

Case Number:	BOA-23-10300298
Applicant:	Marion Sanchez
Owner:	Marion Sanchez
Council District:	2
Location:	1611 North Palmetto
Legal Description:	North 38.88 feet of Lot 20, Block 6, NCB 1277
Zoning:	“R-5 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Staff Representative:	Juan Alvarez, Planner

Request

A request for a parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental.

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 16, Article XXII

Sec. 16-1108(b)

Parking. Shall comply with City Code Chapter 35, Unified Development Code with respect to required parking (see section 35-526). No required parking shall be permitted within public right-of-way or access easements as defined by city code (see section 35-526) and state regulations regarding parking, The yard(s) shall not be utilized to provide the necessary parking.

Chapter 35, Article V

Section 35-526(b)7

The board of adjustment may adjust the minimum or maximum parking requirements based on a showing by the applicant that a hardship is created by a strict interpretation of the parking regulations. Any adjustment authorized by the board of adjustment shall apply only to the use in the original certificate of occupancy.

Executive Summary

The applicant is seeking a parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental. There are currently no active Short Term Rental permits on the block.

The short-term rental ordinance states that an off street parking spot should be provided to qualify for a permit. Code Sec. 16-1108(b) states that short term rental parking shall comply with City Code Chapter 35, Unified Development Code with respect to required parking (see section 35-526)

Per the code, no required parking shall be permitted within public right-of-way or access easements as defined by city code (see section 35-526) and state regulations regarding parking.

In this case, the block face is defined as the South side of North Palmetto Avenue between North Gloucester Street and North Mason Street. There are seven (7) lots along this block face. One (1) Type 2 Short Term Rental Permit had previously been approved on the block face on September 29, 2020. The subject property had their original permit granted on September 29, 2020, but expired on September 29, 2023. Their current renewal application can't be approved without relief from the Board of Adjustment.

Any relief granted by the board is limited to the use of the property as a short term rental and remains in effect in perpetuity.

Code Enforcement History

No pending Code Enforcement cases.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single-Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use

North	“R-5 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single-Family
South	“IDZ H HS MLOD-3 MLR-2 AHOD” Infill Development Zone Government Hill Historic Significance Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Vacant
East	“R-5 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single-Family
West	“R-5 H MLOD-3 MLR-2 AHOD” Residential Single-Family Government Hill Historic Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Residential Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the boundaries of the Government Hill Alliance neighborhood association. As such, they were notified and asked to comment.

Permit History

Short Term Rental Permit Number: STR-20-13500393

Permit Request Type: Type 2

Application Submission Date: 09/24/2020

Permit Approval Date: 09/29/2020

Original Expiration Date: 09/29/2023

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 parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental.

Staff Recommendation

Staff recommends Denial of the applicant’s request for a parking adjustment to waive the one (1) required off-street parking space for a Short-Term Rental.

- 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”.