

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: September 12, 2016**

**CASE NUMBER**

6056 / 6004

**APPLICANT NAME**

Retif Oil & Fuel

**LOCATION**

6955 Cary Hamilton Road  
(East side of Cary Hamilton Road, 105'± North of  
Washington Boulevard extending to the North terminus of  
Burroughs Lane)

**VARIANCE REQUEST**

**USE:** Use Variance to allow a petroleum distribution facility in an I-1, Light-Industry District.

**SURFACE:** Setback variance to allow aggregate surfacing in a truck maneuvering area in an I-1, Light-Industry District.

**ZONING ORDINANCE  
REQUIREMENT**

**USE:** The Zoning Ordinance requires a minimum of an I-2, Heavy Industry District for a petroleum distribution facility.

**SURFACE:** The Zoning Ordinance surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in all truck maneuvering areas.

**ZONING**

I-1, Light-Industry

**AREA OF PROPERTY**

940,889 square feet / 21.59 ± Acres

**CITY COUNCIL  
DISTRICT**

District 4

**ENGINEERING  
COMMENTS**

USE VARIANCE: NO COMMENT

SURFACING VARIANCE:

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

- a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit (City of Mobile) for ANY work within the Public ROW. Aggregate surfacing will NOT be allowed within the Public ROW; only pavement will be allowed.

**TRAFFIC ENGINEERING**

**COMMENTS**

If the surface variance is approved, bumper stops should be included on the gravel surface to delineate any required parking spaces.

**URBAN FORESTRY**

**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).

**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 Use and Surfacing Variances to allow a petroleum distribution facility with aggregate surfacing in a truck maneuvering area in an I-1, Light-Industry District; the Zoning Ordinance requires a minimum of an I-2, Heavy Industry District for a petroleum distribution facility and surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in all truck maneuvering areas.

The site was most recently before the Board at its November 2, 2015 meeting, where the Board denied the requests for the following reasons:

- 1) *the variances will be contrary to the public interest in that any I-1 use could occupy this site without requiring the Board’s approval and that no hardship has been demonstrated that would support the request for aggregate surfacing;*
- 2) *special conditions do not appear to exist with the site or the building, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardships; and*
- 3) *the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and surrounding area by not granting the variances as they would seem to have an adverse effect on the surrounding area, which includes an elementary school, apartment complex, and single family residences.*

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 provided the following statement for the application at hand:

*The applicant is requesting a variance to allow the following in an I-1 zoning district:*

- *Gravel area for truck maneuvering*
- *Use of facility as a finished lubricant products distribution center*

*Item 9: Proposed Improvement and Time Schedule*

*The existing development consists of a fully sprinkled fire suppression water system for coverage of a 105,974 S.F. warehouse, along with parking facilities and truck loading docks. The site is about 21.5 acres, therefore the existing warehouse is isolated from surrounding developments with existing tree and foliage buffers on the property lines.*

*The proposed improvements to the site consist of the addition of a 24,620 S.F. gravel truck maneuvering area and the addition of 3 overhead doors to be installed within the existing building. All other improvements and/or alterations are minor, will be inside the building and require no structural modification(s).*

*The time schedule for development of this property is within 30 days of receipt of required building permit.*

*Item 10 Variance Discussion and Justification Background and Use Discussion*

*The warehouse was built in 1999 by Norden Paper Company and purchased by Retif in February 2015.*

*This property was originally developed by Norden Paper Company as a paper converting, storage and distribution facility for rolls of paper. The warehouse was built in 1999 and purchased by Retif in February 2015. They were also operating a company called Accelerated Freight out of this facility, which ran a fleet of 60+ transport trucks.*

*Retif proposes to use the interior of the building as a distribution facility for finished lubricant products. The finished lubricant products in the twenty four (24) 4,000 gallon tanks and twenty (20) 8,800 gallon tanks are classified as high flash point Class III-B liquids and non-hazardous under the Mobile Zoning Ordinance. The tank capacities are based on incoming deliveries that range from 2,000 gallons to 6,500 gallons total per truck. Typically, the tanks will be less than 40% average capacity at any given time. The need for the array of tanks is due to the quality control separation required by suppliers (ExxonMobil, Shell, Valvoline etc) and the various grades of finished lubricant products being distributed to Retif customers. - For example, the 10W-30, 5W-20, 5W-30, 15W-40 and hydraulic oils must all be held in separate tanks for each brand (Shell, Exxon, Mobil, Valvoline etc.). By having the*

tanks inside the warehouse, Retif will operate more safely, maintain cleanliness and ensure there are no discharges to the environment since all operations are contained within the building; in short, Retif's environmental and community impact footprint is minimized with inside storage.

In addition to the products stored in tanks, Retif plans to have rack storage of prepackaged lubricant products such as engine oil, hydraulic fluid, gear oil, transmission fluid, etc. in small containers. These products and containers are the same type and size that are sold in neighborhood auto parts stores and quick oil change businesses. The Safety Data Sheets for these products have been submitted to and reviewed by the Mobile Fire Department.

This property will function as a distribution warehouse for the products outlined above. All loading/unloading will be done within the building. Transfer of materials from the bulk tanks to distribution trucks is done via a completely closed piping system. Bulk tanks will be inside a containment dike which will ensure that, in the unlikely possibility of an accidental spill, all material will be confined to the diked area and contained completely inside the building. With all operations inside, Retif will generate no excessive noise, odors, vapors or discharges to the environment. It is important to note that the lubricant products in the tanks present no vapor hazard; therefore no EPA Air Permit is required. There will be no manufacturing of lubricants at this facility. Distribution of products to Retif customers will be via bobtail and stake body trucks. The facility will have approximately 26 employees on site, which includes office and warehouse personnel, sales people, and drivers. The warehouse hours of operation are 7 a.m. to 5 p.m. Monday through Friday with only 1-2 trucks on Sat/Sun. Retif trucks typically depart before 8:00 am and return at the end of the day. Receiving hours for incoming deliveries are usually between 8 am and 2 pm. Incoming product deliveries average 3-4 trucks per week.

There are many instances of warehouses for lubricant products located similar distances from residences and schools across the country:

- 1) Retif's Dothan, Alabama facility (534 Cowarts Road, Dothan, Al) is a 100,000 square foot warehouse (existing warehouse purchased by Retif) adjacent to a college and apartments and is very similar to the proposed Theodore warehouse use with lubricants tanks inside.
- 2) Locally, Davison Oil (8450 Tanner William Road, Mobile, Al) has a facility in Mobile County under police and fire jurisdiction and is adjacent to a K-12 school, other businesses and residences.
- 3) GH Berlin Windward (1064 Goffs Falls Rd, Manchester, NH 03103) is a large lubricants distributor also adjacent to an elementary school and residences with lubricant product tanks inside.

### Statement of Variance Vs Rezoning

#### *Introduction*

With respect to the element of unnecessary hardship, when taken together and in light of the unique and distinct nature of the property itself, the below conditions clearly illustrate that a

*literal enforcement of the subject ordinance would cause Retif to suffer not only substantial and compelling economic damages unlike those that might be suffered by other similarly situated property owners in the immediate zoning district, but would also effectively and unreasonably deprive Retif of its fundamental right to utilize its private property. A literal enforcement of the subject ordinance relative to the proposed variance would be unfeasible, uneconomical, and would categorically deprive Retif of all beneficial use of this parcel, thus preventing this family-run, regional business from realizing a reasonable return on its investment, and potentially forcing Retif to relocate outside the City of Mobile.*

### *Discussion*

*According to the zoning ordinance, the storage of petroleum products requires an I-2 zoning and this property is zoned I-1. Based on a review of the zoning ordinance, the lubricant products Retif distributes from their facilities are not covered in a finite category but are grouped into a broad category of "Petroleum and Petroleum Products." The words "Petroleum and Petroleum Products" includes everything from crude oil to high octane jet fuel to quarts of engine oil for automobile use to even a jar of Vaseline that might be purchased at Wal-Mart. The fact that this wide range of products is grouped into one all-encompassing category is the key reason for a variance. Importantly, the National Fire Protection Association (NFPA 30) classifies the finished lubricant products that Retif proposes to place in the tanks in the same category as cooking oil. Below is an excerpt from a FAQ fact sheet from NFPA 30.*

*2. What are common examples of the various flammable and combustible liquids classified by NFPA 30?*

*Class IA - Diethyl Ether, Ethylene Oxide, some light crude oils*

*Class IB - Motor and Aviation Gasolines, Toluene, Lacquers, Lacquer Thinner*

*Class IC - Xylene, some paints, some solvent-based cements*

*Class II - Diesel Fuel, Paint Thinner*

*Class IIIA - Home Heating Oil*

*Class IIIB - Cooking Oils, Lubricating Oils, Motor Oil*

*These lubricant products are non-hazardous as defined by the Mobile Zoning ordinance. Moreover, a local Fire Engineer with Gulf States Engineering indicated that the previous use of the site, which included stacked rolls of paper, constituted more of a fire hazard than the proposed use. In fact, the engineering review of the sprinkler system showed that it has more fire suppression capacity than is required for our proposed use.*

*Further demonstrating the non-hazardous nature of the products Retif will handle, lubricant delivery trucks are: (a) not required to be placarded by the Department of Transportation and (b) legally travel through the tunnel every day. Note that ALL hazardous materials are prohibited from transiting the tunnel(s). That being said, Retif's justification in requesting a variance is that the zoning ordinance is flawed by categorizing the lubricants Retif handles in one broad category that includes many fuel products that Retif does not propose to distribute from this facility. In fact, in regards to a zoning classification, Retif's proposed use is more*

*aligned for the category of "Distribution — Heavy" which is allowed by right in an I-1 zone. Retif is in the business of distributing lubricant products to our end users. Retif does not store products for other businesses.*

*To be clear, the storage facilities of crude oil, etc. that are located along the Mobile River are totally different from the Retif facility. In many instances these waterfront storage tanks contain millions of gallons of highly flammable and hazardous materials, and obviously should be located in areas remote from residential areas and schools. The proposed Retif facility does not fall into the same category as these large storage tanks. The absence of any flammable or hazardous materials, the fact that all loading/unloading of materials is done within a fully sprinkled building, the significantly reduced truck traffic and hours as compared to the previous use, and the fact that there are no airborne fumes or vapors (No EPA Air Permit required) associated with Retif's daily operations, ensure that the variance will not be contrary to the public interest.*

#### *Previous vs Proposed Use*

*First and foremost, the requested variance would not be contrary to public interest particularly as compared to past use. The original owner and developer of the parcel operated a paper converting, storage and distribution business as well as a trucking company (Accelerated Freight) that operated a fleet of more than 60 transport trucks per day, 24 hours a day, 7 days a week.*

*In contrast, Retif's proposed use of the subject parcel would be a safe reasonable, and environmentally-friendly alternative to paper converting, storage and distribution, and would involve far less truck traffic. Retif's use variance merely seeks to allow for the distribution of common lubricant products that are not flammable and that are non-hazardous; in fact as shown above, the fire classification is the same as cooking oil type products. To reiterate, these are the same kinds of materials routinely stored at auto service centers and quick oil change businesses. Moreover, instead of 60 transport trucks per day coming to and from the manufacturing facility 24 hours a day, 7 days a week, Retif's distribution efforts will only include 10-15 trucks on weekdays generally between 7 am and 5 pm and 2-3 trucks on weekends. Thus, if a company such as Norden Paper or Accelerated Freight was allowed to use the subject parcel for large volume paper converting, storage and distribution, then there is no fair, reasonable, or just reason to prohibit Retif from operating a significantly safer, less disruptive, and more environmentally-friendly distribution operation on the same site.*

*Second, certain specific conditions exist with respect to the subject parcel itself such that a literal enforcement of the zoning ordinance would clearly result in an unnecessary hardship. In addition to the substantial economic investment associated with the purchase of the property, because the current structure is located near apartment buildings, residential structures, and a school (all which were in existence when the property was being operated as a paper converting, storage and distribution facility), several potential I-1 authorized uses would not be feasible. These would include uses such as a sewage disposal plant, shooting range, farm products distribution (including pesticides) or correctional institution, all of*

*which are I-1 authorized uses, but all of which would not only be met with fierce opposition from the community, but would also require significant and costly infrastructure improvements. The recent announcement of a Wal-Mart distribution center certainly lends credence to uses of the warehouse that would be much more intrusive to the quality of life for the community than Retif's proposed use. Considered in total, if the variance is not granted, the foregoing factors, among others, would effectively and unreasonably deprive Retif of its fundamental right to utilize its private property. Thus, a literal application of the zoning ordinance with respect to the parcel at issue is clearly not warranted in that the specific and unique conditions impacting the property are not general to the area or other industrial sites located nearby. Furthermore, there is an I-2 property on Bellingrath road approximately 1/2 mile from the Retif property. This parcel at 7205 Bellingrath Road is owned by Mack Manufacturing and is adjacent to residences, a church and a city park.*

*The foregoing factors should therefore be given considerable weight by the Board when considering whether to grant Retif the requested use variance.*

*As a minor element of the requested variance, the request for the gravel truck maneuvering area is justified due to the fact that an asphalt paved area would be a continuous maintenance problem with the anticipated truck traffic and would create an undue and unnecessary hardship. Historically, these types of facilities located in an I-1 zoning have been allowed to obtain a variance for gravel truck maneuvering areas.*

*Community Outreach — Factual Information - Impact*

*Retif has made considerable effort to meet with community, business and governmental leaders as well as zoning staff to both address concerns and inform stakeholders of our proposed use. In the previous submission, the timing was compressed such that many community and governmental leaders were unable to accurately assess the facts regarding our application. Retif has now met with numerous individuals in the community, as well as business leaders, emergency planning officials, fire officials and city leaders, providing tours of the facility and listening to concerns, as well as providing the facts about the proposed application. Retif has also produced a video for anyone who might be unable to personally tour the facility. Retif has intentionally delayed any resubmission of this application until Retif listened to and addressed the concerns expressed by the community. From these meetings, Retif has volunteered some self-limitations with our variance request that are designed to address community concerns. These include:*

- 1. Bulk tank storage for finished lubricants will be limited to the high flash point Class IIIB products rated non-hazardous per Mobile Zoning Ordinance.*
- 2. Bulk tank footprint will not exceed 25% of the total warehouse space.*
- 3. Any addition of finished lubricant tanks will be no larger than 8,800 gallons capacity and no closer than as now proposed to the existing school and residences.*
- 4. Recently installed speed bumps on entry road and posted speed limits for trucks at 15 mph.*

*As to community impact, Retif's operations will positively impact the community by maintaining 25 existing jobs, immediately adding 1-2 more jobs, and, it is anticipated, adding another 3-5 jobs over the next 5 years. Retif is a member of the Mobile Area Chamber of Commerce, Partners for Environmental Progress, South Mobile Industrial Alliance, and plans to support Burroughs Elementary through Partners in Education.*

*In addition to these steps, Retif has scheduled an open house for the community on August 4th and has taken the initiative to seek out residents to notify beyond the 300' standard practice. The purpose of the open house is to allow anyone in the community to actually see the proposed operation. Retif will also extend an invitation to any all Board members to view the property in connection with this application.*

#### Summary / Conclusion

*The granting of Retif's requested use variance will not violate the spirit or intent of the City of Mobile's zoning ordinance. The purpose of Mobile's zoning ordinance is to not only provide for "the harmonious development of the City of Mobile," but also to "conserve the value of buildings by encouraging the most appropriate use of the land by districting according to the peculiar suitability of the land for particular purposes, all to create conditions favorable to health, safety, convenience or prosperity." The previous discussion of Retif's proposed use demonstrates that approval would clearly be in keeping with the spirit of the ordinance.*

*The facts demonstrate that the inclusion of all petroleum products in one single category in the ordinance is not reasonable and presents an unrealistic barrier to Retif's proposed use. Additionally, a variance is infinitely preferable to any proposed rezoning to I-2 as such an effort would be met with opposition from the community and would not be in keeping with the spirit of the zoning ordinance. The goals of new business formation, job creation and sustained economic growth would all be advanced by approval of Retif's application, which would facilitate the harmonious development of the City of Mobile. Further, by granting the requested use variance to allow Retif to repurpose the current structure for facilities and operations significantly safer than those previously (or potentially) existing on the site, the Board would be not only creating conditions favorable to the health and safety of the local community, but also the prosperity of the same. Thus, substantive justice would be done to both Retif and the surrounding neighborhood by granting the requested use variance.*

*The above-mentioned reasons, among others, provide considerable factual basis to support finding that the proposed use is reasonable and would not adversely affect the surrounding community or their private property rights.*

The primary use hardships apparently expressed by the applicant's narrative are 1) economic, due to the fact that they had already purchased the property prior to ensuring that the proposed use would be allowed in an I-1 district, and 2) that the Zoning Ordinance erroneously groups their proposed use and scope of products with much more dangerous petroleum products.

The Zoning Ordinance distinguishes between I-1, Light Industrial, and I-2, Heavy Industrial districts as follows:

***I-1 districts: Light industry districts.*** *These districts are composed of land and structures used for light manufacturing or wholesaling, or suitable for such uses, where the use and its operation do not directly adversely affect nearby residential and business uses. These districts are usually separated from residential areas by business areas or by natural barriers. The district regulations are designed to allow a wide range of industrial activities subject to limitations designed to protect nearby residential and business districts.*

***I-2 districts: Heavy industry districts.*** *These districts are composed of land and structures used for heavy manufacturing and related activities or suitable for such uses. Located for convenient access from existing and future arterial thoroughfares, highways and railway lines, these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the district for almost any industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.*

As defined in the Zoning Ordinance, a *Hazardous material or substance* is a substance that is considered hazardous when it has one of the following characteristics: flammable, explosive, corrosive, toxic, radioactive, or if it readily decomposes into oxygen at elevated temperatures.

The Zoning Ordinance Chart of Permitted Uses restricts petroleum products distribution and storage to I-2 sites, and only with Planning Approval:

<b>Uses and Conditions</b>	<b>R-A</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-B</b>	<b>T-B</b>	<b>H-B</b>	<b>B-1</b>	<b>B-2</b>	<b>LB-2</b>	<b>B-3</b>	<b>B-4</b>	<b>B-5</b>	<b>I-1</b>	<b>I-2</b>
Petroleum and petroleum products, distribution: including bulk stations and terminals	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P
Petroleum gas (liquified) sales: including bottled butane and propane gas	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P
Petroleum refining and petroleum products manufacture or storage:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P

The following information was taken from a "frequently asked questions" sheet prepared by the National Fire Protection Association (NFPA), from the following website:  
[http://www.nfpa.org/Assets/files/AboutTheCodes/30/30\\_FAQs.pdf](http://www.nfpa.org/Assets/files/AboutTheCodes/30/30_FAQs.pdf)

*Definition and classification of flammable and combustible liquids are addressed in Subsection 3.3.33 and Chapter 4 of NFPA 30. A **flammable** liquid is defined as a liquid whose flash point does not exceed 100°F, when tested by closed-cup test methods, and is thus easier to ignite than a **combustible** liquid, whose flash point is 100°F or higher. These broad groups are further classified as follows:*

- **Class IA** - Flash Point less than 73°F; Boiling Point less than 100°F
- **Class IB** - Flash Point less than 73°F; Boiling Point equal to or greater than 100°F
- **Class IC** - Flash Point equal to or greater than 73°F, but less than 100°F
- **Class II** - Flash Point equal to or greater than 100°F, but less than 140°F
- **Class IIIA** - Flash Point equal to or greater than 140°F, but less than 200°F
- **Class IIIB** - Flash Point equal to or greater than 200°F

Staff found information regarding the definition of "flash point" and the temperatures of various products via Internet research, as detailed below:

*The flash point of a volatile material is the lowest temperature at which vapors of the material will ignite, given an ignition source.*

Fuel	Flash point temperature
Natural Gas	-306.4 °F
Automotive gasoline	-45 °F
<u>Ethanol (70%)</u>	<u>61.9 °F</u>
Jet fuel (A/A-1)	100 °F
Kerosene	100–162 °F
<u>Automotive diesel fuel</u>	<u>126 °F</u>
Petroleum Jelly	365 °F
SAE 10W-30 motor oil	421 °F
<u>Vegetable oil (canola)</u>	<u>621 °F</u>

Given that the products that are proposed to be kept at this location fall within the Class IIIB category (such as the last three items on the above list), the Board could consider that there should be a distinction between the storage of Class I and Class II products, and the storage of Class III products, as it relates to I-2 with Planning Approval requirement via the Chart of Permitted Uses. The applicant's proposed self-conditions may further alleviate concerns the Board may have with considering the use variance request.

However, the site is within close proximity of Burroughs Elementary School, and is within a neighborhood that has historically been disadvantaged due to its location and lack of zoning protection prior to the annexation of the area into the city in 2008. While the proposed use and

storage of materials may not be likely to negatively impact the adjacent neighbors or put them at any significant risk, it may still generate a concern regarding their safety and welfare.

Regarding the aggregate surfacing for the truck maneuvering area, the applicant proposes aggregate on the South side of the building, where there is no existing pavement, to allow truck access into or out of the building. The Zoning Ordinance requires that this access area be paved in asphalt or concrete, however, the applicant states that the truck traffic on an asphalt surface would create a continuing maintenance problem. Several of the existing aprons abutting the existing warehouse building are concrete, with the remainder of the paved surface, including the public roads leading to the site, and the driveway on the site, being composed of asphalt. Given that the applicant states that the previous use for paper storage and distribution had even more truck traffic, yet utilized concrete aprons for the trucks, it would appear that adding a new concrete apron for truck access would be consistent with the site as it is developed at this point.

**RECOMMENDATION:** Based on the preceding, staff recommends that the Board take into consideration all aspects of the application and any concerns expressed by the community, and be reminded of the specific duties as stated in Section 64-8.B.6.f.(3) of the Zoning Ordinance:

*Variances.* To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to exceptional circumstances, literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances shall be subject to such conditions and terms as may be fixed by the board. No variance shall be authorized:

- a) Where the area of the property, the variance for which is sought, is sufficient to authorize the creation of a new district under the amendment procedures of this chapter for the applicable use;
- b) In order to relieve an owner of a lot of restrictive covenants applicable to said lot which are recorded in the probate court;
- c) Where economic loss is the sole basis for the application for variance;
- d) Unless the board is presented with sufficient evidence for the board to find that:
  1. The variance will not be contrary to the public interest;
  2. Special conditions exist that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
  3. That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.
- e) *Conditions and safeguards.* In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed violation of this chapter, punishable as generally provided for such violations.

Should the Board wish to consider approving the **Use** variance request, staff offers the following conditions:

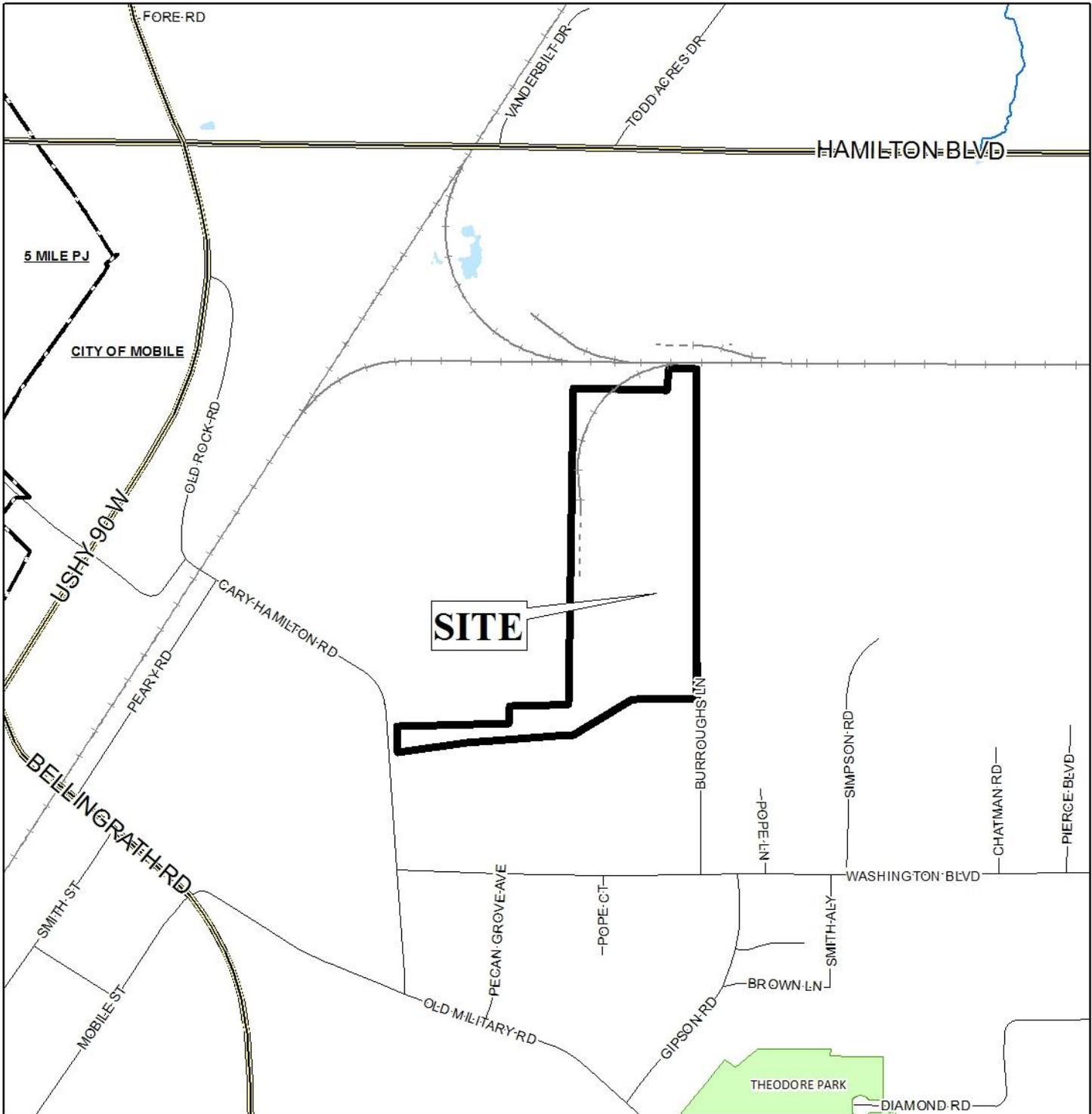
- 1) Bulk tank storage for finished lubricants to be limited to National Fire Protection Association (NFPA) 30 Class IIIB rated products;

- 2) Rack storage for finished lubricants to be limited to National Fire Protection Association (NFPA) 30 Class IIIA and IIIB rated products
- 3) Bulk tank footprint to not exceed 25% of the total warehouse space;
- 4) Any addition of finished lubricant tanks to require a new variance request to the Board, due to the expansion of proposed tank storage;
- 5) Retention of recently installed speed bumps on entry road and posted speed limits for trucks at 15 mph.
- 6) 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)*);
- 7) Full compliance with all other municipal codes and ordinances.

Should the Board wish to consider approving the **Surface** variance request, staff offers the following conditions:

- 1) Compliance with Engineering comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. b. Submit a ROW Permit (City of Mobile) for ANY work within the Public ROW. Aggregate surfacing will NOT be allowed within the Public ROW; only pavement will be allowed.* );
- 2) Compliance with Traffic Engineering comments (*If the surface variance is approved, bumper stops should be included on the gravel surface to delineate any required parking spaces.*);
- 3) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).*);
- 4) 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)*);
- 5) Provision of a revised site plan depicting compliance with all conditions of approval for the variance file, prior to issuance of permits; and
- 6) Full compliance with all other municipal codes and ordinances.

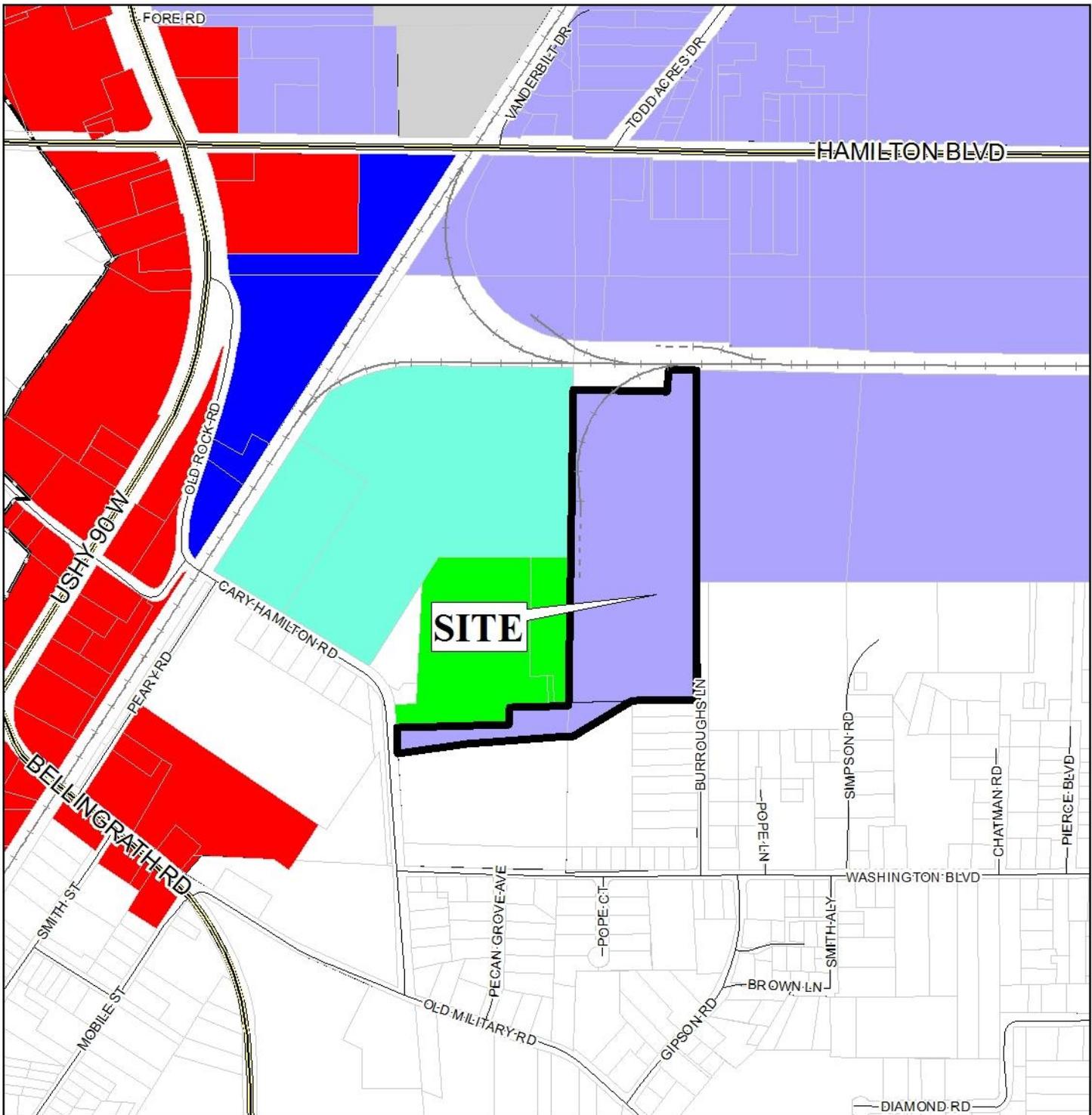
# LOCATOR MAP



APPLICATION NUMBER 6056 DATE September 12, 2016  
APPLICANT Retif Oil & Fuel  
REQUEST Use and Surfacing Variances



# LOCATOR ZONING MAP



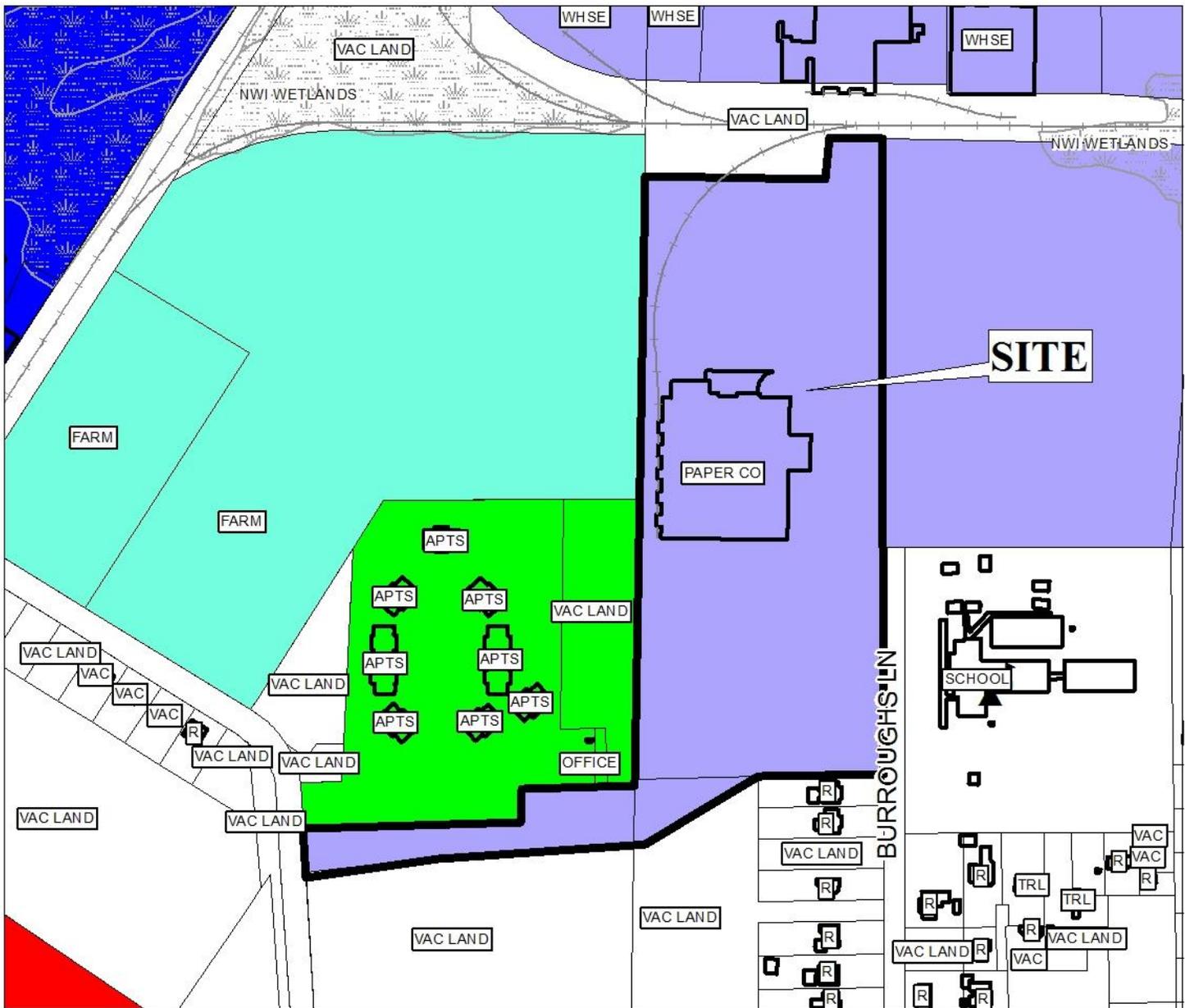
APPLICATION NUMBER 6056 DATE September 12, 2016

APPLICANT Retif Oil & Fuel

REQUEST Use and Surfacing Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south, and commercial units to the north. A school lies east of the site.

APPLICATION NUMBER 6056 DATE September 12, 2016

APPLICANT Retif Oil & Fuel

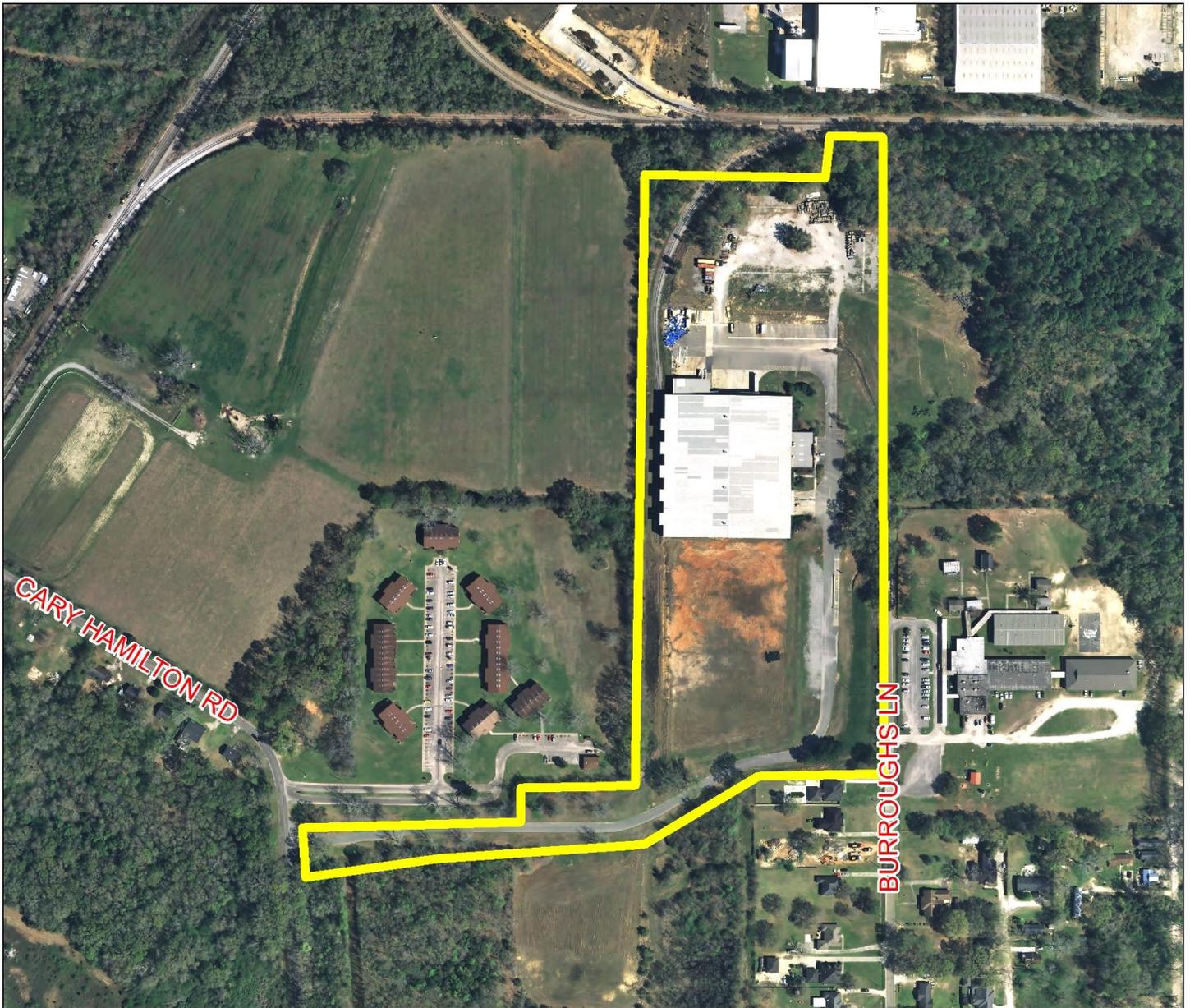
REQUEST Use and Surfacing Variances

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units to the south, and commercial units to the north. A school lies east of the site.

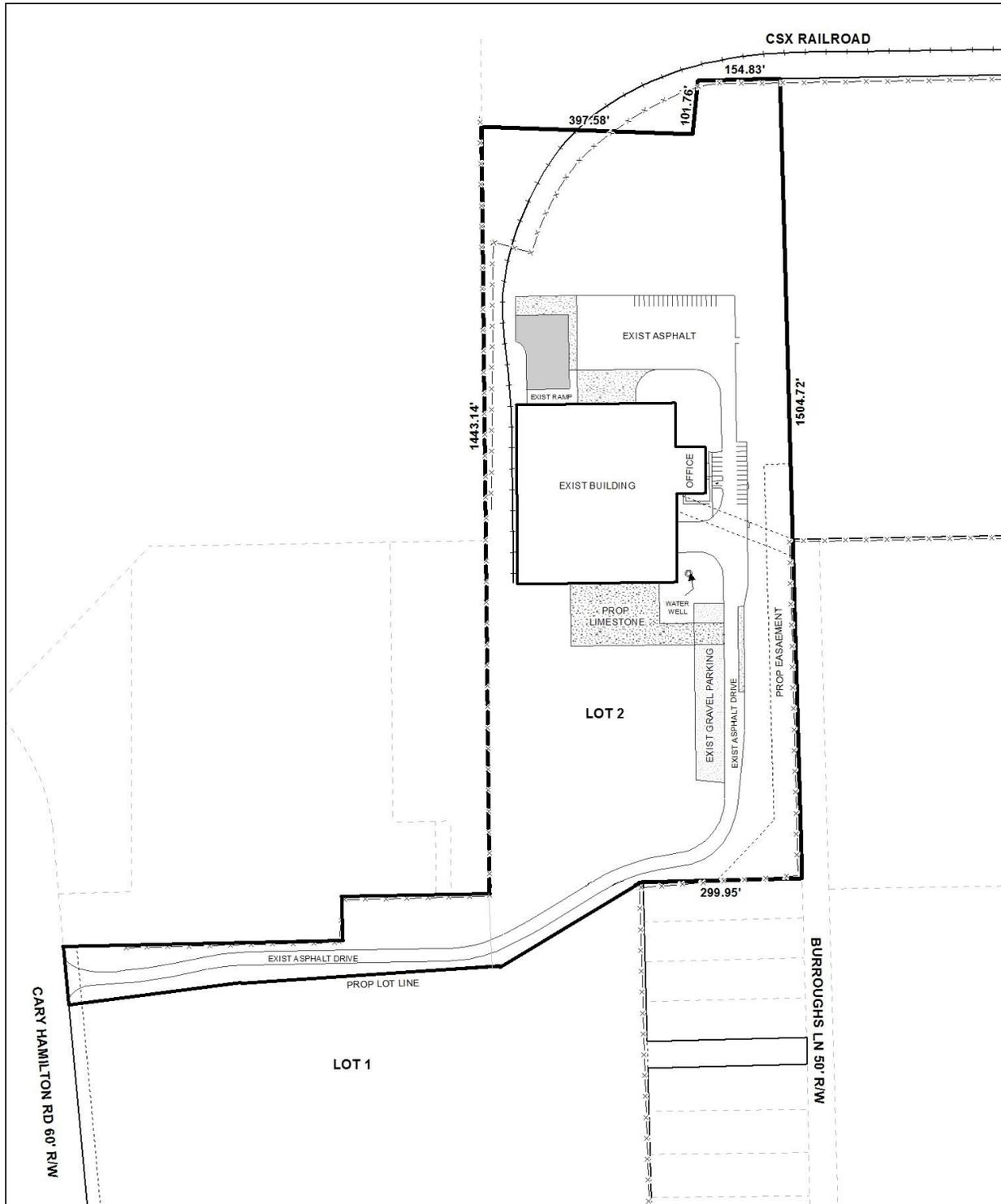
APPLICATION NUMBER 6056 DATE September 12, 2016

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REQUEST Use and Surfacing Variances



# SITE PLAN



The site illustrates the existing building, proposed limestone, gravel, easements, parking, and exist drive.

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NTS

