



City of San Antonio

Agenda Memorandum

Agenda Date: November 4th, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

CASE NUMBER: BOA-24-10300206

APPLICANT: Northpoint Realty Group

OWNER: Northpoint Realty Group

COUNCIL DISTRICT IMPACTED: District 1

LOCATION: 423 East Ashby Place Unit 2, 3, & 4

LEGAL DESCRIPTION: Lot south 56.66 feet of 7 and south 56.66 feet of east 44.4 feet of 6, Block 9, NCB 2993

ZONING: "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

CASE MANAGER: Juan Alvarez, Planner

A request for

A Special Exception to allow three (3) additional Type 2 Short Term Rental permits on the block face (Section 35-374.01(c))

Executive Summary

The applicant is seeking a special exception to allow three (3) additional Type 2 Short Term Rental units on the block face. There is currently one (1) active Type 2 Short Term Rental permit on the block, located at 423 East Ashby Street Unit 1 and is owned by the applicant, having been approved on September 3rd, 2024. 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 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 along East Ashby Street, extending from 401 to 423 East Ashby Street. There are twelve (12) units along this block face, resulting in one (1) Type 2 Short Term Rental unit permitted by right. One (1) Type 2 Short Term Rental Permit has already been approved by right on the blockface and is owned by the applicant. 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 four (4) Type 2 Short Term Rentals on this block face, totaling 33% density of the current units.

Code Enforcement History

No code enforcement history

Permit History

Short Term Rental Permit Number:

STR-24-13401052: 423 East Ashby Unit 4

STR-24-13401051: 423 East Ashby Unit 3

STR-24-13401050: 423 East Ashby Unit 2

Permit Request Type: Type 2

Application Submission Date: 9/12/2024

Zoning History

The subject property is legally zoned for a Short-Term Rental. Per the ordinance Shorter Term Rentals are prohibited only on properties zoned “C-3” General Commercial District, as well as all Industrial Districts.

Subject Property Zoning/Land Use

Existing Zoning

"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District (ZONING-NCU-APP-2024-11200138) – Non-Conforming Use Rights for 4 Dwelling Units was approved August 29, 2024

Existing Use

Residential Multi Family

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Existing Use

Residential Single Family

South

Existing Zoning

“MF-33 AHOD” Residential Multi-Family Airport Hazard Overlay District

Existing Use

Residential Multi Family

East**Existing Zoning**

"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Existing Use

Residential Single Family

West**Existing Zoning**

"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

Existing Use

Residential Single Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the Midtown Area Regional Plan and is designated as Urban Low Density Residential in the future land use component of the plan. The subject property is located within the notification area of Tobin Hill Community Neighborhood Association. The subject property is also located within the notification areas of the NES Foundation, T.H.U.G.G.I.N. for Christ, and Women in Film & Television San Antonio Community Organizations. They all have been notified of the request.

Street Classification

East Ashby Street is classified as a collector street.

Criteria for Review –Special Exception

According to Section 35-374.01(c) 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 an additional short term rental beyond the 12.5% density cap is likely to materially endanger the public health and/or safety as the density caps were established to ensure that neighborhoods remain, primarily, residential.

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

The density caps were established to prevent public nuisances. Allowing Type 2 STRs to exceed those caps will likely lead to increased cases of public nuisance.

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

The density caps were established to ensure that neighbors are not inundated by the presence of Type 2 STRs. Allowing additional STRs on this blockface may substantially injure neighboring properties.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary faculties have been or are being provided.

The subject property provides off-street parking and 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 or owner does not have confirmed citations, or adjudicated offenses or convictions; for this subject property.

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 density limits established by City Council exist to ensure that neighborhood remain, primarily, residential. Staff finds that exceeding the 12.5% blockface density is likely to alter the essential character of the district.

Alternative to Applicant's Request

The Board of Adjustment may approve or deny the applicant's request.

Staff Recommendation – Special Exception

Staff recommends Denial in BOA-24-10300206 based on the following findings of fact:

1. Per Section 16-1100 of the City Code, staff finds that the approval of an increase in the Type 2 Short Term Rental permit density would be detrimental to “the health and safety of [the] occupant(s) of [the] short term rental property” and to the “integrity of the neighborhood(s) in which [the] short term rental property operates”; and,
2. Staff is unable to identify any unique circumstance which warrants nearly doubling the density limitation for Type 2 STRs on this block face.