



City of San Antonio

Legislation Details (With Text)

File #: 18-2406
Type: Zoning Case
In control: Board of Adjustment
On agenda: 3/19/2018
Title: A-18-055: A request by Cynthia Neal for a special exception to allow a four-year renewal for a one-operator beauty shop in a single family home, located at 103 Gazel Drive. Staff recommends Approval. (Council District 1)
Sponsors:
Indexes:
Code sections:
Attachments: 1. A-18-055 Attachments

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Case Number: A-18-055
Applicant: Cynthia Neal
Owner: Cynthia Neal
Council District: 1
Location: 103 Gazel Drive
Legal: Lot 15, Block 5, NCB 10186
Description:
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District
Case Manager: Debora Gonzalez, Senior 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 applicant is requesting a renewal for a one operator beauty/barber shop pursuant to section 35-399.01. The Board of Adjustment first granted approval for this one-operator beauty salon in 1997. Subsequent approvals have been obtained from the Board in 2000; 2002; 2004; 2006; 2010 and lastly on March 3, 2014. The last approval was for a period of four years. The current approval expired on March 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 Mondays, 9:30am until 3:00pm; Wednesdays, 9:00am until 6:00pm; Thursdays, 9:00am until 11:00am; Fridays, 8:00am until 3:00pm; and Saturdays 8:00am until 2:00pm. The beauty shop is proposed to be closed on Tuesdays and Sundays. The proposed hours of operation total 29.5. These proposed hours are the same as the previously approved hours of

operation.

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. The one-operator beauty salon does have a one square foot sign on the door, which is allowed as per 35-399.01(c) of the UDC. The applicant complies with all the requirements established by the Unified Development Code and no violations of the UDC were observed upon staff visit to the site, and there have been no code violations reported. The Board of Adjustment can approve the special exception request for renewal for up to four years. 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 19, 2022.

Subject Property Zoning/Land Use

| Existing Zoning | Existing Use |
|--|---|
| “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling with a one-operator beauty salon |

Surrounding Zoning/Land Use

| Orientation | Existing Zoning District(s) | Existing Use |
|--------------------|--|------------------------|
| North | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| South | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |
| East | “C-2 AHOD” Commercial Airport Hazard Overlay District | Shopping Center |
| West | “R-4 AHOD” Residential Single-Family Airport Hazard Overlay District | Single-Family Dwelling |

Comprehensive Plan Consistency/Neighborhood Association

The property is located within the boundaries of the Greater Dellview Area Community Plan and currently designated as Low Density Residential in the future land use component of the plan. The subject property is located within the Dellview Area 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 special exception to be granted, 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 spirit and purpose of the chapter is to ensure that the operation of a one-operator beauty/barber shop does not negatively impact the character of the community or the quality of life of neighbors. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. Staff finds that the special exception will be in harmony with the spirit and purpose of the chapter.

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

The public welfare and convenience will be served as it will provide a valuable service to the residents of

the neighborhood. The proposed hours of operation will be limited to Mondays, 9:30am until 3:00pm; Wednesdays, 9:00am until 6:00pm; Thursdays, 9:00am until 11:00am; Fridays, 8:00am until 3:00pm; and Saturdays 8:00am until 2:00pm.

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

The requested special exception is not likely to negatively impact adjacent property owners because the home is in character with those around it. 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.

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 is not likely to alter the essential character of the district as the property is still used, primarily, as residence.

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

The primary use of the dwelling remains a residence. The one-operator barber/beauty shop will have restricted hours, which are established by the Board of Adjustment. The applicant has met all other requirements established by the Unified Development Code.

Alternative to Applicant's Request

The Board may choose to deny the request, resulting in the property owner not being permitted the beauty/barber shop use.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception in **A-18-055 for a period of forty eight months not to exceed forty hours per week** based on the following findings of fact:

1. The applicant has complied with all requirements established by the Unified Development Code;
2. The granting of the special exception will not injure the public safety or welfare; and
3. The hours of operation will to be limited to Mondays, 9:30am until 3:00pm; Wednesdays, 9:00am until 6:00pm; Thursdays, 9:00am until 11:00am; Fridays, 8:00am until 3:00pm; and Saturdays 8:00am until 2:00pm.