

Case Number:	BOA-22-10300197
Applicant:	Nam Lee
Owner:	Nam Lee
Council District:	1
Location:	736 East Myrtle Street
Legal Description:	Lot N 93.45 ft of 13, 14, & 15, Block 6, NCB 6794
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 downtown area near the southeast corner of North St Marys Street and East Myrtle Street. The property currently has one (1) existing single-family dwelling. Surrounding uses include single family residential and neighborhood commercial uses. There is currently one other Type 2 STR Permit issued down the street from the subject property. This is the only Type 2 STR Permit 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 units, 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 block face, regardless of the total number of units on the block face.

In this case, the block face is defined as the south side of East Myrtle Street in between North St Marys Street and East Euclid Avenue. There are nine (9) lots along this block face, and according to available records, there are nine (9) 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 22% 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. The property was rezoned by Ordinance 83331, dated December 14, 1995 to the "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 does not have any history of short term rental permits.

**Subject Property Zoning/Land Use**

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

**Surrounding Zoning/Land Use**

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

**Comprehensive Plan Consistency/Neighborhood Association**

The property is within the boundaries of the Tobin Hill Neighborhood Plan and currently designated as “Low Density Mixed Use” in the future land use component of the plan. The subject property is located within the boundaries of the Tobin Hill Community Association and as such, they were notified of the case.

**Street Classification**

East Myrtle Street 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 one (1) active Type 2 STR Permit 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 two (2) Type 2 STRs operating on the block face. The surrounding area is predominately residential with a surrounding neighborhood commercial uses.

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 Section 35-374.01(c).

### **Staff Recommendation**

Staff recommends DENIAL of BOA-22-10300197 based on the following findings of fact:

1. There is currently one (1) active Type 2 Short Term Rental unit on the block face and allowing a 2nd STR Type 2 permit will exceed the density maximum prescribed by Code.