



City of San Antonio

Agenda Memorandum

Agenda Date: April 15, 2024

In Control: Board of Adjustment Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

CASE NUMBER: BOA-24-10300033

APPLICANT: Antonio Pacheco

OWNER: Antonio Pacheco

COUNCIL DISTRICT IMPACTED: District 5

LOCATION: 913 Leal Street Unit 1

LEGAL DESCRIPTION: The south 80 feet of Lot 22, Block 1, NCB 2185

ZONING: "R-4 CD AHOD" Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Duplex

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, having applied on February 1, 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 west side of North San Jacinto Avenue between the southeast corner of Martinez Creek. There are ten (10) units along this block face, resulting in one (1) Type 2 Short Term Rental unit permitted by right. Two (2) Type 2 Short Term Rental Permits have already been approved on the block face, with one (1) being issued in error. 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 27% density of the current units. The 2 active Type 2 STR permits and the property that is subject of this special exception are all owned by the applicant.

Code Enforcement History

No Code Enforcement history found.

Permit History

Short Term Rental Permit Number: STR-24-13400202

Permit Request Type: Type 2

Application Submission Date: 02/14/2024

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.

Subject Property Zoning/Land Use

Existing Zoning

“R-4 CD AHOD” Residential Single-Family Airport Hazard Overlay District with a Conditional Use for a Duplex

Existing Use

Duplex

Surrounding Property Zoning/ Land Use

North

Existing Zoning

“R-3 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Single-Family Dwelling

South

Existing Zoning

“IDZ AHOD” Infill Development Zone Airport Hazard Overlay District with uses permitted in “R-3” Residential Single-Family District

Existing Use

Single-Family Dwelling

East**Existing Zoning**

“RM-5 AHOD” Residential Mixed Airport Hazard Overlay District

Existing Use

Triplex

West**Existing Zoning**

“R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

Existing Use

Residential Single-Family

Comprehensive Plan Consistency/Neighborhood Association

The subject property is not located within any Neighborhood, Sector or SA-Tomorrow Plan. The subject property is located within the notification area of Gardendale and West End Hope in Action Neighborhood Associations, and they have been notified of the request.

Street Classification

Leal Street 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 block face 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.

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 the City Council exist to ensure that neighborhood remain primarily residential. Staff finds that exceeding the 12.5% block face 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-24-10300033 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.