



# City of San Antonio

## Agenda Memorandum

**File Number:**19-1767

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**Agenda Item Number:** 5.

**Agenda Date:** 2/4/2019

**In Control:** Board of Adjustment

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Case Number: BOA-18-900035  
Applicant: Stewart Porter  
Owner: Stewart Porter  
Council District: 1  
Location: 318 Baltimore Street  
Legal: Lot E Except the North 7.75 Feet of the East 18.6 Feet, Block  
Description: 24, NCB 816  
Zoning: "FBZD (T5-1) RIO-2 AHOD" Form Based Zone Transect 5  
(Calibrated T5-2) River Improvement Overlay 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 a total of 2 short term rental (Type 2) units.

### **Executive Summary**

The subject properties are located at 318 Baltimore Street. The applicant is seeking a special exception to allow for the operation of two (2) Type-2 short term rentals. 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 those units operated as Type-2 short term rentals.

The first unit is permitted by-right, however the property owner will require the special exception for the remaining 2 units, as they exceed the 12.5 percent limitation. The second unit brings the percentage of the blockface used for Type 2 short term rentals to 28.6 percent.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

## **Permit History**

The applicant has applied for registration of all short term rental units on these properties.

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

Existing Zoning	Existing Use
“FBZD (T5-1) RIO-2 AHOD” Form Based Zone Transect 5 (Calibrated T-5-2) Rio Improvement Overlay Airport Hazard Overlay District	Short Term Rental

## **Surrounding Zoning/Land Use**

Orientation	Existing Zoning District(s)	Existing Use
North	“FBZD (T5-1) RIO-2 AHOD” Form Based Zone Transect 5 (Calibrated T5-1) Rio Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
South	““FBZD (T5-1) RIO-2 AHOD” Form Based Zone Transect 5 (Calibrated -5-1) Rio Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
East	“FBZD (T5-1) HS RIO-2 AHOD” Form Based Zone Transect 5 (Calibrated T5-1) Rio Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling
West	“FBZD (T5-1) RIO-2 AHOD” Form Based Zone Transect 5 (Calibrated T5-1) Rio Improvement Overlay Airport Hazard Overlay District	Single-Family Dwelling

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

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

## **Street Classification**

Baltimore 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.

**Staff finds that the request to operate the three short term rentals is unlikely to materially endanger the public health, safety, or welfare. The property appears to be well kept, there is ample off-street and on-street parking, and nothing about the house places it out of character with those in the immediate vicinity.**

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

**The operation of these short term rentals is not likely to cause of a public nuisance. Staff can find no record of previous Code Enforcement activities on this property.**

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

**The requested special exception is not likely to negatively impact adjacent property owners because the homes are in character with those around it. During field visits staff noted nothing visible from the street that would indicate the presence of a short term rental.**

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties 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, a large yard for open space. Further, nothing stood out as a cause of increased flooding issues.**

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 two Type-2 short term rentals. 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.

**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. From the street, the home is not unlike other homes in the community.**

### **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 **APPROVAL** of the special exception in **BOA-18-900035** based on the following findings of fact:

1. The request meets all approval criteria for the operation of type-2 short term rentals; and
2. The granting of the special exception will not injure the public safety or welfare of the neighboring properties.

