



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** June 2, 2025

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**CASE NUMBER:** BOA-25-10300075

**APPLICANT:** McCall McPherson

**OWNER:** Zavala Living Trust

**COUNCIL DISTRICT IMPACTED:** District 2

**LOCATION:** 2152 Hays Street

**LEGAL DESCRIPTION:** Lot 13, Block 9, NCB 6629

**ZONING:** "R-6 EP-1 MLOD-3 MLR-2" Residential Single-Family Facility Parking/Traffic Control Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

**CASE MANAGER:** Juan Alvarez, 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 is currently one (1) active Type 2 Short Term Rental permits on the block, located at 2122 Hays Street, having been approved on January 5 ,2023. 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 Hays Street extending from 2102 Hays Street to 2158 Hays Street. There are twelve (12) units along this block face, 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 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 two (2) Type 2 Short Term Rentals on this block face, totaling 19% of the current units.

This Type 2 Short Term rental is considered as a renewal. On February 25, 2022, this Type 2 Short Term Rental permit was approved by staff. On January 8, 2025, the applicant submitted a renewal application but was subsequently denied on February 25, 2025, due to no response. On February 27, 2025, applicant submitted a new Type 2 Short Term Rental application and was placed on pending BOA decision on April 18, 2025, due to the density being met.

#### **Code Enforcement History**

No code enforcement history

#### **Permit History**

Short Term Rental Permit Number: STR-22-13500295

Permit Request Type: Type 2

Renewal Application Submission Date: 1/08/2025 (Denied 2/25/2025)

Short Term Rental Permit Number: STR-25-13400318

Permit Request Type: Type 2

Application Submission Date: 2/27/2025 (Pending BOA Decision)

#### **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-6 EP-1 MLOD-3 MLR-2” Residential Single-Family Facility Parking/Traffic Control  
Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

##### **Existing Use**

Residential Single Family

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

##### **North**

##### **Existing Zoning**

“R-6 EP-1 MLOD-3 MLR-2” Residential Single-Family Facility Parking/Traffic Control  
Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Residential Single Family

**South****Existing Zoning**

“R-6 EP-1 MLOD-3 MLR-2” Residential Single-Family Facility Parking/Traffic Control  
Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Residential Single Family

**East****Existing Zoning**

“R-4 EP-1 MLOD-3 MLR-2” Residential Single-Family Facility Parking/Traffic Control  
Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Residential Single-Family

**West****Existing Zoning**

“R-6 EP-1 MLOD-3 MLR-2” Residential Single-Family Facility Parking/Traffic Control  
Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 District

**Existing Use**

Residential Single-Family

**Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the Eastside Community Area Plan and is designated as “Urban Low Density Residential” in the future land use component of the plan. The subject property is located within the notification area of Harvard Place Eastlawn Neighborhood Association, and they have been notified of the request. The subject property is located within the notification areas of three registered community organizations, and they have been notified of the request.

**Street Classification**

Paschal Street is classified as a collector street.

**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*

**In that this is a renewal applicant, and staff has been unable to identify any code enforcement history at this location in the past three (3) years, staff finds that the request to operate an additional short term rental beyond the 12.5% density cap is not likely to materially endanger the public health and/or safety, if approved. Additionally, the structure in which the STR is located within does not pose a hazard to life, health, or public safety.**

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

**The applicant has demonstrated, over the previous three (3) years, that the operation of this STR does not cause a public nuisance. Staff finds that this trend is more than likely to continue, with zero complaints registered against the property or operator.**

*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 this additional STR on this blockface will not substantially injure neighboring properties as it has been operating since 2022 and has not impacted the surrounding areas since then.**

*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 confirmed citations, or adjudicated offenses or convictions for this property or other properties.**

*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 requested special exception is not likely to alter the essential character of the district as the property is zoned “R-6”, which allows for the land use of a STR and general residential land uses. 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 not likely to alter the essential character of the district.**

The board may also consider if any of the following apply, in accordance with UDC Section 35-399.03(h):

- (1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:
  - (a) The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or
  - (b) There is proof that a short term rental (type 2) is the only economically feasible way to finance the preservation of the structure; and
  - (c) The granting of a board of adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

(2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must find the public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.

(a) That nearby streets will not be substantially impacted by the proposed short term rental (type 2). To make this determination, the board of adjustment shall consider input from the city traffic engineer.

(b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.

(c) The neighboring property will not be substantially injured by such proposed use.

### **Alternative to Applicant's Request**

The Board of Adjustment may approve or deny the applicant's request.

### **Staff Recommendation – Special Exception**

Staff recommends **Approval** in **BOA-25-10300075** based on the following findings of fact:

- 1. Staff finds that the approval of an increase in the Type 2 Short Term Rental permit density would not be detrimental as the request meets the six (6) conditions.**