



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** January 27, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-24-10300247

**APPLICANT:** Anthony Candia

**OWNER:** Candias Investment Property Group LLC

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 331 Burleson Street

**LEGAL DESCRIPTION:** The east 68.33 feet of Lot 9 ARB A-11, Block 25, NCB 512

**ZONING:** "R-4 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

**CASE MANAGER:** Joseph Leos, Senior 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, located at 323 Burleson Street, having been approved on November 16, 2021. This Type 2 Short Term Rental permit has been renewed and does not expire until November 16, 2027. 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 north side of Burleson Street between North Cherry Street and North Mesquite Street. There are eight (8) lots 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 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 two (2) Type 2 Short Term Rentals on this block face, totaling 25% density of the current units.

This property is located within the Dignowity Hill Historic District. Any future exterior modifications or new construction will require written approval from the Office of Historic Preservation. Approval of a variance does not supersede any requirements for design review outlined in Article VI of the Unified Development Code.

#### **Code Enforcement History**

INV-PST-INV24-3010004028- Permits Short Term Rentals- 09/23/2024.

Status- Pending Resolution

#### **Permit History**

Short Term Rental Application Number: STR-24-13401198

Permit Request Type: Type 2

Application Submission Date: 10/16/2024

#### **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-4 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

##### **Existing Use**

Residential Single-Family

#### **Surrounding Property Zoning/ Land Use**

##### **North**

##### **Existing Zoning**

"R-4 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

##### **Existing Use**

Residential Single-Family

**South****Existing Zoning**

"IDZ-1 H AHOD" Low Intensity Infill Development Zone Dignowity Hill Historic Airport Hazard Overlay District with uses permitted for two (2) dwelling units.

**Existing Use**

Vacant Lot

**East****Existing Zoning**

"R-5 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

**Existing Use**

Residential Single-Family

**West****Existing Zoning**

"R-4 H AHOD" Residential Single-Family Dignowity Hill Historic Airport Hazard Overlay District

**Existing Use**

Residential Single-Family

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Eastside Community Area 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 the Dignowity Hill Neighborhood Association, and they have been notified of the request. The subject property is located within the notification areas of the NES Foundation, T.H.U.G.G.I.N. for Christ, Women in Film & Television, and Lifeline Overeaters Anonymous San Antonio Community Organizations and have been notified of the request.

**Street Classification**

Burleson 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 previously revoked licenses, confirmed citations, or adjudicated offenses or convictions; for this subject property and other properties the applicant operates, as they only received a notice of violation for operating without a permit and submitted an STR application shortly afterwards.

*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-2-10300247 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.

