



City of San Antonio

Agenda Memorandum

File Number:21-3268

Agenda Item Number: 2.

Agenda Date: 5/3/2021

In Control: Board of Adjustment

Case Number:	BOA-21-10300038
Applicant:	Edgar Murillo
Owner:	Edgar Murillo
Council District:	1
Location:	908 Camaron Street
Legal Description:	West 101' of Lot 6 or Lot C, Block 2, NCB 216
Zoning:	"R-4 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 north of downtown near the IH-10 West and IH-35 North interchange. There is currently a registered Nonconforming (grandfathered) duplex on the subject property. The applicant purchased the property, which had two (2) Type 2 STR Permits issued. However, the permits were grandfathered and they are not transferrable upon the sale of a property, so it is invalid. Immediately surrounding uses include a mixture of densities including single-family dwellings and duplexes. There are also some commercial and office uses in close proximity. There is currently one Type 2 STR Permit issued for the subject property. There is one (1) Type 2 STR Permit 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 two (2) dwelling units. 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 easter side of Camaron Street between West Elmira Street and West Euclid Street. There are six (6) lots along this block face, and according to available records, there are six (6) units on this blockface, resulting in one (1) Type 2 Short Term Rental units permitted by right. One (1) Type 2 Short Term Rental Permit has already been approved by right on the blockface located at 912 Camaron Street. 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 two (2) Type 2 Short Term Rentals on this block face, resulting in 33.3% of the blockface.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The subject property was included in the Original City Limits of San Antonio, as established in 1938 and was originally zoned “C” Apartment District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to “MF-33” Multi-Family District. In a City-initiated case, the property was rezoned to the current “R-4” Residential Single-Family District, established by Ordinance 97522, dated May 4, 2003.

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-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Duplex

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
South	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
East	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Single-Family Residential
West	“R-4 AHOD” Residential Single-Family Airport Hazard Overlay District	Duplex

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 Five Points Neighborhood Association and as such, they were notified of the case.

Street Classification

Camaron Street is classified as a Collector 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 one (1) active Type 2 STR Permits on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses include a mixture of single-family dwellings and duplexes.

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

Approval of the special exception would permit a total of two (2) Type 2 STRs operating on the blockface. The surrounding area is predominately residential and is a few blocks from major commercial areas. 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 three (3) parking spaces provided in the driveway at the subject property and more parking along the side of the proposed STR unit, which is an adequate amount of parking for a duplex. 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 does not currently hold a Type 2 Short Term Rental permit for the primary structure on the subject property. They do 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 one (1) grandfathered approved Type 2 STR Permit for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family residential and some duplexes. 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-21-10300038** based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the blockface.