

Case Number:	BOA-23-10300307
Applicant:	Dawn Wilson
Owner:	Dawn Wilson
Council District:	2
Location:	425 Parland Place
Legal Description:	Lot 7 & The East 25 feet of Lot 8, NCB 6136
Zoning:	“R-4 NCD-6 MLOD-3 MLR-2” Residential Single-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District.
Staff Representative:	Juan Alvarez, Planner

Request

A request for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c).

Applicable Code References

Chapter 16, Article XXII

Sec. 16-1110

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

Chapter 35, Article III

Sec. 35-374.01 (c)

Density Limitations for Short Term Rentals (Type 2) in Residential Areas. In order to preserve the essential character of residential areas, the following density limitations are established. The permitted number of STR's in any block face, or within any multi-family structure, shall not round up.

Example: 14 dwelling units on a residential block face x 12.5% = 1.75 STR's (1 Short Term Rental is permitted).

(1) Short Term Rentals (Type 2) shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined in Appendix A of this Chapter, in residential zoning districts. At least one (Type 2) short term rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

(2) Short Term Rentals (Type 2) within multi-family (e.g. 5 or more units) buildings or groups of buildings on the same land, lot or parcel, regardless of zoning district, shall be limited to the

density requirements in Table 374.01-I. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

In order to establish and operate a Short Term Rental (Type 2) which exceeds the density limitations of this Section, approval of a special exception from the Board of Adjustment shall be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See Section 35-399.03. of this Chapter.

Executive Summary

The applicant is seeking a special exception to allow one (1) additional Type 2 Short Term Rental unit on the block face. There is currently two (2) active Type 2 Short Term Rental permits on the block, one of them being on the same parcel. 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 defined as the South side of Parland street between North New Braunfels Ave and Bellview street. There are twenty-three (23) lots along this block face. 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 three (3) Type 2 Short Term Rentals on this block face, totaling 13% of the current units.

Code Enforcement History

No pending Code Enforcement cases.

Permit History

Short Term Rental Permit Number: STR-23-13401169

Permit Request Type: Type 2

Application Submission Date: 08/08/2023

Pending BOA: 08/14/2023

Zoning History

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

Board of Adjustment

The Board of Adjustment is asked to grant a special exemption to allow one (1) additional Type 2 Short Term Rental permit on the block face, per UDC Section 35-374.01(c). The Board of Adjustment has the authority to grant a special exemption.

Staff Recommendation

Staff recommends Denial of the applicant's request for a special exemption to allow one (1) additional Type 2 Short Term Rental permit on the block face, 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".
- 2) Staff is unable to identify any unique circumstance which warrants exceeding the density limitation for Type 2 STRs on this block face.