



City of San Antonio

Agenda Memorandum

Agenda Date: May 5, 2025. This case was continued from April 21, 2025

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-25-10300045

APPLICANT: Beatriz Guzman

OWNER: Beatriz Guzman

COUNCIL DISTRICT IMPACTED: District 2

LOCATION: 623 Dakota Street

LEGAL DESCRIPTION: The south 88.6 feet of Lot 13, Block West 1-2 21, NCB 618

ZONING: "RM-4 AHOD" Residential Mixed 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 on the block, located at 609 Dakota Street, and having been approved on December 28, 2023. 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 Dakota Street between 603 Dakota Street to 623 Dakota Street. There are eight (8) 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 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% of the current units.

Code Enforcement History

INV-PST-INV25-3010000026 - Permits Short Term Rentals 01/08/2025- Pending Resolution.

Permit History

Short Term Rental Application Number: STR-25-13400105

Permit Request Type: Type 2

Application Submission Date: 01/28/2025

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

"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Existing Use

Residential Single-Family

Surrounding Property Zoning/ Land Use

North

Existing Zoning

"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Existing Use

Residential Single-Family

South

Existing Zoning

"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Existing Use

Residential Single-Family

East

Existing Zoning

"RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

Existing Use

Residential Single-Family

West**Existing Zoning**

"RM-4 AHOD" Residential Mixed 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 "Medium Density Residential" in the future land use component of the plan. The subject property is located within the notification area of the Denver Heights Neighborhood Association, and they have been notified of the request. The subject property is located within the notification areas of four registered community organizations, and they have been notified of the request.

Street Classification

Dakota 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, 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.

The board may also consider if any of the following apply, in accordance with UDC Section 35-399.03(h):

- (1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:
 - (a) The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or
 - (b) There is proof that a short term rental (type 2) is the only economically feasible way to finance the preservation of the structure; and
 - (c) The granting of a board of adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.
- (2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must find the public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.
 - (a) That nearby streets will not be substantially impacted by the proposed short term rental (type 2). To make this determination, the board of adjustment shall consider input from the city traffic engineer.
 - (b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.
 - (c) The neighboring property will not be substantially injured by such proposed use.

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-25-10300045 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.