

Case Number:	BOA-21-10300180
Applicant:	Daniel Kang
Owner:	Helen Kang
Council District:	7
Location:	511 Furr Drive
Legal Description:	Lot 3, NCB 7012
Zoning:	“RM-4 H AHOD” Residential Mixed Monticello Park Historic Airport Hazard Overlay District
Case Manager:	Kayla Leal, Principal Planner

Request

A request for a Special Exception to allow one (1) Type 2 Short Term Rental per the UDC Section 35-482(i).

Executive Summary

The subject property is generally located across the street from Jefferson High School on the corner of Furr Drive and Kampmann Boulevard. The property currently has a triplex. Immediately surrounding uses include mixture of residential uses such as duplexes, triplexes, and single-family. There are also some commercial and office uses in close proximity along Fredericksburg Road. There is currently one other Type 2 STR Permit issued for another unit on the subject property, and it is the only Type 2 STR Permit issued for the blockface.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental unit at a property with a total of three (3) dwelling units. 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 recently adopted 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 race, regardless of the total number of units on the block face.

In this case, the block face is defined as the north side of Furr Drive between Kampmann Boulevard and Shearer Boulevard. There are three (3) lots along this blockface, and according to available records, there are 6 units on this blockface, 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. Any other Type 2 Short Term Rentals on this blockface 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 blockface, resulting in 33.3% of the blockface.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The subject property is within the original city limits of San Antonio and was zoned “A” Single Family Residence District. The zoning changed from “A” to “R-2A” Three and Four Family Residence District on November 29, 1985, established by Ordinance 64079. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-2A” to the current “RM-4” Mixed Residential District, established by Ordinance 93881, dated May 3, 2001.

Permit History

A Type 2 Short Term Rental (STR) Permit was issued for the subject property on August 26, 2021. The applicant's second permit is pending the decision of the Board of Adjustment for a Special Exception.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"RM-4 H CD AHOD" Residential Mixed Monticello Park Historic Airport Hazard Overlay District	Three Residential Dwelling Units

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 H CD AHOD" Residential Single-Family Monticello Park Historic Airport Hazard Overlay District	Single-Family Residential
South	"RM-4 H CD AHOD" Residential Mixed Monticello Park Historic Airport Hazard Overlay District	Single-Family Residential, Duplexes, Triplexes
East	"RM-4 H CD AHOD" Residential Mixed Monticello Park Historic Airport Hazard Overlay District	Single-Family Residential, Duplex
West	"R-6 H CD AHOD" Residential Single-Family Monticello Park Historic Airport Hazard Overlay District	Jefferson High School

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Near Northwest Community Plan and currently designated as "Urban Low Density Residential" in the future land use component of the plan. The subject property is located within the boundaries of the Monticello Park Neighborhood Association and as such, they were notified of the case.

Street Classification

Furr Drive is classified as a local street.

Criteria for Review

According to Section 35-374.01 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.

The applicant is requesting the special exception to obtain one (1) Type 2 STR Permit in addition to one (1) active Type 2 STR Permits on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses include a mix of residential densities such as

duplexes, triplexes, and single-family. Additional uses nearby include recreational, commercial and office in close proximity on Fredericksburg Road.

B. The special exception does not create a public nuisance.

Approval of the special exception would permit a total of two (2) Type 2 STRs operating on the blockface. The surrounding area is predominately residential and is near major commercial corridors along Fredericksburg Road and the Deco District. The granting of this special exception allows one (1) additional Type 2 STR.

C. The neighboring property will not be substantially injured by such proposed use.

The applicant could provide data showing that occupancy rates for long-term rentals in the neighborhood and property valuations for the neighborhood will not be negatively impacted by the request, which could mitigate this finding.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

The parking is provided in the rear of the subject property with access off of Kampmann Boulevard. The subject property 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 currently holds many active STR Permits in San Antonio and complaints have not been received on the units belonging to the applicant. Therefore, the applicant does not have any history of revocation, citations, or convictions for violations of Chapter 16.

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 residential structure is existing and there is currently one (1) approved Type 2 STR Permit for the blockface. The subject property is surrounded with residential uses, mostly consisting of single-family residential, duplexes, triplexes, and quadplexes. There are many other types of uses in close proximity to the subject property such as recreational, commercial, and office. Changes to the essential character of the neighborhood may include potential impacts to occupancy rates and property valuations.

Alternative to Applicant's Request

Denial of the request would result in the applicant being denied to operate a Type 2 Short Term Rental, per the UDC.

Staff Recommendation

Staff recommends DENIAL of BOA-21-10300180 based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the blockface.