



City of San Antonio

Agenda Memorandum

File Number:
{{item.tracking_number}}

Agenda Item Number: {{item.number}}

Agenda Date: March 20, 2023

In Control: Zoning Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 2

SUBJECT:

BOA-23-10300038: A request by Lauren Snider for an appeal of the Administrator's decision to deny a short-term rental permit renewal, located at 201 E Carson Street.

SUMMARY:

Applicable Code References

Chapter 35, Article III

Sec. 35-371.01

A short term rental is a property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this chapter), for a period of less than thirty (30) consecutive days, and not less than twelve (12) hours, to a particular occupant. A short term rental shall not be considered as a hotel, extended stay hotel, motel, corporate apartment, or bed and breakfast, as defined in this chapter.

Chapter 35, Appendix A

Sec. 35-A101

Dwelling unit. One (1) or more rooms providing complete living facilities for one (1) family, including kitchen facilities or equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, bathing and eating.

Executive Summary

The subject property initially applied for a Short-Term Rental (STR) permit on January 29, 2020. After review of the application, the permit to operate a Short-Term Rental was approved by staff and issued on February 6, 2020. A renewal application for the permit was submitted on January 24, 2023 and denied on January 31, 2023.

Section 35-374.01 of the City's Unified Development Code defines a short-term rental as "a property that rents out all or a portion of a residential dwelling unit...to a particular occupant". A residential building permit application was submitted on November 9, 2021 in order to conduct major renovations to the short-term rental. A certificate of occupancy has not yet been issued certifying that the building is fit to be occupied, as required by this section.

Staff would advise that the applicant apply for the STR permit after the dwelling has passed final inspection and been deemed fit for occupancy. Staff would evaluate the application at that time and, should the permit meet the requirements of the UDC, staff would approve the permit request.

BACKGROUND INFORMATION:**Code Enforcement History**

No pending Code Enforcement cases.

Permit History

Short Term Rental Permit Number: STR-20-13500133

Application Submission Date: January 29, 2020

Permit Approval Date: February 6, 2020

Original Expiration Date: February 6, 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.

ISSUE:

The Board of Adjustment is asked to determine whether staff made the correct decision in denying the short-term rental permit. The Board of Adjustment has the authority to review and consider the appeal, investigate facts, weigh evidence, and draw conclusions. The Board may reverse or affirm,

in whole or in part, the administrative decision brought forward by the appellant and discussed in this report.

FISCAL IMPACT:

None.

ALTERNATIVES:

If the Board reverses staff's decision, and approves the appeal, the owner/operators STR permit will be renewed, and the expiration date set for February 6, 2026.

RECOMMENDATION:

Staff recommends denial of the applicant's request for an appeal of the Administrator's decision to deny the Short-Term Rental permit renewal, based on the following findings of fact:

1) Staff cannot grant a permit to operate an STR in a dwelling that is not yet deemed fit for occupancy.