

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 7, 2019****CASE NUMBER**

6288 / 6282

**APPLICANT NAME**

Darling Ingredients (Formerly Griffin Industries, Inc.)

**LOCATION**760 Zeigler Circle East  
(North side of Zeigler Circle, 307' ± East of Zeigler Boulevard).**VARIANCE REQUEST****SITE VARIANCE:** Site Variance to allow aggregate surfacing in an access/maneuvering area in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****SITE VARIANCE:** The Zoning Ordinance requires access/maneuvering areas to be paved in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.9 ± Acres

**CITY COUNCIL  
DISTRICT**

District 7

**ENGINEERING  
COMMENTS**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development.
2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

**TRAFFIC ENGINEERING  
COMMENTS**

If the surface variance is approved, it should be contingent upon the construction of a proper asphalt or concrete driveway within the right-of-way and any gravel in the right-of-way to be removed. If a handicap space is required it too must be an asphalt or concrete surface with access to the building.

**URBAN FORESTRY**  
**COMMENTS**

No comments from Urban Forestry.

**FIRE**  
**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

**ANALYSIS**

The applicant is requesting a Site Variance to allow aggregate surfacing in an access/maneuvering area in a B-3, Community Business District; the Zoning Ordinance requires access/maneuvering areas to be paved in a B-3, Community Business District.

The site was before the Board at its September 9, 2019 meeting, where the Board approved a Setback Variance request. The application at hand is due to the fact that staff neglected to include the Surface Variance request as part of the previous case.

The site has been given Mixed Commercial Corridor land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. Mixed Commercial Corridors includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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.

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 states the following for the variance request:

*The proposed improvement to this site consists of a 2,400 S.F. building, additional 6,400 S.F. of crushed limestone and a storm water detention pond. Presently the site consists of a 2,400 S.F. building, a crushed limestone driveway, parking lot and truck maneuvering area. A variance for the new building was obtained from the B.O.A. on September 9, 2019; therefore, this application is for a site variance to allow the existing crushed limestone driveway, parking and truck maneuvering area to remain and to allow the addition of 6,400 S.F. of new crushed aggregate truck maneuvering area near the rear of the site.*

*This site was developed in accordance with County requirements prior to being annexed into the City. At the time of development crushed limestone was allowed for driveways, parking and truck maneuvering. There are about 10 developed sites on Zeigler Circle that have crushed limestone driveways and parking; therefore, the approval of this site variance would be consistent with the neighboring properties and would not have a negative impact on surrounding properties.*

The applicant noted in their previous appearance before the Board that heavy trucks access the rear portion of the property, to both deliver and transfer liquid waste materials to another larger vehicle, which then removes the waste materials from the site. The proposed new building will be set further back on the property, and the applicant intends for trucks to have access to the new building. Thus, extending an improved surface to the building is necessary in order to ensure access.

The comments provided by Engineering and Traffic Engineering do not appear to indicate objections to the expansion of the aggregate surfacing, however, they each note that any required accessible parking spaces should be paved in concrete or asphalt. It is also mentioned that aggregate cannot occur within the right-of-way, and that a concrete or asphalt paved driveway should be provided. Access onto the property by a Fire apparatus may require that at least a portion of the site be paved in asphalt or concrete, with a minimum width of 20-feet.

Due to the new construction proposed for the site, the Zoning Ordinance requires an approved parking surface of asphalt, concrete or similar. Crushed limestone is not allowed by right in a B-3 zoning district. The Board has, however, at times been sympathetic to these types of requests where a portion of the site already has such a surfacing, and where such surfacing is not uncommon in the nearby vicinity: both conditions are present for this request. Furthermore, the

Board approved a surface variance request in 2008 for a site located approximately 1000 feet south of the site in question, also on Ziegler Circle East, hence approving the request at this site would be in keeping with previous actions.

It should be noted that the rear portion of the site abuts a portion of the upper reaches of Three Mile Creek. Allowing aggregate surfacing for this site may result in a reduction of runoff into the creek.

Finally, while not part of the requested variance, it should be noted that the proposed building is of sufficient size to trigger full compliance with the tree and landscaping requirements of Section 64-4.E. of the Zoning Ordinance. Specifically, the new building invokes the criteria from Section 64-4.E.2.b.:

*In order to encourage the renovation, upgrading and maintenance of existing structures, these landscaping requirements shall apply to sites with an existing structure(s) in the event that the total gross floor area of the presently existing structure(s) is increased or decreased by fifty (50) percent. Increases or decreases can occur by either additions or deletions to existing structure(s), or the placement or removal of structures on the site.*

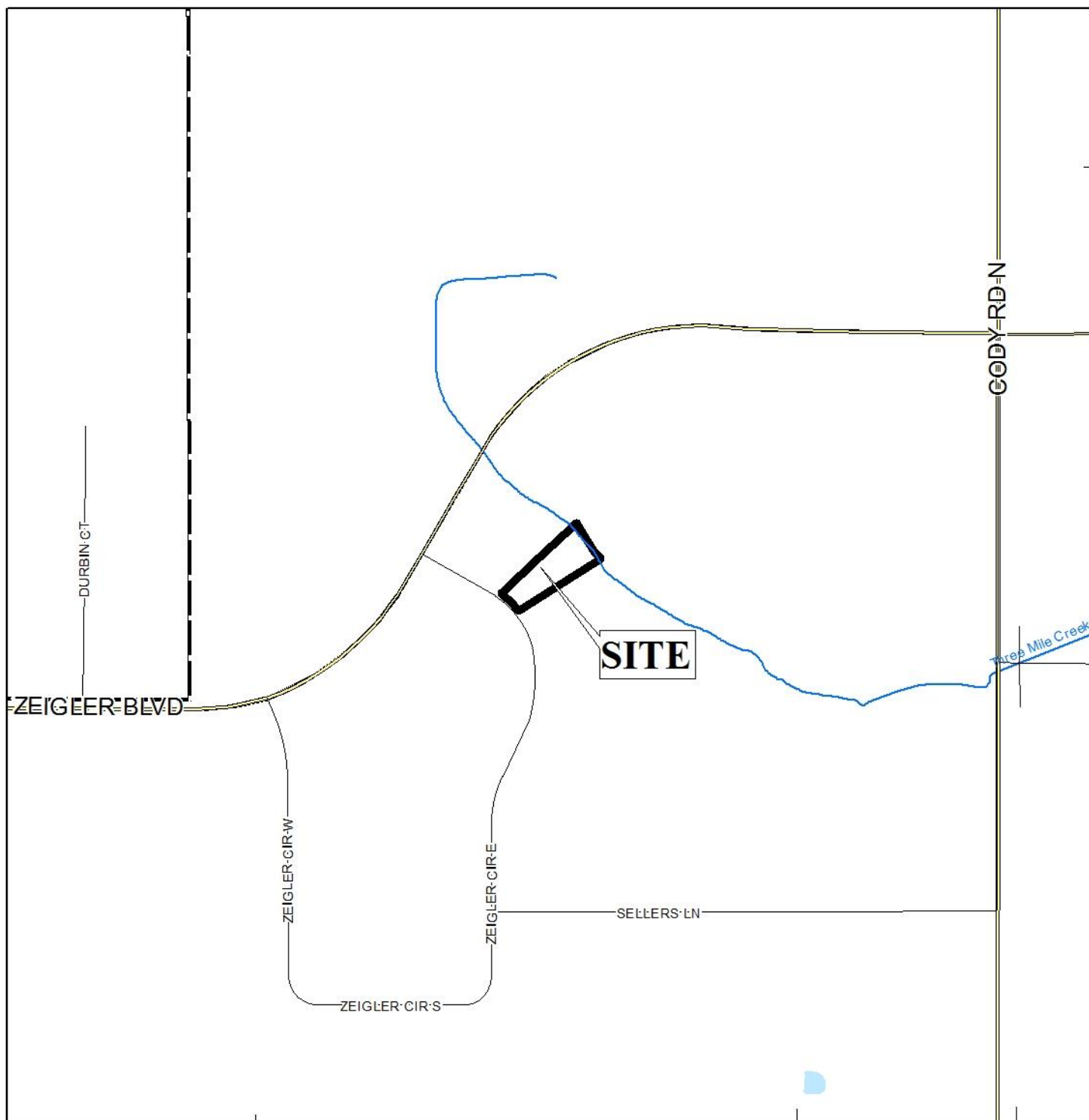
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist, including the maneuvering of heavy trucks, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance, as the Board has granted a similar request for a nearby site within the same commercial development.

The Approval should be subject to the following conditions:

- 1) Compliance with Engineering comments (*1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).;*);
- 2) Compliance with Traffic Engineering comments (*Construction of a proper asphalt or concrete driveway within the right-of-way and any gravel in the right-of-way to be removed. If a handicap space is required it too must be an asphalt or concrete surface with access to the building.);*);
- 3) Compliance with Fire comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code));* and
- 4) Full compliance with all other municipal codes and ordinances.

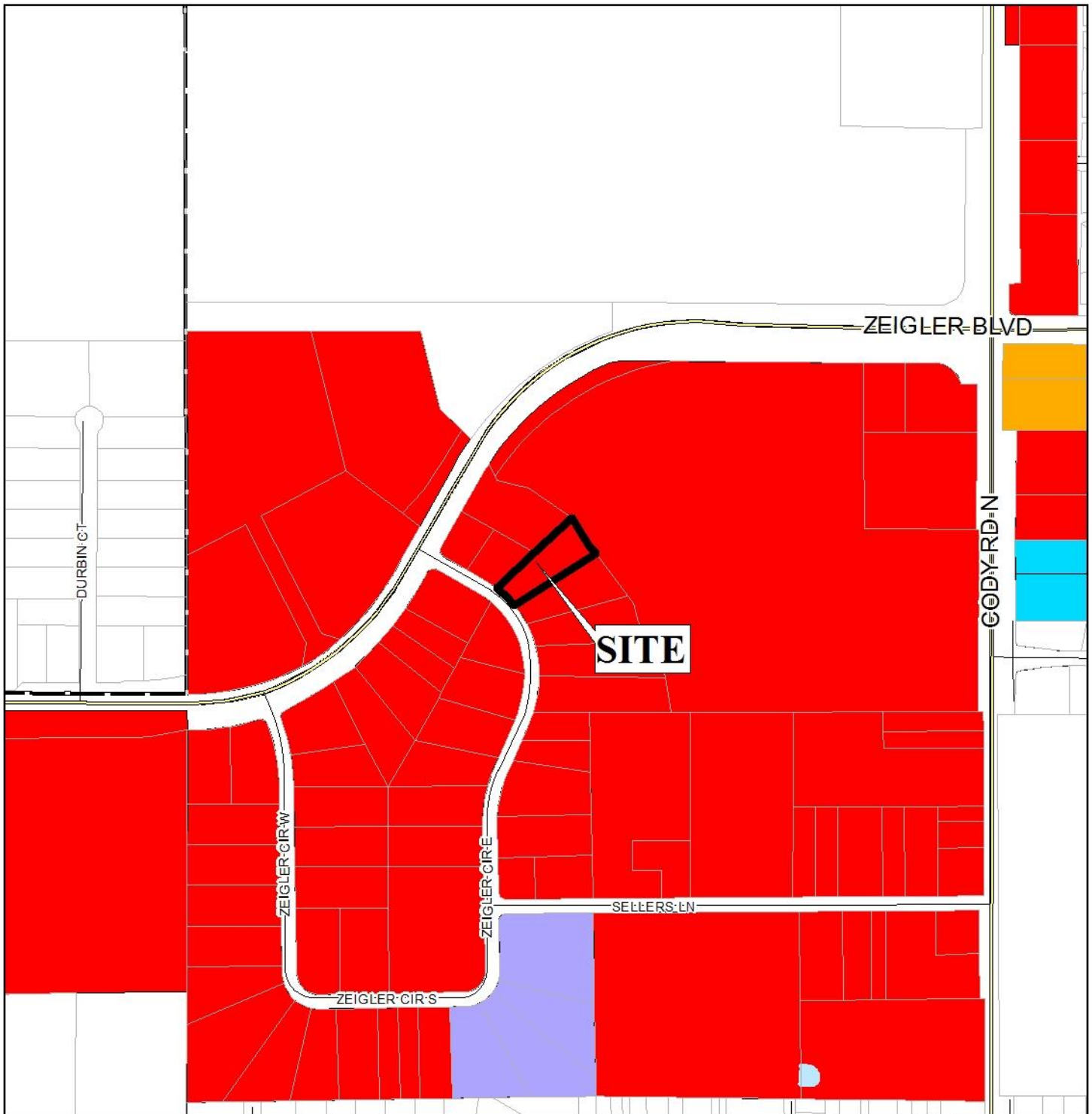
# LOCATOR MAP



APPLICATION NUMBER 6288 DATE October 7, 2019  
APPLICANT Darling Ingredients (Formerly Griffin Industries, Inc.)  
REQUEST Site Variance



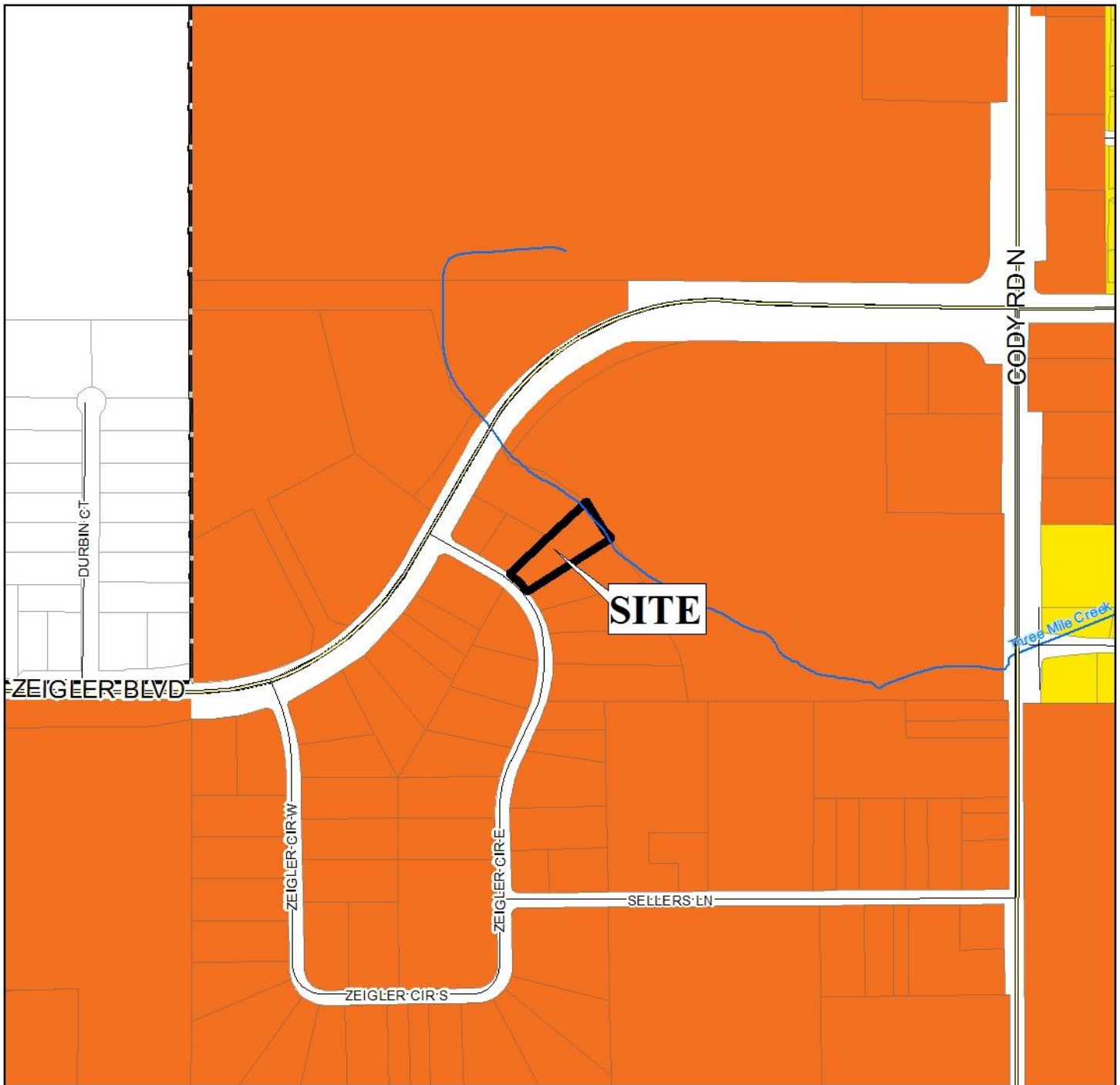
# LOCATOR ZONING MAP



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REQUEST Site Variance



# FLUM LOCATOR MAP



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APPLICANT Darling Ingredients (Formerly Griffin Industries, Inc.)

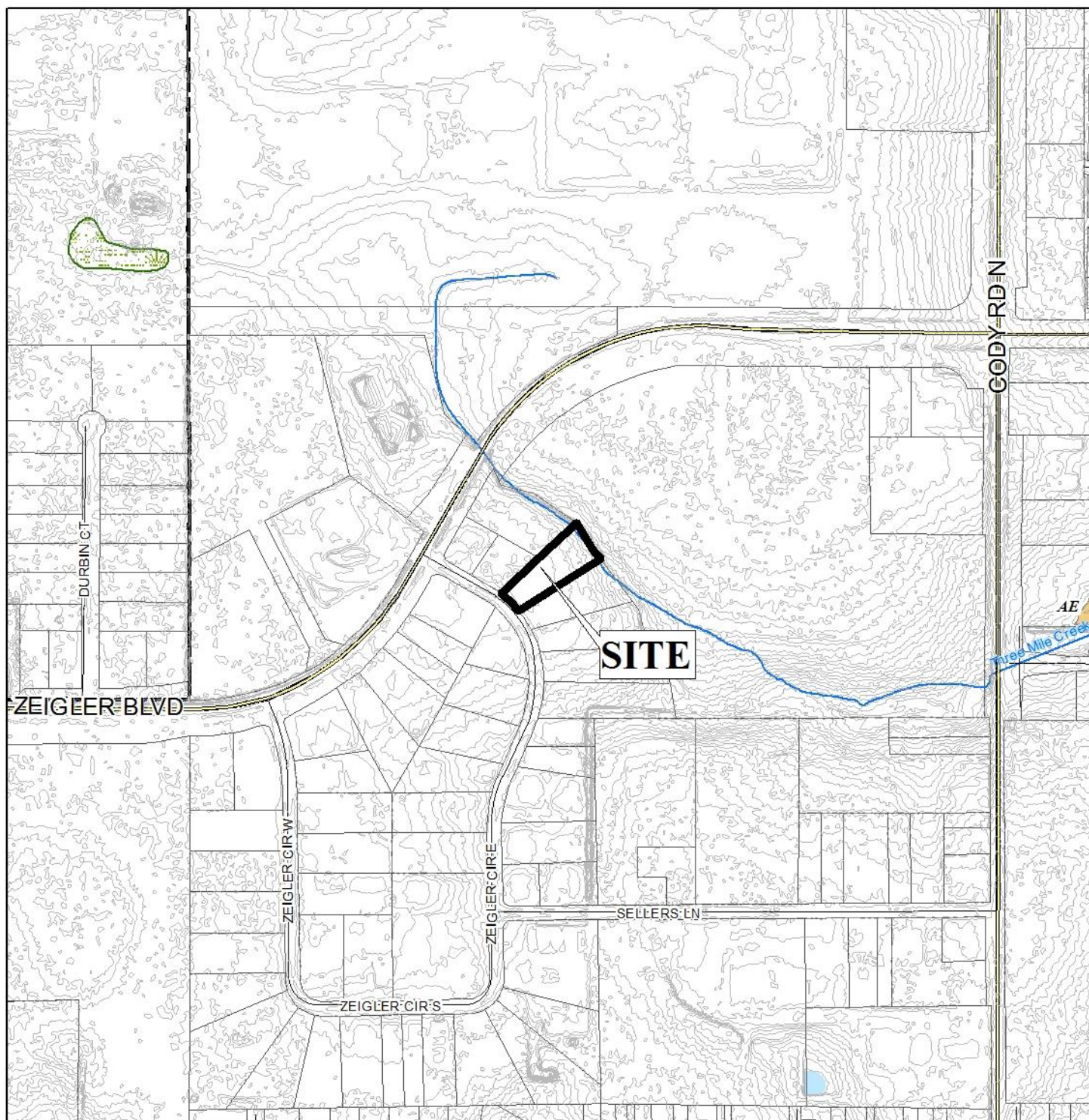
REQUEST Site Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP

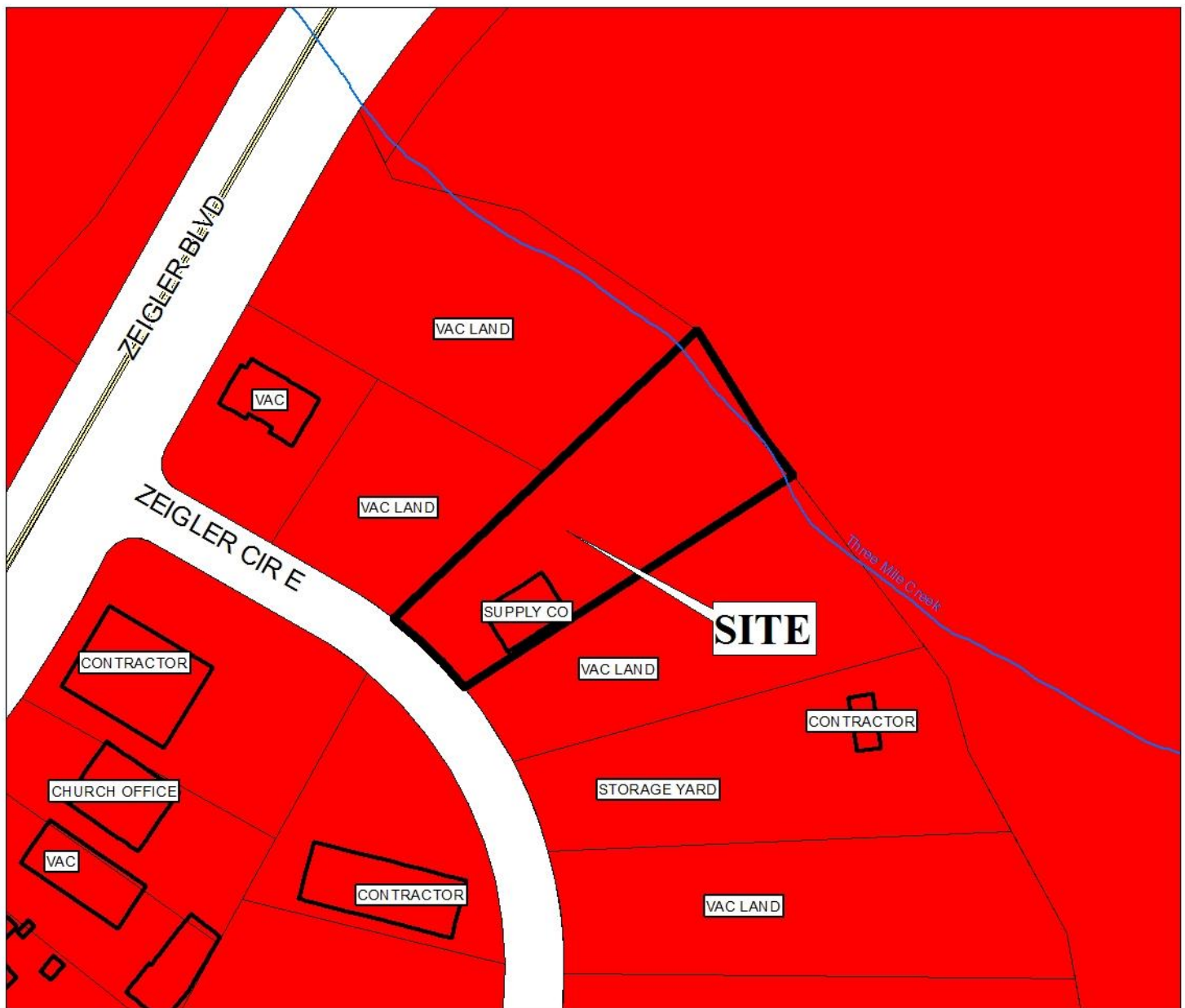


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REQUEST Site Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Site Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightorange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



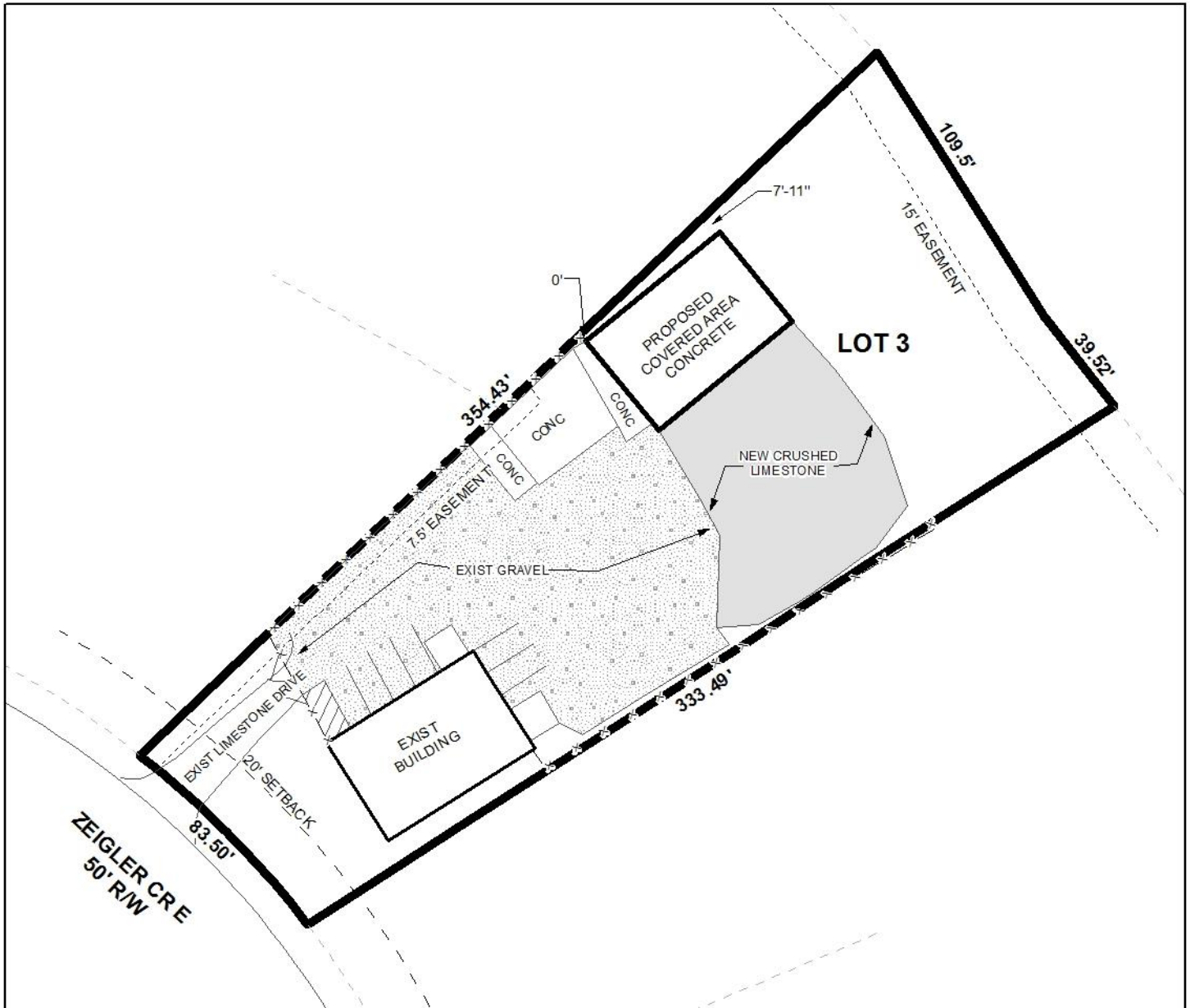
The site is surrounded by commercial units.

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# SITE PLAN



The site plan illustrates the existing building, the proposed covered area, setbacks and easements.

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