City of San Antonio

Legislation Details (With Text)

File #:	19-1766
Type:	Zoning Case
In control:	Board of Adjustment
On agenda:	2/4/2019
Title:	BOA-18-900034: A request by Tanya Scisney for a special exception to allow a one-operator beauty/barber shop within a home, located at 10303 Tippecanoe. Staff recommends Approval. (Council District 4)
Sponsors:	
Indexes:	
Code sections:	
Attachments:	1. BOA-18-900034 Attachments

Date	Ver.	Action By	Action	Result

Case Number:	BOA-18-900034
Applicant:	Tanya Scisney
Owner:	Renate Scisney Revocable Trust
Council District:	4
Location:	10303 Tippecanoe
Legal Description:	Lot 19, Block 67, NCB 15910
Zoning:	"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District
Case Manager:	Mercedes Rivas, Planner

Request

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

Executive Summary

The subject property is located at 10303 Tippecanoe. This is the third time the applicant is applying for a one operator beauty salon. 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 is the only cosmetologist on site. No complaints have been received from the surrounding community.

It has been the Board's policy that when considering the renewal of a special exception application for one

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operator beauty salon to time limit any approval to a period of 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 February 4, 2023.

Code Enforcement History

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.

Permit History

No permits have been issued within the last 10 years.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
South	"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 MLOD-1 MLR-1 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the West Sector Plan and is designated "Suburban Tier" in the land use component of the plan. The subject property is within the Heritage Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Tippecanoe is classified as a Local Street.

Criteria for Review

According to Section 35-482(e) 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 be in harmony with the spirit and purpose of the chapter.

The spirit and purpose of the chapter, in this case, is represented by minimum requirements 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. Staff noted that nothing about the home distinguishes it from others in the community. The applicant has fulfilled all requirements for a one-operator shop as established in the Unified Development Code. Staff finds that the special exception is in harmony with the spirit of the chapter.

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

The applicant plans on constructing the beauty/barber shop within his home and this is his first time applying for a special exception. Approving the request for the special exception, with limited hours, will allow the applicant to serve customers in his community and therefore the public welfare will be served.

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. During field visits staff noted nothing visible from the street that would indicate the presence of a beauty/barber shop. Also, during field visits staff noted a driveway capable of providing any necessary parking for the proposed use.

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 a single-family residence. From the street, the home is not unlike other homes in the community.

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 single-family home. 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 applicant is denied the operator beauty shop request pursuant to section 35-399.01.

Staff Recommendation

Staff recommends **APPROVAL of the special exception in BOA-18-900034 for a period of twenty-four 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, and;
2. The granting of the special exception will not injure the public safety or welfare of the subject neighboring properties, and;
3. The hours of operation are restricted and established by the Board of Adjustment.