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| Case Number: | BOA-22-10300164 |
| Applicant: | Lisa Reyna |
| Owner: | Lisa Reyna |
| Council District: | 7 |
| Location: | 5501 Merkens |
| Legal Description: | Lot 16, Block 20, NCB 14640 |
| Zoning: | “R-6 AHOD” Residential Single Family Airport Hazard Overlay District |
| Case Manager: | Joshua Orton, Senior Planner |

Request

A request for a Special Exception to allow one (1) additional Type 2 Short Term Rental permit on the block face per the UDC Section 35-374.01(c).

Executive Summary

The subject property is generally located north of the Lackland Air Force Base Annex at the northeast corner of Merkens Drive and Wurzbach Road. The property currently has one (1) existing single-family dwelling. Surrounding uses are exclusively single family residential. There are currently two other Type 2 STR Permits issued down the street from the subject property. These are the only Type 2 STR Permits issued for the block face.

The applicant is seeking a special exception to allow for the operation of one (1) Type 2 short term rental unit, in addition to the other two (2) units currently permitted on the same block face. 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 face, regardless of the total number of units on the block face.

In this case, the block face is defined as the north side of Merkens Drive in between Alan Hale Drive and Wurzbach Road. There are sixteen (16) lots along this block face, and according to available records, there are sixteen (16) units on this block face, resulting in two (2) Type 2 Short Term Rental units permitted by right. Two (2) Type 2 Short Term Rental Permits have 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 three (3) Type 2 Short Term Rentals on this block face, totaling 18.75% of the current units.

Code Enforcement History

There are no pending code violations for the subject property.

Zoning History

The subject property was annexed into the City of San Antonio on December 25, 1972 by Ordinance 41425 and was zoned “Temporary R-1” Single-Family Residential District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “R-1” to the current “R-6” Residential Single Family District, established by Ordinance 93881, dated May 3, 2001.

Permit History

No Type 2 rental permits have been issued for this property.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---------------------------|
| “R-6 AHOD” Residential Single Family Airport Hazard Overlay District | Residential Single Family |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|-------------|--|---------------------------|
| North | “R-6 AHOD” Residential Single Family Airport Hazard Overlay District | Residential Single Family |
| South | “R-6 AHOD” Residential Single Family Airport Hazard Overlay District | Residential Single Family |
| East | “R-6 AHOD” Residential Single Family Airport Hazard Overlay District | Residential Single Family |
| West | “R-6 AHOD” Residential Single Family Airport Hazard Overlay District | Residential Single Family |

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Medical Center Area Regional Center Plan and is located within the “Urban Low Density Residential” in the land use component of the plan. The subject property is not located within the boundaries of a registered neighborhood association.

Street Classification

Merkens 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) additional Type 2 STR Permits in addition to two (2) active Type 2 STR Permits on the block face. The subject property appears to be well-kept and provides parking. Surrounding uses includes mixed density residential as well as school district offices in close proximity.

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

Approval of the special exception would permit a total of three (3) Type 2 STRs operating on the block face. The surrounding area is exclusively residential. The granting of this special exception will allow for 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 faculties have been or are being provided.

There is at least one (1) parking space provided in the front of the subject property which is an adequate amount of parking for one unit. 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 is not a permit holder for any Short Term Rental units in San Antonio, therefore 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.

There is one residential structure on the property and there is currently one (1) approved Type 2 STR Permit for the block face. The subject property is in a single family residential neighborhood. 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 unable to operate a Type 2 Short Term Rental on this block face, per the UDC.

Staff Recommendation

Staff recommends DENIAL of BOA-22-10300164 based on the following findings of fact:

1. There are currently two (2) active Type 2 Short Term Rental units on the block face.