



City of San Antonio

Agenda Memorandum

File Number:20-2469

Agenda Item Number: 5.

Agenda Date: 5/4/2020

In Control: Board of Adjustment

Case Number: BOA-20-10300029
Applicant: Blanca DeLeon
Owner: Blanca DeLeon
Council District: 2
Location: 614 South Polaris Street
Legal: Lot North 37.5 Feet of the South 50.52 Feet of Lot 3, Block
Description: 12, NCB 1512
Zoning: "RM-4 MLOD-3 MLR-2 AHOD" Residential Mixed
Martindale Army Air Field Military Lighting Overlay
Military Lighting Region 2 Airport Hazard Overlay District
Case Manager: Azadeh Sagheb, Planner

Request

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

Executive Summary

The subject property is located at 614 South Polaris Street, on the South side of Nevada Street. There is currently an existing single-family residence. The area is predominately surrounded by single-family dwellings. The applicant is requesting the Board of Adjustment to grant approval for the new registration of one-operator beauty shop within the residence. The operating hours would be daily from 8:00 am to 4:00 pm. making the hours of operation uniform on all days that the shop is open. The applicant will be the only cosmetologist at the location and will serve customers by appointment only.

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.

It has been the Board's policy that when considering new registrations to a special exception application for one operator beauty salons, any initial approvals shall be for a two-year period. If approved for two years, the current special exception request would expire May 4, 2022.

Code Enforcement History

Pending code enforcement case dated October 19, 2019, operating a beauty salon without a Special Exception.

Permit History

There is no permit history for the subject property.

Zoning History

The subject property is within the original 36 square miles of the city and was originally zoned “C” Apartment District. The “C” Apartment District was rezoned to “R-2” Two-Family Residence District by Ordinance 79329 dated December 16, 1993. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned “R-2” Two-Family Residence District converted to the current “RM-4” Residential Mixed District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field 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	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
South	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
East	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling
West	“RM-4 MLOD-3 MLR-2 AHOD” Residential Mixed Martindale Army Air Field Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Dwelling

Comprehensive Plan Consistency/Neighborhood Association

The property is within the Arena District/Eastside Community Plan and designated as Medium Density residential in the future land use component of the plan.

Criteria for Review

According to Section 35-482(h) of the UDC, in order for a special exception to be granted, the 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 requested special exception will be in harmony with the spirit and purpose of the chapter in that the proposed one-operator beauty salon will follow the specified criteria established in Section 35-399.01 in the Unified Development Code.

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

The public welfare and convenience will be served with the granting of this request as it will provide a valuable and needed public service to the residents of the neighborhood and it will not negatively impact surrounding properties.

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

The subject property will be primarily used as a single-family residence. 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. As such, neighboring properties will not be substantially injured.

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 will not alter the essential character of the district as the use will likely be indiscernible to passersby.

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

The purpose of the zoning district is to promote the public health, safety, morals, and general welfare of the city. The granting of this special exception will not weaken these purposes, nor will it weaken the regulations established for this district.

Alternative to Applicant's Request

The alternative to the applicant's plan would be to follow UDC Section 35-399.01 guidelines.

Staff Recommendation

Staff recommends **APPROVAL** of the special exception of **BOA-20-10300029** for a period of twenty four months (two years) not to exceed forty hours per week based on the following findings of fact:

1. The request meets all criteria for granting the special exception.