



City of San Antonio

Agenda Memorandum

Agenda Date: October 21st, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Amin Tohmaz, Interim Director

CASE NUMBER: BOA-24-10300191

APPLICANT: Sherlyn Norton

OWNER: Sherlyn Norton

COUNCIL DISTRICT IMPACTED: District 8

LOCATION: 16106 Noble Night Street

LEGAL DESCRIPTION: Lot 9, Block 11, NCB 14736

ZONING: "DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Recharge Zone District

CASE MANAGER: Juan Alvarez, Planner

A request for

A Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face (Section 35-374.01(c))

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 one (1) active Type 2 Short Term Rental permit on the block, located at 16122 Noble Night and is owned by the applicant, having been approved on March 6, 2019. 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 Noble Night Street, extending from 16122 to 16002 Noble Night Street. There are thirteen (13) 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 two (2) Type 2 Short Term Rentals on this block face, totaling 15% density of the current units.

On February 28, 2024, staff approved a Type 2 STR permit at this subject property. However, after an internal staff audit, this Type 2 STR permit was cancelled on 7/12/2024, as it was issued in error for exceeding the maximum 12.5% blockface density due on this blockface.

Code Enforcement History

INV-PST-INV24-3010003456 Permits- Short Term Rentals 8/19/2024

Status: Pending Resolution

Permit History

Short Term Rental Permit Number:

STR-24-13500174 (790367) Cancelled 7/12/2024.

STR-24-13400951

Permit Request Type: Type 2

Application Submission Date: 8/21/2024

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

"DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District

Existing Use

Residential Single Family

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District

Existing Use

Residential Single Family

South**Existing Zoning**

"DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District

Existing Use

Residential Single Family

East**Existing Zoning**

"DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District

Existing Use

Residential Single Family

West**Existing Zoning**

"DR MLOD-1 MLR-2 ERZD" Development Reserve Camp Bullis Military Lighting Overlay
Military Lighting Region 2 Edwards Recharge Zone District

Existing Use

Residential Single Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan and is designated as Suburban Tier in the future land use component of the plan. The subject property is located within the notification area of Grandview Homeowners Association and the Riot Commons Community Organization, and they have been notified of the request.

Street Classification

Noble Night Street is classified as a local 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, as he only received a notice of violation for operating without a permit and submitted an STR application shortly afterwards, or other properties.

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-24-10300191 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.