

Case Number:	BOA-22-10300201
Applicant:	Robert Saenz
Owner:	Robert Saenz
Council District:	9
Location:	11506 Whisper Circle
Legal Description:	Lot 19, Block 7, NCB 14137
Zoning:	"R-6 NCD-4" Residential Single-Family Whispering Oaks Neighborhood Conservation 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 west of the San Antonio International Airport near the northeast corner of Whisper Bluff and Whisper Circle. The property currently has one (1) existing single-family dwelling. Surrounding uses are exclusively single family residential. There is currently one other Type 2 STR Permit issued down the street from the subject property.

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 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 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 east side of Whisper Circle beginning at the intersection of Whisper Circle and Whisper Bluff and terminating at the mid point of the Whisper Circle cul de sac. There are three (3) lots along this block face, and according to available records, there are three (3) units on 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 approximately 66% of the current units.

Code Enforcement History

INV-PST-INV22-3010000724

Zoning History

The subject property was annexed into the City of San Antonio by Ordinance 38133, dated January 7, 1970 and was zoned "R-1" Single-Family Residence 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

This property erroneously received a Type 1 Short Term Rental permit that was revoked.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 NCD-4" Residential Single Family Whispering Oaks Neighborhood Conservation District	Single Family

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 NCD-4" Residential Single Family Whispering Oaks Neighborhood Conservation District	Single Family
South	"R-6 NCD-4" Residential Single Family Whispering Oaks Neighborhood Conservation District	Single Family
East	"R-6 NCD-4" Residential Single Family Whispering Oaks Neighborhood Conservation District	Single Family
West	"R-6 NCD-4" Residential Single Family Whispering Oaks Neighborhood Conservation District	Single Family

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the North Sector Plan and currently designated as "Suburban Tier" in the land use component of the plan. The subject property is located within the boundaries of the Whispering Oaks Neighborhood Association and as such, they were notified of the case.

Street Classification

Whisper Circle 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 the one (1) active Type 2 STR Permit on the block face. The subject property appears to be well-kept and provides parking. Surrounding uses include single family residential and neighborhood commercial uses.

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 block face. The surrounding area is predominately 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 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 Section 35-374.01(c).

Staff Recommendation

Staff recommends DENIAL of BOA-22-10300201 based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the block face.