



# City of San Antonio

## Agenda Memorandum

**File Number:**20-3988

**Agenda Item Number:** 4.

**Agenda Date:** 7/6/2020

**In Control:** Board of Adjustment

Case Number:	BOA-20-10300042
Applicant:	Maria Luisa Cantu
Owner:	Maria Luisa Cantu
Council District:	1
Location:	215 Terry Court
Legal Description:	Lot 16, NCB 6805
Zoning:	"R-6 AHOD" Residential Single Family Airport Hazard Overlay District
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 on Terry Court, a short distance away from St. Mary's Street. The zoning of the property is "R-6" Residential Single Family District and currently has a single family residence on the property. The subject property is surrounded by single-family residential uses and some duplexes. It is located directly outside of the East French Place Historic District. There is currently no Type 2 STR Permit issued for the subject property.

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 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 north side of

Terry Court between North St. Mary's Street and the end of Terry Court. There are fourteen (14) lots along this block face, and according to available records, there are twelve (12) units on this blockface, resulting in two (2) Type 2 Short Term Rental units permitted by right. One (1) Type 2 Short Term Rental Permit has already been approved by right at 139 Terry Court and the second permit has been approved by right at 149 Terry Court. 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 three (3) Type 2 Short Term Rentals on this block face, resulting in 25% of the block face.

### **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 "B" Residence District. The property was rezoned to "R-1" Single Family Residence District, established by Ordinance 83331, dated December 14, 1995. Upon adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 3, 2001, the "R-1" zoning district converted to the current "R-6" Residential Single Family District.

### **Permit History**

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

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

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-6 AHOD" Residential Single Family Airport Hazard Overlay District	Single Family Residence

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 H AHOD" Residential Single Family East French Place Historic Airport Hazard Overlay District	Single-Family Residential
South	"R-6 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residential
East	"R-6 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residential
West	"R-6 AHOD" Residential Single Family Airport Hazard Overlay District	Single-Family Residential

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

The property is within the boundaries of the Midtown Regional Center Plan and currently designated as "Urban Low Density Residential" in the future land use component of the plan. The subject property is located within the boundaries of the Tobin Hill Community Association.

## **Street Classification**

Terry Court 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. The subject property is located near the end of Terry Court and is in close proximity to North St. Mary's Street.

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

Approval of the special exception would permit a total of three (3) Type 2 STRs operating on the blockface, each in separate units. The surrounding area is predominately single-family residential and duplexes. The granting of a special exception allows one (1) additional Type 2 STR, which may have the effect of saturating the area which could potentially 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.

There are about two (2) parking spaces provided in the driveway at the subject property which is an adequate amount of parking for a single family home. The subject property appeared 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 two approved Type 2 STR Permits for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family and some duplexes. Vehicular access to the property is located off of Terry Court. 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-20-10300042** based on the following findings of fact:

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