



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-4367

**Type:** Staff Briefing - Without Ordinance

**In control:** Board of Adjustment

**On agenda:** 8/3/2020

**Title:** BOA-20-10300069: A request by Laura Schuhmacher for a special exception to allow one (1) Type 2 Short Term Rental, located at 318 West Grayson Avenue, Unit 504. Staff recommends Denial. (Council District 1) (Kayla Leal, Senior Planner (210) 207-0197, Kayla.Leal@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
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Case Number:	BOA-20-10300069
Applicant:	Laura Schuhmacher
Owner:	Laura Schuhmacher
Council District:	1
Location:	318 West Grayson Avenue, Unit 504
Legal Description:	Lot 12, Block 2, NCB 6789
Zoning:	"IDZ AHOD" Infill Development Zone Airport Hazard Overlay Zone with Uses Permitted in "MF-33" Multi-Family
Case Manager:	Kayla Leal, Senior Planner

### Request

A request for a special exception to allow one (1) Type 2 Short Term Rental per the UDC Section 35-482(i).

### Executive Summary

The subject property is located north of downtown near North St. Mary's Street within a townhome development. The property has a developed single-family townhome and is within a gated community in near major commercial corridors and the Pearl development. Surrounding uses include residential, commercial, office, and industrial. There is currently no Type 2 STR Permit issued for the subject property. There are four (4) Type 2 STR Permits issued for the blockface.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental unit at a property with a total of one (1) dwelling unit. 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 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 block face.

In this case, the block face is defined as the southwest side of West Grayson Avenue between Polk Street and East Euclid Avenue. There are 37 lots along this block face, and according to available records, there are 28 units on this blockface, resulting in four (4) Type 2 Short Term Rental units permitted by right. Four (4) Type 2 Short Term Rental Permits have already been approved by right at 318 West Grayson Avenue, Units 302, 303, 304, and 502. Any other Type 2 Short Term Rentals on this blockface must seek a Special Exception from the Board of Adjustment. If this special exception is approved, there will be a total of five (5) Type 2 Short Term Rentals on this block face, resulting in 17.9% of the blockface.

#### **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 “J” Commercial District. The zoning changed from “J” to “I-1” Light Industry District on December 14, 1995, established by Ordinance 83331. Upon adoption of the 2001 Unified Development Code, the zoning converted to “I-1” General Industrial District, established by Ordinance 93881, dated May 3, 2001. In 2017, the zoning changed to the current “IDZ” Infill Development Zone district established by Ordinance 2017-05-04-0302, dated May 4, 2017.

#### **Permit History**

The applicant applied for a Type 2 Short Term Rental (STR) Permit in April of 2020. The permit is pending the decision of the Board of Adjustment for a Special Exception.

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

Existing Zoning	Existing Use
“IDZ AHOD” Infill Development Zone Airport Hazard Overlay Zone with Uses Permitted in “MF-33” Multi-Family	Single-Family Townhome

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

Orientation	Existing Zoning District(s)	Existing Use
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North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District and “I-1 AHOD” General Industrial Airport Hazard Overlay District	Vacant lots
South	“IDZ AHOD” Infill Development Zone Airport Hazard Overlay Zone with Uses Permitted in “MF-33” Multi-Family	Single-family townhomes
East	“IDZ AHOD” Infill Development Zone Airport Hazard Overlay Zone with Uses Permitted in “MF-33” Multi-Family and “I-1” General Industrial District	Single-family townhomes and warehousing
West	“IDZ AHOD” Infill Development Zone Airport Hazard Overlay Zone with Uses Permitted in “MF-33” Multi-Family	Single-family townhomes

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

The property is within the boundaries of the Midtown Regional Center 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 and as such, they were notified of the case.

### **Street Classification**

This portion of West Grayson Avenue 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 applicant is requesting the special exception to obtain one (1) Type 2 STR Permit in addition to three (3) active Type 2 STR Permits on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses include a residential, commercial, office, and industrial.

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

Approval of the special exception would permit a total of four (4) Type 2 STRs operating on the blockface, each in separate units. The surrounding area is predominately commercial, single-family townhomes, multi-family, office, and industrial uses, and is near a major commercial corridor. The granting of this special exception allows one (1) additional Type 2 STR. The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood will not be impacted which could mitigate any potential for a public nuisance.

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 faculties have been or are being provided.

There are two (2) parking spaces provided in the garage and driveway at the subject property which is an adequate amount of parking for a single-family townhome. The subject property appears 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 is not a permit holder for any Short Term Rental units in San Antonio, therefore 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 residential structure is existing and there is currently three approved Type 2 STR Permits for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family townhomes. The subject property is located in Phase 1 of the development, and there are plans to develop multi-family uses along St. Mary's Street, which can potentially provide long-term renting for the area. 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 being denied to operate a Type 2 Short Term Rental, per the UDC.

### **Staff Recommendation**

Staff recommends **DENIAL of BOA-20-10300069** based on the following findings of fact:

1. There are currently three (3) active Type 2 Short Term Rental units on the blockface.