

APPLICATION NUMBER

**5119**

A REQUEST FOR

**USE VARIANCE TO ALLOW A WELDING AND METAL  
FABRICATION SHOP IN A B-3, COMMUNITY BUSINESS  
DISTRICT; AN I-1 LIGHT INDUSTRIAL DISTRICT IS  
REQUIRED.**

LOCATED AT

**2473 ESLAVA CREEK PARKWAY**

(South side of Eslava Creek Parkway, 603'  $\pm$  East of Government Boulevard)

APPLICANT

**PAT McALEER**

**BOARD OF ZONING ADJUSTMENT**

JUNE 2002

The applicant is requesting a Use Variance to allow a welding and metal fabrication shop in a B-3, Community Business District; an I-1 Light Industrial District is required.

The applicant states that the tenant's welding operation is currently located on Commercial Park Drive, an adjacent street, and that they are requesting to be allowed to move their welding operation to this site. The welding operation that currently takes place outside on Commercial Park Drive is a "grandfathered" use, as they were in business at their current location prior to 1967.

In addition, the applicant states that the welding operation would take place inside the building, the hours of operation are usually 8 am to 5pm Monday through Friday, that there are 8-10 employees, that no customers come to the site, and that no access would be allowed between sites.

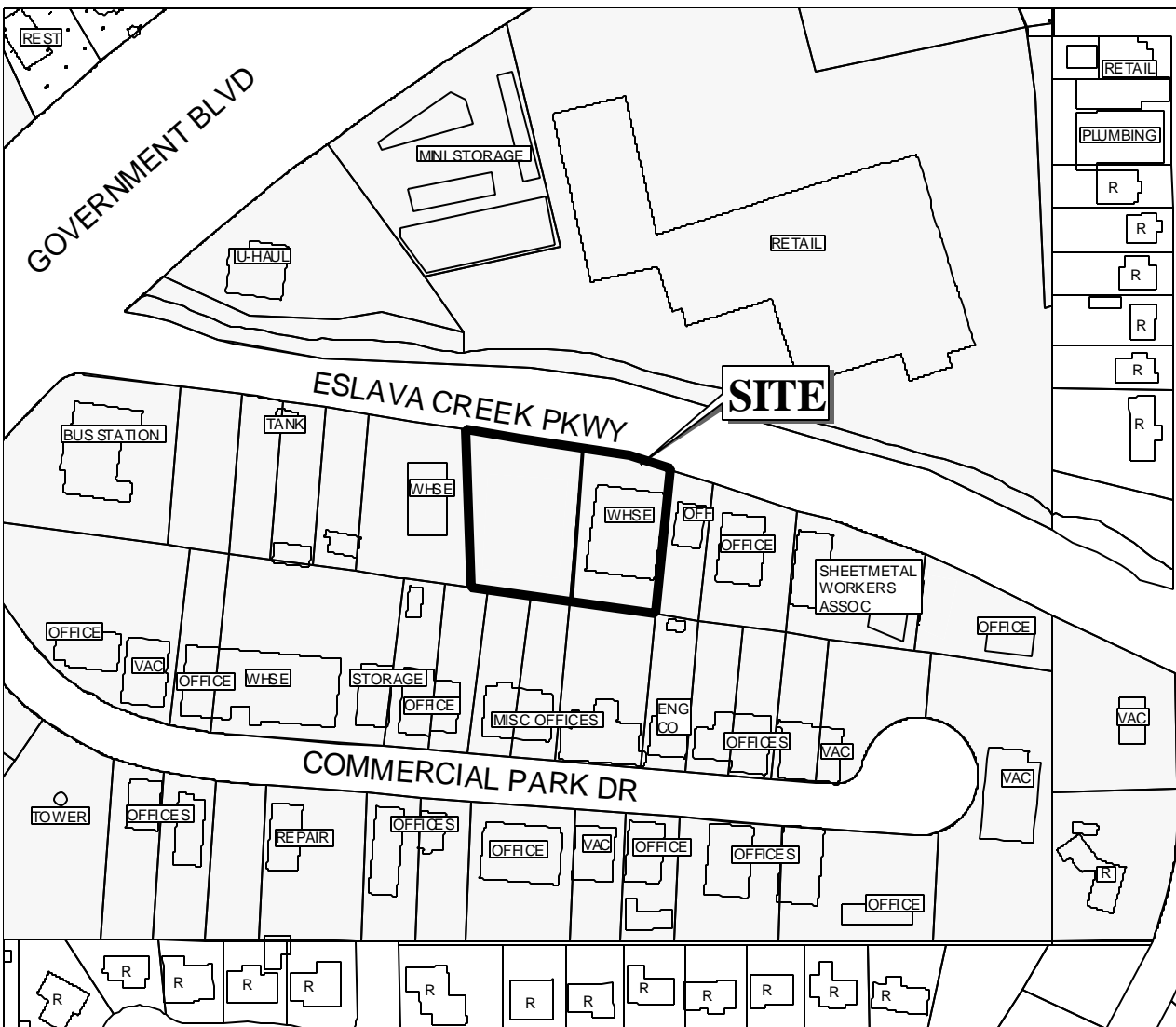
The site was previously used as a distribution warehouse, which is allowed in a B-3 district. The site is surrounded by conforming B-3 uses. Furthermore, the applicant did not make a claim of hardship in the application.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with 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.

**RECOMMENDATION 5119****Date: June 3, 2002**

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

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous office, warehouse and retail facilities.

APPLICATION NUMBER 5119 DATE June 3, 2002

APPLICANT Pat McAleer

REQUEST Use Variance

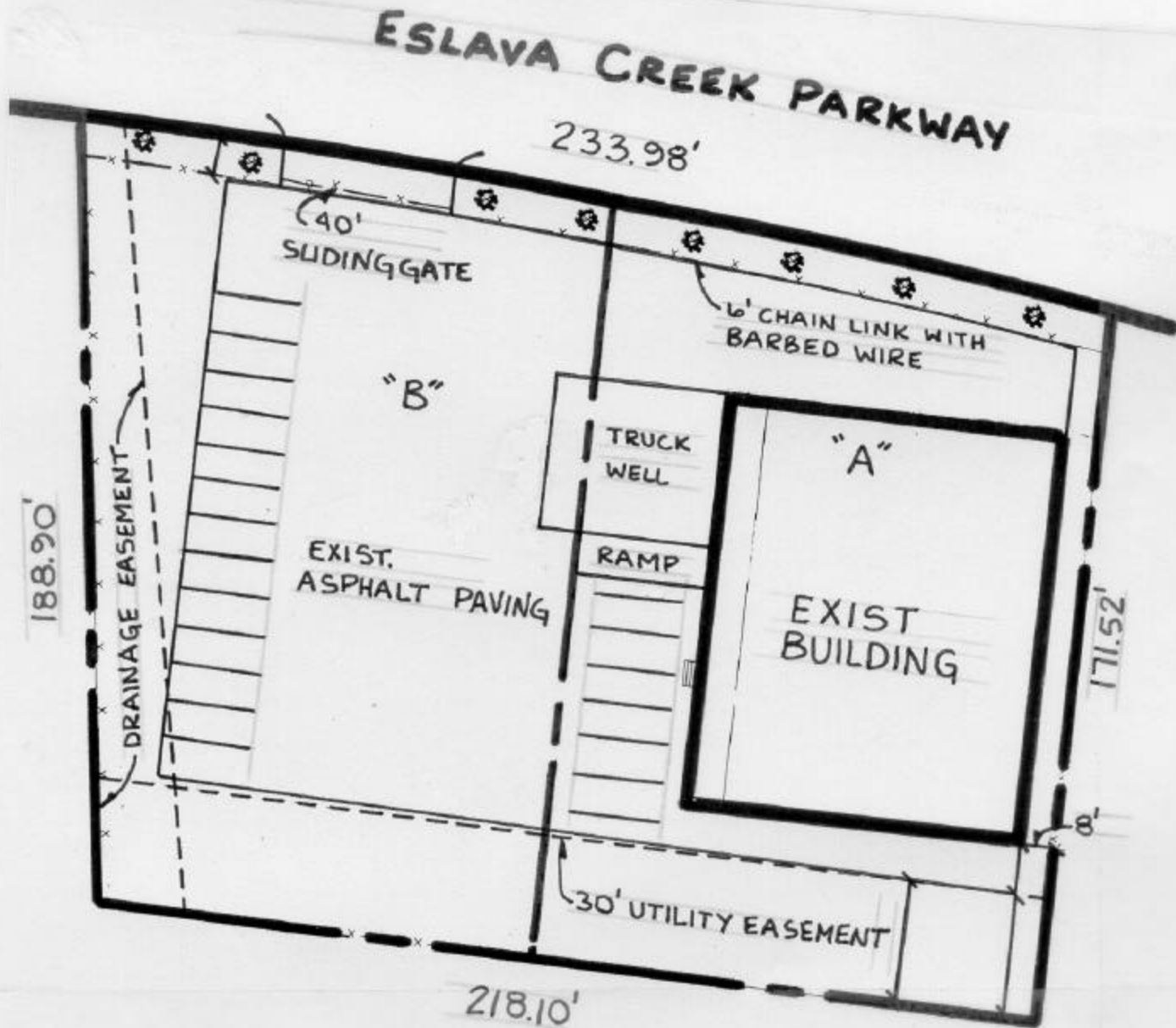
LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



NTS

# SITE PLAN



The site is located on the south side of Eslava Creek Parkway, 603' east of Government Boulevard. The plan illustrates the existing structure, parking and easements.

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APPLICANT Pat McAleer  
USE/REQUEST Use Variance