



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 18, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**CASE NUMBER:** BOA-24-10300212

**APPLICANT:** Kenan Whites

**OWNER:** Kenan Ezekial Whites & Elena Alicea Alperin

**COUNCIL DISTRICT IMPACTED:** District 4

**LOCATION:** 1111 Tiger Path

**LEGAL DESCRIPTION:** Lot 98, Block 43, NCB 19400

**ZONING:** "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 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 are currently two (2) active Type 2 Short Term Rental permits on the block, with 1027 Tiger Path being approved on May 16, 2022 and 1023 Tiger Path on April 29, 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 defined as the south side of Seascapes Drive between the southwest corner of Tiger Field. There are seventeen (17) units along this block face, resulting in two (2) Type 2 Short Term Rental units permitted by right. Two (2) Type 2 Short Term Rental Permits have 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 three (3) Type 2 Short Term Rentals on this block face, totaling 17.6% density of the current units.

### **Code Enforcement History**

INV-PST-INV24-3010003875- Permits Short Term Rentals- 9/30/2024  
Status- Closed

### **Permit History**

Short Term Rental Permit Number: STR-24-13401085  
Permit Request Type: Type 2  
Application Submission Date: 09/23/2024

### **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 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Residential Single-Family

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

#### **North**

#### **Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

#### **Existing Use**

Residential Single-Family

#### **South**

#### **Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Residential Single-Family

**East****Existing Zoning**

“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Residential Single-Family

**West****Existing Zoning**

“R-6 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Elementary School

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West Sector Plan and is designated as “Suburban Tier” in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association. The subject property is 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 and have been notified of the request.

**Street Classification**

Tiger Path is classified as a Local Road.

**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.

### **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-24-10300212 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.