



# City of San Antonio

## Agenda Memorandum

**File Number:**18-6548

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**Agenda Item Number:** 3.

**Agenda Date:** 12/3/2018

**In Control:** Board of Adjustment

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Case Number: BOA-18-900006  
Applicant: Claudia Silveira  
Owner: Claudia Silveira  
Council District: 10  
Location: 127 Middlebury Drive  
Legal: Lot 7, Block 7, NCB 12457  
Description:  
Zoning: "R-6 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Nyliah Acosta, 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 127 Middlebury Drive. This is the first 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 has proposed the hours of operation as Monday, Tuesday, Wednesday, and Thursday from 9:00AM to 5:00PM, Friday from 9:00AM to 4:00 PM and Saturday from 9:00AM to 3:00PM. The applicant is the only cosmetologist on site.

It has been the Board's policy that when considering to a granted special exception application for one operator beauty salons to limit the first approval for an initial two-year period. As such, if approval is contemplated by the Board, it should be for a time limit of two years (24 months). If approved for two years, the current special exception request would expire December 3, 2020.

### **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**

<b>Existing Zoning</b>	<b>Existing Use</b>
"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

<b>Orientation</b>	<b>Existing Zoning District(s)</b>	<b>Existing Use</b>
North	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling, Multi-Family
South	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-6 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the San Antonio International Airport Vicinity Plan and is designated Low Density Residential in the land use component of the plan. The subject property is not within, no 200 feet from any registered neighborhood association.

### **Criteria for Review**

According to Section 35-482(e) of the UDC, in order for a variance 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 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 has already constructed the beauty/barber shop within her home and this is her first request for a special exception. Approving the request for the special exception, with limited hours, will allow the applicant to serve customers in her 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-18-900006** 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.