

Case Number:	BOA-22-10300014
Applicant:	Steve Williams
Owner:	Dagoberto Salinas
Council District:	2
Location:	511 Elmhurst
Legal Description:	Lot 35, Block 4, NCB 6527
Zoning:	“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting 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 north of Fort Sam Houston near the northwest corner of North New Braunfels Avenue and Elmhurst Avenue. The property currently has one (1) newly constructed single-family dwelling. Surrounding uses are primarily restricted to single family residential however this property is in close proximity to the San Antonio Botanical Gardens. There is currently one other Type 2 STR Permit issued next door to the subject property. This is the only Type 2 STR Permits 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, in addition to the other one (1) unit 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 blockface, regardless of the total number of units on the block face.

In this case, the block face is defined as the north side of Elmhurst Avenue in between N New Braunfels Avenue and Millie Lane. There are eleven (11) lots along this block face, and according to available records, there are 11 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, totaling 18.2% of the current units.

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 “C” Apartment District. Upon adoption of the 2001 Unified Development Code, the zoning converted from “C” to the current “MF-33” Multi-Family District, established by Ordinance 93881, dated May 3, 2001.

Permit History

A Type 2 Short Term Rental (STR) Permit Application was submitted for the subject property in November of 2021. Staff determined a Special Exception was required, so the permit is pending the outcome of the Board of Adjustment Hearing.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District	Single-Family Residential
South	“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District	Single-Family Residential
East	“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District	Single-Family Residential
West	“R-4 NCD-6 MLOD-3” Multi-Family Mahncke Park Neighborhood Conservation Martindale Army Air Field Military Lighting Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Mahncke Park 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 Mahncke Park Neighborhood Association and as such, they were notified of the case.

Street Classification

Elmhurst Avenue 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 Permit on the blockface. The subject property appears to be well-kept and provides parking. Surrounding uses include a single-family residential as well as recreational in close proximity.

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 a major commercial corridor along North New Braunfels Avenue. 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 faculties have been or are being provided.

There are two (2) parking spaces provided in the front of the subject property which is an adequate amount of parking for a single 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.

The residential structure is existing and there is currently one (1) approved Type 2 STR Permit for the blockface. 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 denied to operate a Type 2 Short Term Rental, per the UDC.

Staff Recommendation

Staff recommends DENIAL of BOA-22-10300014 based on the following findings of fact:

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