City of San Antonio

Agenda Memorandum

File Number:20-6400

Agenda Item Number: 2.

Agenda Date: 11/2/2020

In Control: Board of Adjustment

Case Number:	BOA-20-10300086
Applicant:	Lisa McCorquodale-Robalin
Owner:	Lisa McCorquodale-Robalin
Council District:	1
Location:	430 East Myrtle Street
Legal Description:	Lot 18, Block 5, NCB 1752
Zoning:	"R-6 H AHOD" Residential Single-Family Tobin Hill Historic 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 generally located north of downtown and is mid-block on East Myrtle Street between McCullough Avenue and North St. Mary's Street. The property currently has a single-family home. Immediately surrounding uses include single-family and multi-family residential. There are also some commercial and office uses in close proximity along McCullough Avenue and North St. Mary's Street. The property owner and applicant currently reside on the abutting property to the west. There is currently no Type 2 STR Permit issued for the subject property. There are six (6) 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 south side of East Myrtle Street between McCullough Avenue and North St. Mary's Street. There are 33 lots along this block face, and according to available records, there are 40 units on this block face, resulting in five (5) Type 2 Short Term Rental units permitted by right. Six (6) Type 2 Short Term Rental Permits have already been approved by right on the block face, because they are considered grandfathered. Any other Type 2 Short Term Rentals on this block face must seek a Special Exception from the Board of Adjustment. If this special exception is approved, there will be a total of seven (7) Type 2 Short Term Rentals on this block face, resulting in 17.5% 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 "D" Apartment District. The zoning changed from "D" to "R-1" Single Family Residence District on December 14, 1995, established by Ordinance 83331. Upon adoption of the 2001 Unified Development Code, the zoning converted to the current "R-6" Residential Single-Family District, established by Ordinance 93881, dated May 3, 2001.

Permit History
The applicant applied for a Type 2 Short Term Rental (STR) Permit for the subject property in June 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
"R-6 H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District	Single-Family Residential
South	"R-6 H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District	Single-Family Residential
East	"R-6 H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District	Single-Family Residential
West	"R-6 H AHOD" Residential Single-Family Tobin Hill Historic Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

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

Street Classification

East Myrtle 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 applicant is requesting the special exception to obtain one (1) Type 2 STR Permit in addition to six (6) active Type 2 STR Permits on the block face. The subject property appears to be well-kept and provides parking. Surrounding uses include a residential, commercial, and office.

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

Approval of the special exception would permit a total of seven (7) Type 2 STRs operating on the block face. The surrounding area is predominately residential and is near major commercial corridors along North St. Mary's Street and McCullough Avenue. The granting of this special exception allows one (1) additional Type 2 STR.

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 residence. 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 are currently six (6) approved Type 2 STR Permits for the block face. The subject property is surrounded with residential uses, mostly consisting of single-family residential and some duplexes. The applicant actually resides on the property directly west of the property. Changes to 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-20-10300086** based on the following findings of fact:

1. There are currently six (6) active Type 2 Short Term Rental units on the block face.