



# City of San Antonio

## Agenda Memorandum

**File Number:**20-7101

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**Agenda Item Number:** 5.

**Agenda Date:** 12/7/2020

**In Control:** Board of Adjustment

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Case Number: BOA-20-10300111  
Applicant: Diane Covert  
Owner: Diane Covert  
Council District: 1  
Location: 526 Elmwood Drive  
Legal Description: Lot 11, Block 27, NCB 6888  
Zoning: "R-4 AHOD" Residential Single-Family Airport Hazard  
Overlay District  
Case Manager: Joyce Palmer, 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 526 Elmwood, and is located mid-block between Beacon Avenue and Breeden Avenue. The area is surrounded by single-family residential dwellings. The applicant is requesting the Board of Adjustment to grant approval for the new registration of one-operator beauty shop within the residential building. The operating hours would be Tuesdays through Thursdays from 11:00 am to 6:00 pm., and one Saturday a month from 10:00 am. to 1:00 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 December 7, 2022.

### **Code Enforcement History**

There are code enforcement records for this property.

### **Permit History**

There is a current permit for this property related to general repairs.

### **Zoning History**

The subject property was annexed into the city by Ordinance 1941, dated May 31, 1940 and was originally zoned “B” Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “B” Residence District converted to the current “R-4” Single-Family Residential District.

### **Subject Property Zoning/Land Use**

Existing Zoning	Existing Use
“R-4 AHOD” Single-Family Residential Airport Hazard Overlay District	Residential

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

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 AHOD” Single-Family Residential Airport Hazard Overlay District	Residential
South	“R-4 AHOD” Single-Family Residential Airport Hazard Overlay District	Residential
East	“R-4 AHOD” Single-Family Residential Airport Hazard Overlay District	Residential
West	“R-4 AHOD” Single-Family Residential Airport Hazard Overlay District	Residential

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

The property is within the North Central Community Plan and designated as Urban Low-Density Residential in the future land use component of the plan. The subject property is not located within the boundaries of a Neighborhood Association

### **Street Classification**

Elmwood Drive is classified as a local street.

### **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 operate within the main 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-20-10300111 for a period of twenty-four months (two years)** based on the following findings of fact:

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