



## Agenda Item # 6

### BOA-003455-2025

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

## DETAILS

**Location:**

2449 & 2453 Eslava Creek Parkway

**Applicant / Agent:**

SMART Local 441 / George R. Cowles

**Property Owner(s):**

Sheet Metal Workers Local Union 441 Apprentice

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number(s):**

6701

**Unified Development Code (UDC) Requirement:**

- The UDC requires all structures to be a minimum of 25-feet away from a front property line in a B-3, Community Business Suburban District.

**Board Consideration:**

- Front Yard Setback Variance to allow construction of a new structure less than 25 feet from the front property line in a B-3, Community Business Suburban District.

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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units to the west and residential units to the east and south.

APPLICATION NUMBER 6701 DATE October 6, 2025  
 APPLICANT SMART Local 441 (George R. Cowles, Agent)  
 REQUEST Front Yard Setback Variance



## SITE HISTORY

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The site consists of three (3) lots. Two (2) of the lots are developed together as a single building site with one (1) structure, while the third lot is developed with a separate building.

A portion of the site was originally part of the three (3)-lot Eslava Creek Commercial Park Subdivision, the plat for which was recorded in the Mobile County Probate Court in May 1972. Lot C of that subdivision was subsequently resubdivided into eight (8) lots, recorded in November 1972 as Eslava Creek Commercial Park Subdivision, Unit Two.

Another portion of the site was created by the one (1)-lot Mramor's Addition to Eslava Creek Commercial Park Subdivision, recorded in July 1999. In January 2001, the Planning Commission approved a Sidewalk Waiver for this lot, waiving the requirement to construct sidewalks along Eslava Creek Parkway and Pinehill Drive.

The site is currently developed, and there are no additional records of Planning Commission or Board of Zoning Adjustment actions associated with it.

## STAFF COMMENTS

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### Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules for Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
5. No structures are allowed to be built in an easement without the easement holder's permission.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

### 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.



## Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

## Planning Comments:

The applicant is requesting a Front Yard Setback Variance to allow construction of a new structure less than 25 feet from the front property line in a B-3, Community Business Suburban District. The Unified Development Code (UDC) requires a minimum 25-foot setback from front property lines in this district.

The site consists of three (3) lots: Lots 7 and 8 of Unit Two of the Eslava Creek Commercial Park Subdivision, and Lot 1 of Mramor's Addition to Eslava Creek Commercial Park Subdivision. The applicant proposes development of a 4,590-square-foot building with additional parking to serve as an apprentice training facility. As justification, the applicant states that an existing 30-foot-wide sewer easement along the south side of Lots 7 and 8 limits the buildable area and prevents compliance with the 25-foot front yard setback.

The application, supporting documents, and the applicant's narrative are available via the link on Page 1 of this report.

Per Article 2, Section 64-2-14.E. of the UDC, all structures in a B-3 Suburban district must be set back a minimum of 25 feet from the front property line. Further, Article 3, Section 64-3-5.B.1. requires required yards along street frontages to remain unoccupied and unobstructed from three (3) feet above grade upward. The proposed building exceeds this height and encroaches into the required setback, thereby necessitating a variance.

It should also be noted that the proposed building, as shown on Lots 7 and 8, constitutes an expansion of the existing building footprint by more than 50%. Therefore, if approved, the project must comply with all applicable development standards of Article 3 of the UDC, including but not limited to:

- Provision of a sidewalk along Eslava Creek Parkway;
- Provision of on-site pedestrian walkway connections;

- Compliance with building design and height variation requirements;
- Compliance with tree planting and landscape area requirements;
- Provision of a residential protection buffer where adjacent to residential property;
- Compliance with off-street parking and maneuvering requirements;
- Compliance with parking lot lighting requirements and submission of a photometric plan;
- Provision of off-street loading facilities; and
- Provision of bicycle parking.

Review of the site plan indicates potential noncompliance with certain requirements, particularly off-street parking and maneuvering. Four (4) parking spaces are shown along Eslava Creek Parkway in a configuration that requires vehicles to maneuver within the public right-of-way, which is not permitted per Article 3, Section 64-3-12.A.4. of the UDC. While these spaces may represent an existing nonconformity, further development of the site requires all existing improvements, including parking, to be brought into compliance under the nonconforming provisions of Article 6 of the UDC.

Although the site is encumbered by a 30-foot-wide sanitary sewer easement, this condition does not appear to have prevented neighboring developments subject to the same easement configuration from complying with the 25-foot front setback. Moreover, the subject site itself was previously developed in compliance with this requirement. Considering that the proposed design also results in conflicts with other UDC provisions beyond the front yard setback, the hardship appears to be self-imposed and could be resolved by redesigning the structure to achieve full compliance.

Therefore, it does not appear that the applicant has demonstrated a hardship sufficient to warrant approval of the variance request, particularly as the development, as proposed, would create additional violations of the UDC.

## VARIANCE CONSIDERATIONS

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### Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

## Considerations:

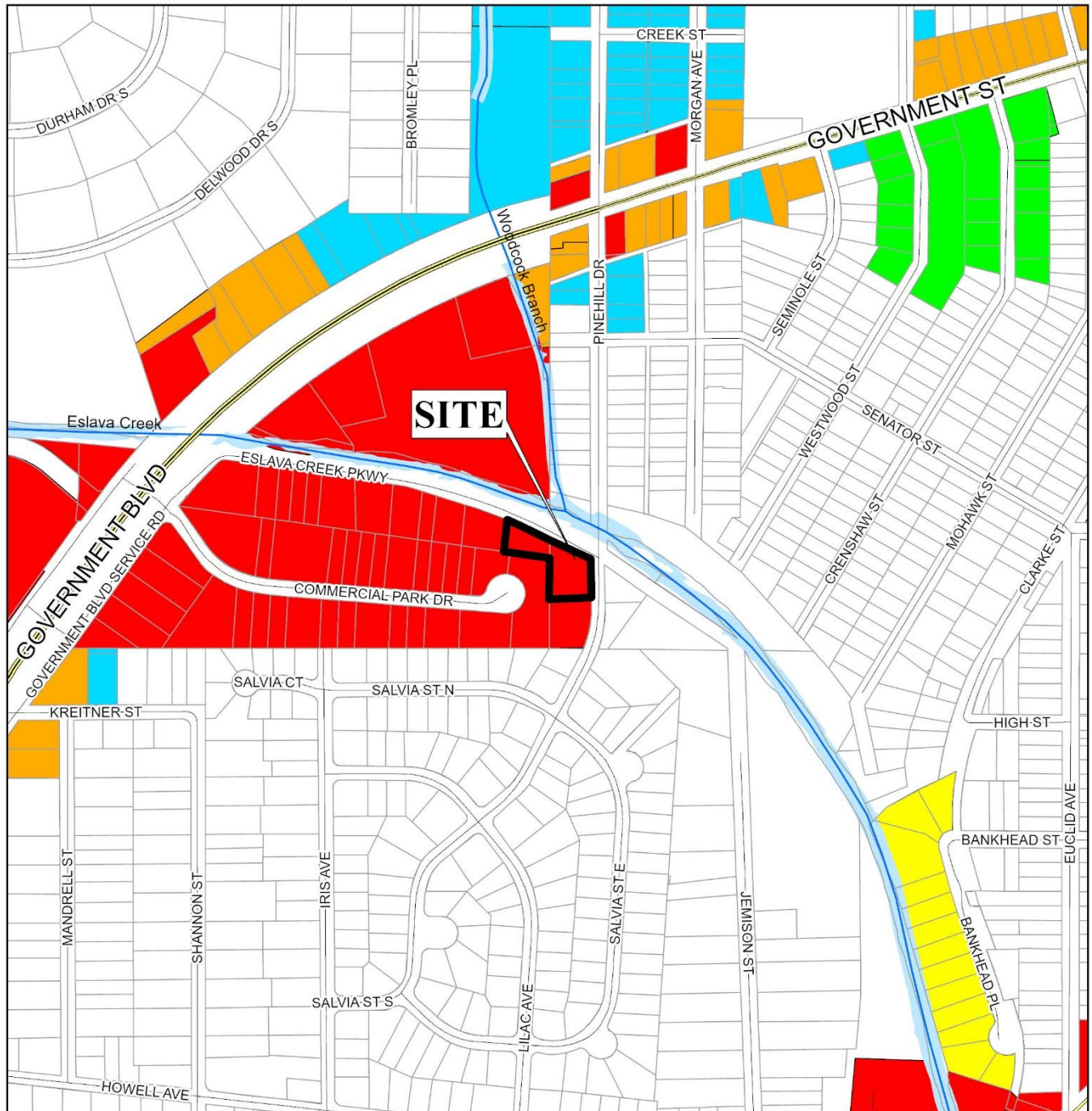
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist 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.

If the Board considers approving the variance request, it could be subject to the following condition(s):

1. Compliance with the applicable development provisions of Article 3 of the UDC;
2. Compliance with all Engineering Comments noted in this staff report;
3. Compliance with all Traffic Engineering comments noted in this staff report;
4. Compliance with all Urban Forestry comments noted in this staff report;
5. Compliance with all Fire Department comments noted in this staff report; and,
6. Full compliance with all other municipal codes and ordinances.

# LOCATOR ZONING MAP

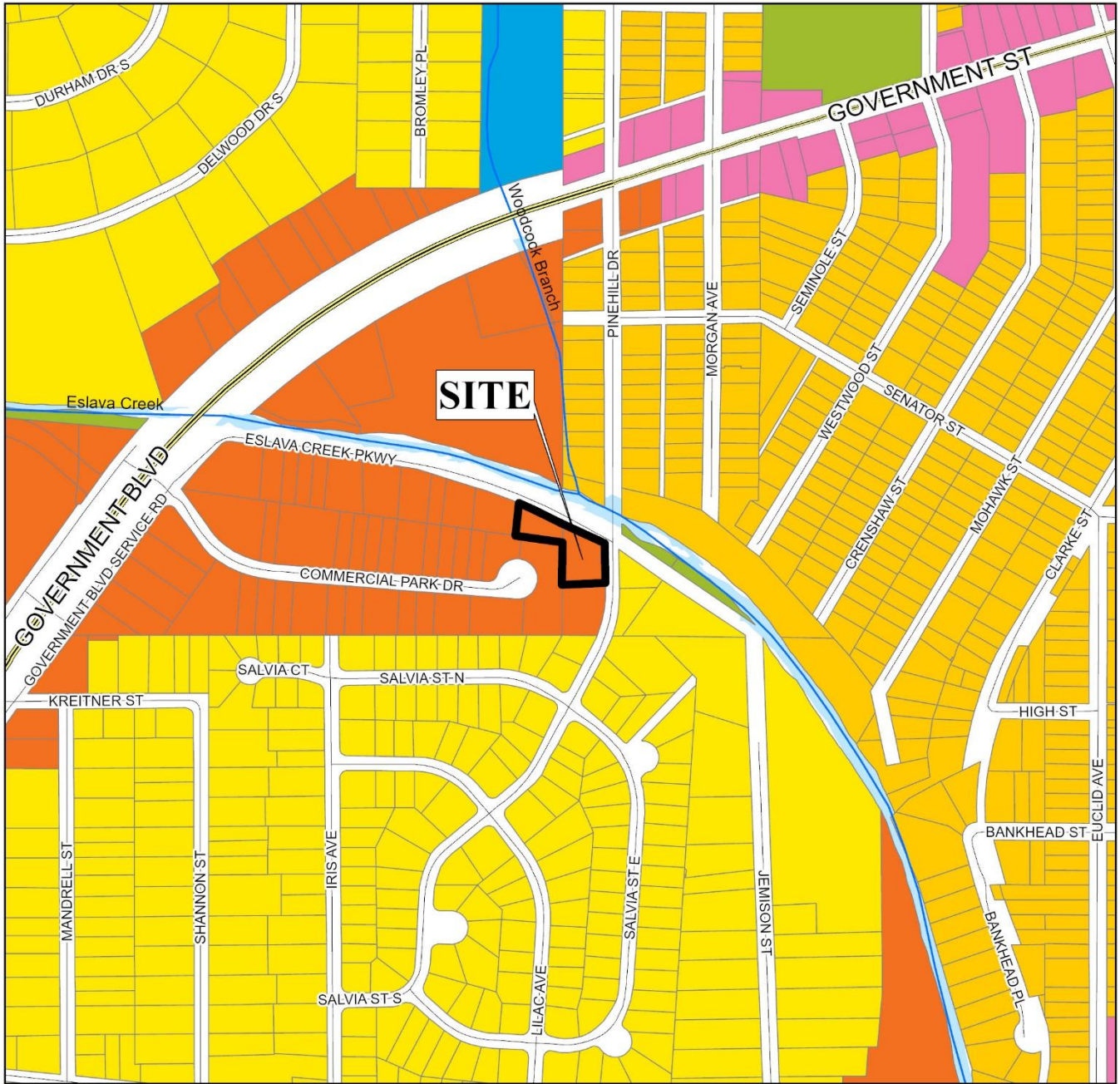


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# FLUM LOCATOR MAP



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APPLICANT SMART Local 441 (George R. Cowles, Agent)

REQUEST Front Yard Setback Variance

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

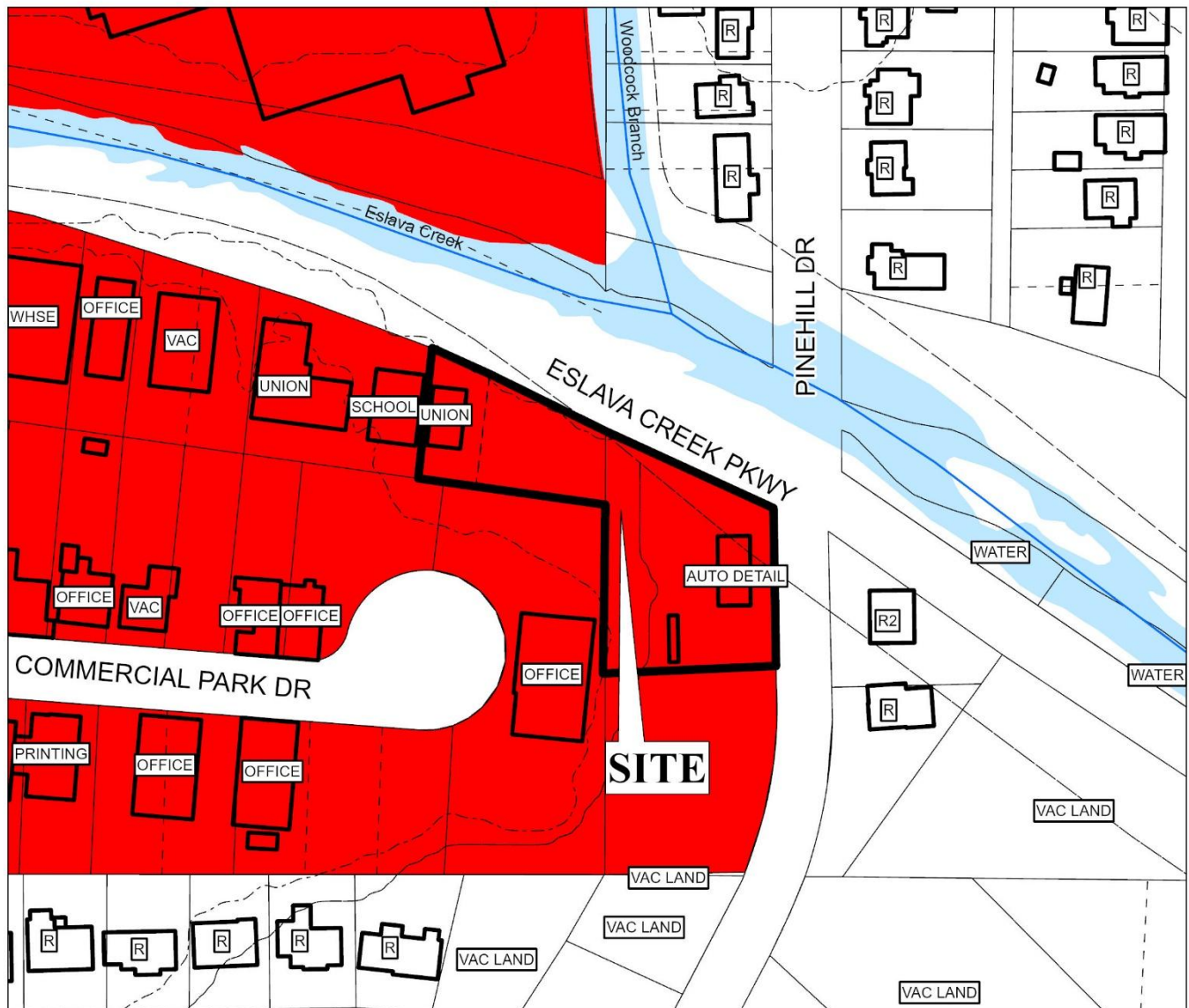


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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west and residential units to the east and south.

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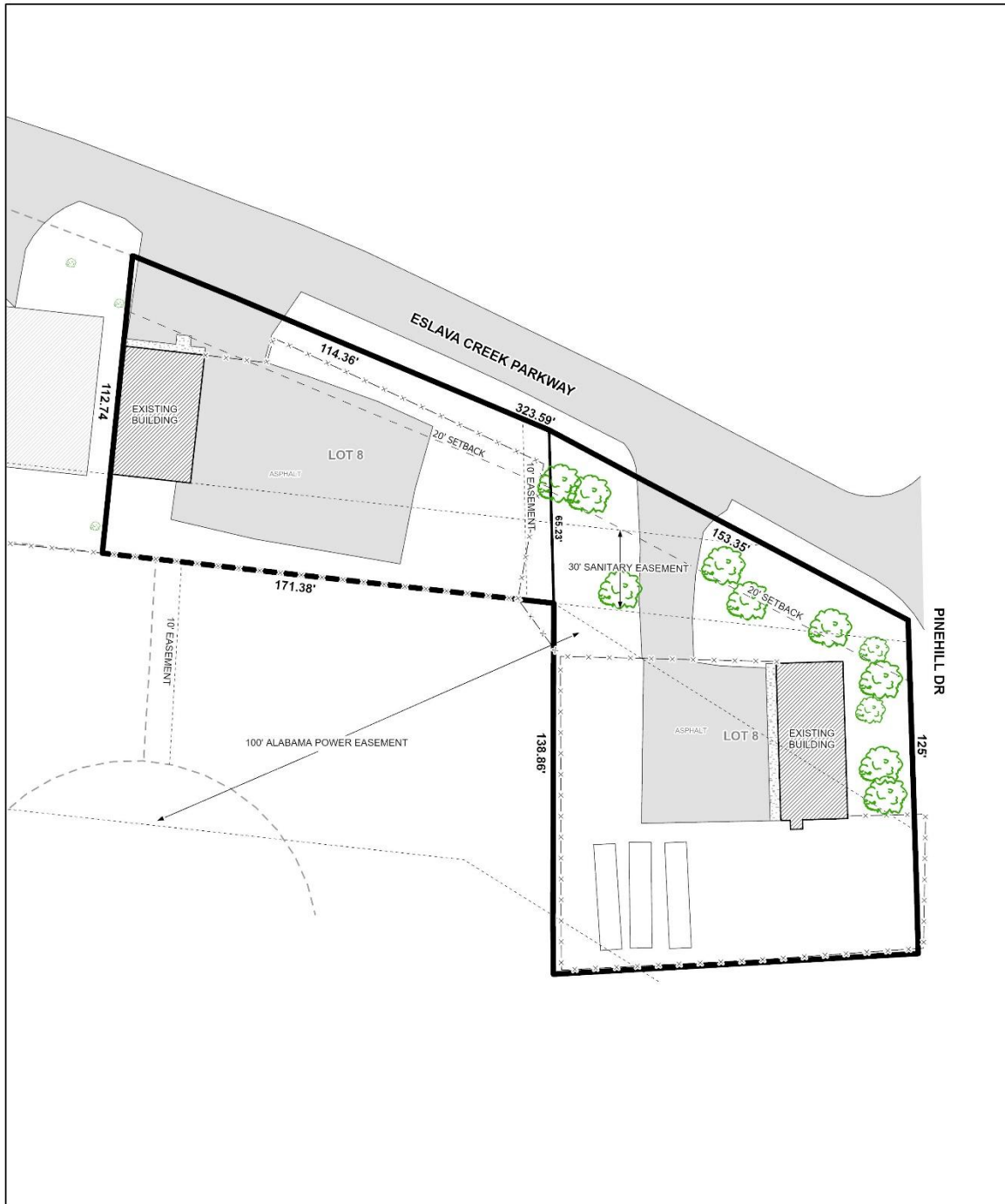
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



## EXISTING SITE PLAN



The site plan illustrates existing building, drives, and fencing.

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ZONING DISTRICT CORRESPONDENCE MATRIX																
			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDW/RU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○			■	■	■	■					□		
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6				■									□		
DOWNTOWN DEV. DDD	T-5.1				■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2				■		■							□		
DOWNTOWN DEV. DDD	T-4				■		■		□					□		
DOWNTOWN DEV. DDD	T-3				■		■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3					■				■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

#### Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



## MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC 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.