



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-2216  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 3/5/2018  
**Title:** A-18-039: A request by Virginia Losoya for a special exception to allow a renewal of a one-operator beauty/barber shop within a home, located at 248 West Cheryl Drive. Staff recommends Approval. (Council District 7)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-18-039 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-18-039  
**Applicant:** Virginia Losoya  
**Owner:** Virginia Losoya  
**Council District:** 7  
**Location:** 248 West Cheryl Drive  
**Legal:** Lot 71A, Block B, NCB 11508  
**Description:**  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Dominic Silva, Planner

### Request

A request for a special exception as described in Section 35-399.01, to allow a renewal of a one-operator beauty/barber shop within a home.

### Executive Summary

The subject property is located on the south side of West Cheryl Drive, approximately 420 feet east of Ligustrum Drive. The site is currently developed with an existing single-family residence which includes the one-operator beauty shop within the residence.

The Board of Adjustment first granted approval for this one operator beauty salon in 1997. Subsequent approvals have been obtained from the Board in 1998; 2001; 2004; 2006; and 2010; and 2014. The most recent approval, in 2014, was for a period of four years. The current approval expires on February 3, 2018. Section 35-399.01(i) of the UDC allows the Board to approve the requested special exception for a period not to exceed four years.

The applicant has proposed hours of operation as Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays, 10:00am until 6:00pm. The proposed hours of operation total 40. These proposed hours differ slightly from the previously approved hours of operation by adding Wednesdays, and making the hours of operation uniform on all days that the shop is open. The difference results in a net change of 11 more hours. The applicant will be the only cosmetologist at the location.

No violations of the requirements of the UDC were observed upon a staff visit to the site, and there have been no code violations reported.

It has been the Board's policy that when considering renewals to a granted special exception application for one operator beauty salons to time limit any approval to four years after an initial two-year period. As such, if approval is contemplated by the Board, it should be for a time limit of four years (48 months). If approved for four years, the current special exception request would expire March 5, 2022.

### **Subject Property Zoning/Land Use**

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling with a one-operator beauty salon

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The property is within the West Sector Plan and designated as Rural Estate Tier in the future land use component of the plan. The subject property is located within the boundaries of the University Park Neighborhood Association. As such, they were notified and asked to comment.

### **Criteria for Review**

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the five following conditions:

*A. The special exception will be in harmony with the spirit and purpose of the chapter.*

The requested special exception will be in harmony with the spirit and purpose of the chapter in that the proposed one-operator beauty salon will follow the specified criteria established in Section 35-399.01 in the Unified Development Code.

*B. The public welfare and convenience will be substantially served.*

The public welfare and convenience will be served with the granting of this request as it will provide a valuable and needed public service to the residents of the neighborhood and it will not negatively impact surrounding properties.

*C. The neighboring property will not be substantially injured by such proposed use.*

The subject property will be primarily used as a single-family residence. The beauty shop will occupy only a small part of the structure, and the fact that a beauty shop is being operated from the home will likely be indiscernible to passersby. As such, neighboring properties will not be substantially injured.

*D. 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 will not alter the essential character of the district as the use will likely be indiscernible to passersby.

*E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.*

The purpose of the zoning district is to promote the public health, safety, and general welfare of the city. The granting of this special exception will not weaken these purposes, nor will it weaken the regulations established for this district.

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

The alternative to the applicant's plan would be to discontinue operations.

### **Staff Recommendation**

Staff recommends **APPROVAL of the special exception in A-18-039** based on the following findings of fact:

1. The request meets all criteria for granting the special exception.
2. The permitted days and hours of operation are limited to Tuesday through Saturday from 10:00AM to 6:00PM.