

APPLICATION NUMBER

5489

A REQUEST FOR

**USE VARIANCE TO ALLOW A FASTENER
DISTRIBUTORSHIP TO MANUFACTURE BOLTS IN A
B-3, COMMUNITY BUSINESS DISTRICT; THE ZONING
ORDINANCE REQUIRES AN I-1, LIGHT INDUSTRY
DISTRICT FOR BOLT MANUFACTURING.**

LOCATED AT

315 BAY SHORE AVENUE

(West side of Bay Shore Avenue, 565' ± North of Spring Hill Avenue).

APPLICANT/OWNER

MONTGOMERY COMMERCIAL PROPERTIES, LLC

AGENT

MICHAEL MONTGOMERY

BOARD OF ZONING ADJUSTMENT

JULY 2008

The applicant is requesting a Use Variance to allow a fastener distributorship to manufacture bolts in a B-3, Community Business District; the Zoning Ordinance requires an I-1, Light Industry District for bolt manufacturing.

The applicant was granted a Use Variance in August 2005 for the same type of request at the adjacent site to the South of the subject site. Hurricane Katrina destroyed a portion of the building later that month and the applicant could not pursue enacting the approved variance. The distributorship business has since recovered and grown to the point that the applicant has moved to the current address next door and now desires to start forming bolts as approved under the previous variance for the previous site. Since a variance is site-specific, a new variance must be sought.

The applicant states that the proposed bolt former operation would occupy about 20% of the 31,199± square foot building, or approximately 6,240 square feet. The actual bolt former machine is approximately 8' wide by 16' long by 8' high and is proposed to be completely self-contained within an environmentally controlled facility. Hours of operation are proposed to be Monday through Thursday from 6:30 AM to 5:00 PM with 13 employees. It is stated that the operation will not generate noise, smoke, odors, or debris apparent or visible from outside the building. Truck traffic is estimated to be a maximum of five per day.

The subject site is adjacent (East, West and North) to residentially zoned and occupied properties. It is located in a long-established heavy commercial B-3 area. The closest industrially zoned property is approximately one-half mile away.

Inasmuch as the previous variance was recommended for denial, but approved by the Board, the current site is closer to more residentially zoned and used properties than the previous site. The approval of the use would in effect create a new I-1 district which would be more out of character with the nearby residential areas.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

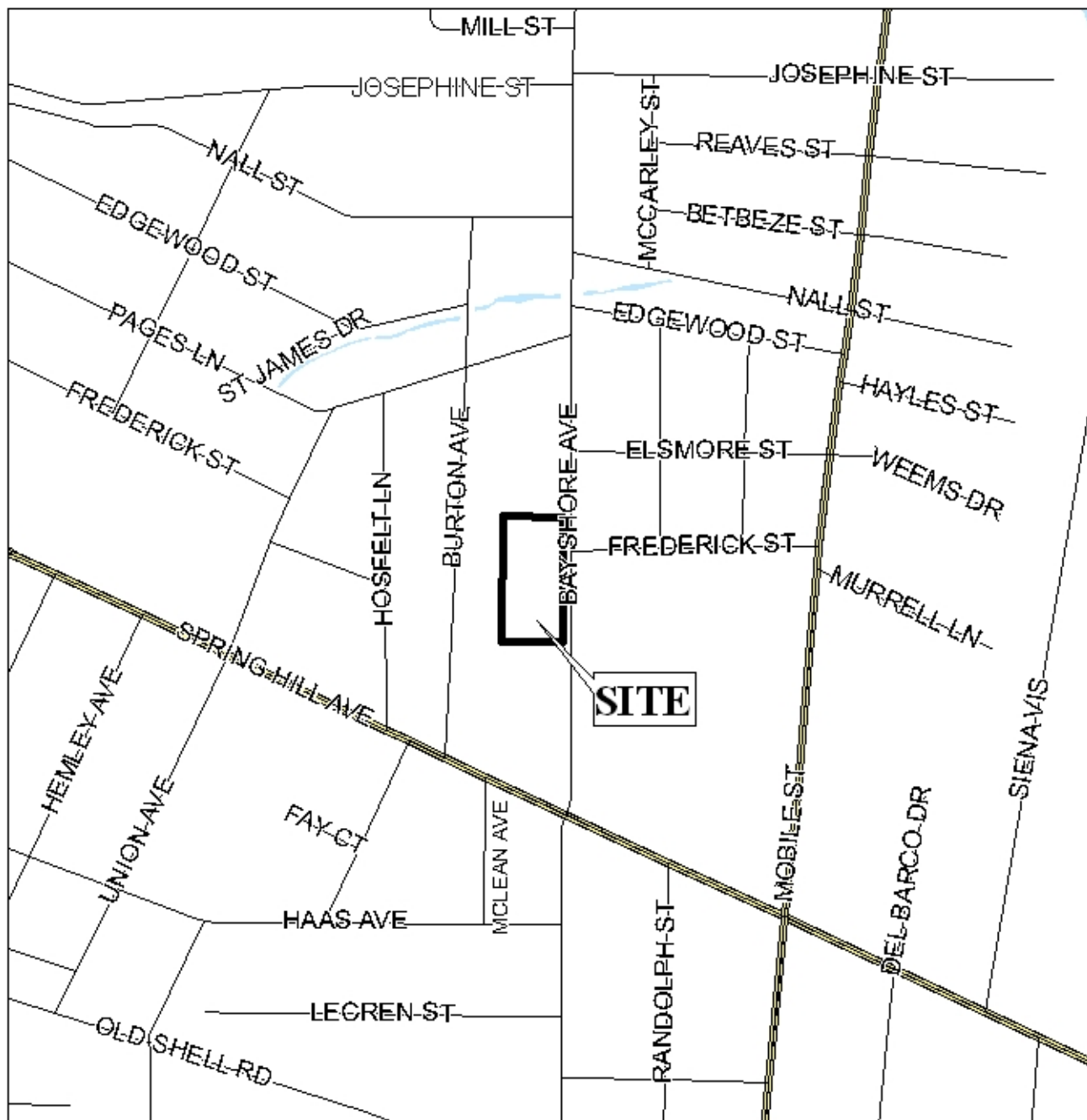
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to add an I-1, Light Industry manufacturing operation to an existing warehouse/distribution B-3, Community Business use.

RECOMMENDATION 5489**Date: July 7, 2008**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



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Montgomery Commercial Properties LLC

APPLICANT (Michael Montgomery, Agent)

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a single family residential unit to the north of the site, apartments to the east, a warehouse to the south, and single family residential units are to the west.

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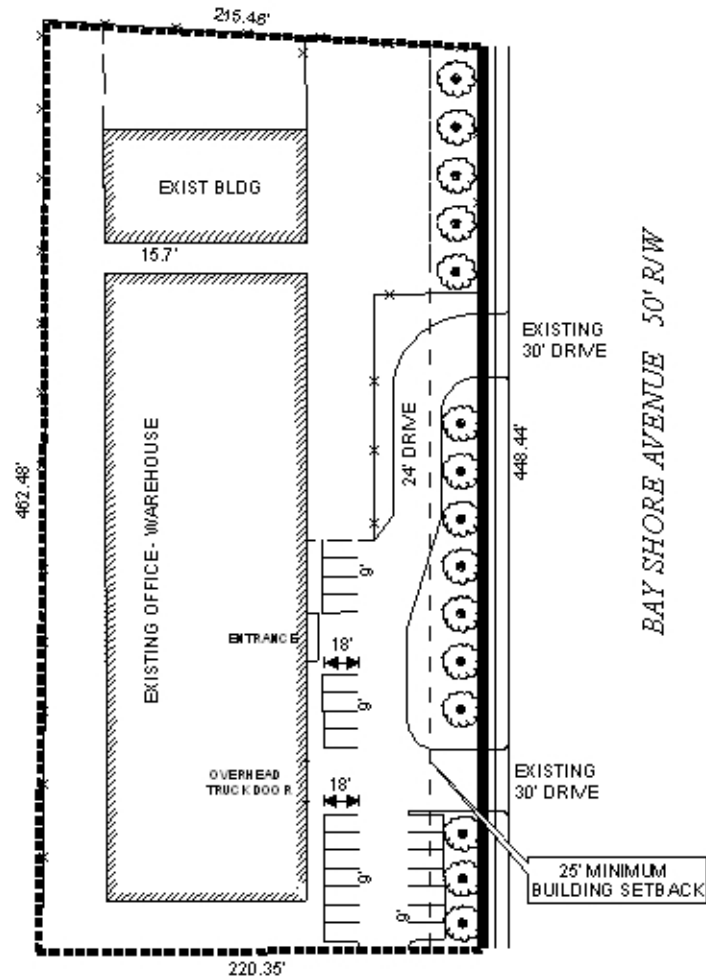
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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NTS

SITE PLAN



The existing buildings, driveway, and parking are illustrated in the site plan.

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