



# City of San Antonio

## Agenda Memorandum

**File Number:**19-3916

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**Agenda Item Number:** 3.

**Agenda Date:** 5/6/2019

**In Control:** Board of Adjustment

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Case Number: BOA-19-10300043  
Applicant: Rosalia Vela  
Owner: Rosalia Vela  
Council District: 1  
Location: 503 Thorain Boulevard  
Legal: Lot 70, Block 20, NCB 9223  
Description:  
Zoning: "R-4 AHOD" Residential Single-Family 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 503 Thorain Boulevard. 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 two years. The applicant has proposed the hour of operation as Monday through Saturday 9:00 A.M. to 8:00 P.M., and the applicant is the only cosmetologist on site.

It has been the Board's policy that when considering to grant an initial special exception application for one operator beauty salons to time limit any approval for a period of two years. 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 May 6, 2021.

### **Code Enforcement History**

No Code Enforcement history exists on the property.

### **Permit History**

There is no permit history on the property.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### 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	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-4 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the North Central Community Plan and is designated "Low Density Residential" in the land use component of the plan. The subject property is within the Northmoor Neighborhood Association. As such, they were notified and asked to comment.

### Street Classification

Thorain Boulevard 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 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-18-900043 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 to Monday through Saturday 9:00 A.M. to 8:00 P.M.