type:** Zoning Case

**In control:** Board of Adjustment

**On agenda:** 11/4/2019

**Title:** (Continued from 10/21/2019) BOA-19-10300124: A request by Mark Aerts for a special exception of the density limitations to allow one short-term rental (Type 2) unit, located at 1154 East Euclid Avenue. Staff recommends Denial. (Council District 1) (Dominic Silva, Senior Planner (210) 207-0120, dominic.silva@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. BOA-19-10300124 Attachments

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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|                    |  |
|--------------------|--|
| Case Number:       | BOA-19-10300124  |
| Applicant:         | Mark Aerts   |
| Owner:             | Mark Aerts   |
| Council District:  | 1  |
| Location:          | 1154 East Euclid Avenue  |
| Legal Description: | Lot 8, Block 8, NCB 6795   |
| Zoning:            | "IDZ RIO-2 AHOD" Infill Development Zone River Overlay 2 Airport Hazard Overlay District |
| Case Manager:      | Dominic Silva, Senior Planner  |

### Request

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

### Executive Summary

The subject property is located on East Euclid Street, between East Myrtle Street and East Park Avenue. The subject property is one of 27 attached townhomes developed on 1.179 acres. The applicant is seeking a special exception to allow for the operation one (1) Type 2 STR permit. On April 23, 2019, Development Services issued a Type 2 STR permit (record number STR-19-13400755) to property owner Mark Aerts.

Type-2 indicates that the owner of the property does not live on site. Per the recently adopted code, each blockface, defined at the length of the block between two streets on one side of the road, are permitted to have at least one, and up to 12.5 percent of units on the blockface can be operated as Type-2 short term rentals. There are 21 total units within this blockface, resulting in three (3) Type 2 Short Term Rentals permitted by right. Four (4) Type 2 short term rentals have been permitted due to meeting the density requirements and/or grandfathering status. At the time the permit was issued for 1154 East Euclid, 3 of the 4 properties within this blockface were incorrectly displayed on the GIS online map as Type 1 STRs. As a result of the map error, staff determined that the density limitation had not been reached and issued the permit for a Type 2 STR at 1154 East Euclid.

- 1110 East Euclid is a Type 2 (applied February 5, 2019)  
Incorrectly displayed as a Type 1
- 1158 East Euclid is a Type 2 (applied February 5, 2019)  
Incorrectly displayed as a Type 1
- 1146 East Euclid is a Type 2 (applied February 7, 2019)  
Incorrectly displayed as a Type 1
- 1118 East Euclid is a Type 2 (applied February 11, 2019)  
Correctly displayed as a Type 2
- 1154 East Euclid is a Type 2 (applied April 16, 2019)  
Should not have been issued, The OneStop GIS Zoning Map incorrectly displayed the first 3 permits on Euclid as Type 1

Staff was notified in August 2019 of the error and in turn revoked the permit, notified the applicant of the issue and need to apply for the Special Exception. Additionally, staff worked with GIS to correct the map errors.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

The applicant applied and received registration of a short term rental unit for the subject property on April 23, 2019.

### **Zoning History**

The property was rezoned from “C-3NA” General Commercial, “I-1” General Industrial, “O-2” High-Rise Office, and “MF-33” Multi-Family to “IDZ” with Single-Family Residential uses (attached townhouses) not to exceed 25 units per acre by Ordinance 2014-12-04-0976 on December 4, 2014.

### **Subject Property Zoning/Land Use**

| Existing Zoning  | Existing Use      |
|--|-------------------|
| “IDZ RIO-2 AHOD” Infill Development Zone<br>River Overlay 2 Airport Hazard Overlay<br>District with Single-Family Residential uses<br>(attached townhouses) not to exceed 25 units<br>per acre | Short Term Rental |

### **Surrounding Zoning/Land Use**

| <b>Orientation</b> | <b>Existing Zoning District(s)</b>   | <b>Existing Use</b>    |
|--------------------|--|------------------------|
| North              | “IDZ RIO-2 AHOD” Infill Development<br>Zone River Overlay 2 Airport Hazard Overlay<br>District   | Single-Family Dwelling |
| South              | “MF-33 RIO-2 AHOD” Infill Development<br>Zone River Overlay 2 Airport Hazard Overlay<br>District | Vacant Land            |
| East               | “IDZ RIO-2 AHOD” Infill Development<br>Zone River Overlay 2 Airport Hazard Overlay<br>District   | Single-Family Dwelling |
| West               | “IDZ RIO-2 AHOD” Infill Development<br>Zone River Overlay 2 Airport Hazard Overlay<br>District   | Single-Family Dwelling |

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Midtown Regional Center Area Plan and currently designated as “Employment/Flex Mixed Use” in the future land use component of the plan. The subject property is located within the boundaries of the Tobin Hill Community Association. As such, they were notified and asked to comment.

### **Street Classification**

East Euclid 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 ample off-street and on-street parking, and nothing about the townhome places it out of character with those in the immediate vicinity.

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

Since the permit was issued in April, staff can find no record of Code Enforcement or San Antonio Police activities on this property.

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

The property has been operating as a Type 2 STR since the permit was issued in April 2019 with no code violations. 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 plenty of off-street parking for guests of the short term rental. 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 a Special Exception to keep the existing permit to continue the operation of the Type-2 short term rental. As such, no previous permit has been revoked.

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 the development and placement of the 27 attached townhomes are unique in that only 6 of the 27 townhomes are facing towards E. Euclid Avenue. The requested special exception is not likely to alter the essential character of the district as the property is still used, primarily, as a residence. Within this development, the home is not unlike other homes in the community.

### **Alternative to Applicant's Request**

Approval of the requested special exception will result in a total five (5) Type 2 STRs within this blockface resulting in a density of 24%.

### **Staff Recommendation**

Staff recommends **DENIAL** of the special exception in **BOA-19-10300124** based on the following findings of fact:

1. The request does not meet all approval criteria for the operation of type-2 short term rentals; and
2. 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 2 may result in a change of character in the neighborhood.