



# City of San Antonio

## Agenda Memorandum

**File Number:**19-1411

---

**Agenda Item Number:** 4.

**Agenda Date:** 1/14/2019

**In Control:** Board of Adjustment

---

Case Number: BOA-18-900020  
Applicant: Rosa E. Escobedo  
Owner: Rosa E. Escobedo  
Council District: 5  
Location: 1700 El Paso Street  
Legal: Lot 1 & 2, Block E, NCB 6022  
Description:  
Zoning: "R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family  
Lackland Military Lighting Overlay Military Lighting  
Region 2 Airport Hazard Overlay District  
Case Manager: Mercedes Rivas, Planner

### **Request**

A request for a renewal of the 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 1700 El Paso Street. 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 has proposed the hour of operation as Thursday, Friday and Saturday 8:30 am to 6:00 pm, and 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 to a granted special exception application for one operator beauty salons to time limit any approval for a renewal of a four-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 January 14, 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-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“R-4 MLOD-2 MLR-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

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

The property is within the Guadalupe Westside Plan and is designated “Low Density Residential” in the land use component of the plan. The subject property is within the Historic Westside Neighborhood Association. As such, they were notified and asked to comment.

### **Street Classification**

El Paso Street 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, aside from a small sign, 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 third request for a renewal of 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, aside from a small sign, 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-18-900020** 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 of the subject neighboring properties.
3. The hours of operation are restricted to Thursday, Friday and Saturday 8:30 am to 6:30 pm.

