



Agenda Item # 7

BOA-003738-2026

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:

SMART Local 441 / George R. Cowles, Agent

Property Owner:

Sheet Metal Workers Local Union 441 Apprentice

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6761/6701

Unified Development Code (UDC) Requirement:

- The UDC does not allow structures within the front 25-foot setback in a B-3, Community Business Suburban District

Board Consideration:

- To allow Front Yard Setback and Parking Variances to allow construction of a new structure less than 25-feet from the front property line reduced parking in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires full compliance with parking requirements in a B-3, Community Business Suburban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>6761</u> DATE <u>June 1, 2026</u>	 NTS
APPLICANT <u>SMART Local 441 (George R. Cowles, Agent)</u>	
REQUEST <u>Front Yard Setback and Parking Variances</u>	

SITE HISTORY

The site was annexed into the City of Mobile in 1945.

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 subject site was granted a Front Yard Setback by the Board of Adjustment on October 6, 2025, to allow the construction of a new structure less than 25-feet from the front property line, with the following conditions:

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

On October 16, 2025, the subject site was granted a Sidewalk Waiver by the Planning Commission to waive the construction of a sidewalk along Eslava Creek Drive.

In March 2026, the site went through the Subdivision process to create one (1) legal lot of record from three (3) legal lots of record as part of the Sheet Metal Works Local Union 441 JATC Subdivision. The final plat for the Subdivision has been recorded in Probate Court.

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

Engineering Comments:

No comments on 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 that 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. The proposed site is located within the AE FEMA Flood Zones. No filling is allowed within the SFHA without providing a “No-Rise” Certification from a licensed Alabama Professional Engineer.

An approval might be needed from the easement holder will be required to allow a detention pond within the sanitary sewer easement.

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 a B-3, Community Business Suburban District.

The site consists of one (1) lot of the Sheet Metal Works Local Union 441 JATC Subdivision. The applicant proposes development of a 4,627-square-foot building with additional parking to serve as an apprentice training facility. As justification, the applicant states that the unique shape of the lot and an existing 30-foot-wide sewer easement along the south side of the subject site limits the buildable area and prevents compliance with the 25-foot front yard setback. The new facility will primarily be used after hours when the office is not in use so those parking spaces will be vacant.

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 setbacks 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.

There are 35 parking spaces shown on the plans submitted. The UDC requires one (1) space per 400 square feet of general office space, and four (4) parking spaces per classroom or office and 1 per 150 square feet of group seating area (auditorium, gymnasium, etc.). As such, the development is required to provide eight (8) spaces for existing office space and 34 spaces for the proposed school, for a total of 42 spaces. Therefore, the site is short a total of seven (7) spaces. Additionally, Section 64-3-7.A.3.(c)(2)c. of the UDC requires one (1) nine-foot (9') by eighteen-foot (18') landscaped island for every twelve (12) contiguous parking spaces. If approved, the site plan should accurately reflect the parking requirements.

It should also be noted that the proposed building, as shown on Lot 1, 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; Page 5 of 12
- 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.

VARIANCE CONSIDERATIONS

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:

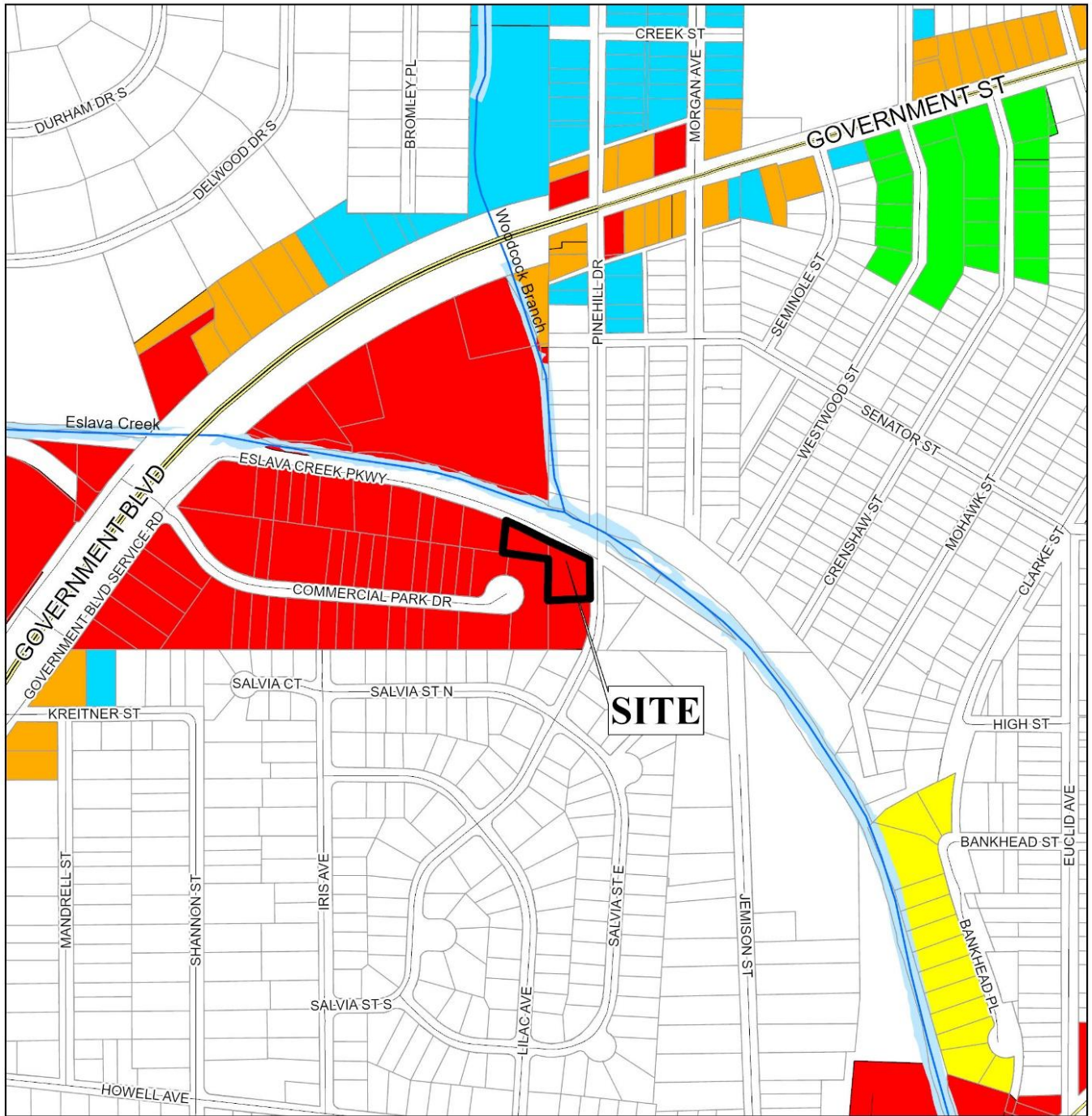
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Compliance with the applicable development provisions of Article 3 of the UDC;
- 2) Revision of the site plan to correctly reflect parking ratios;
- 3) Compliance with all Engineering Comments noted in this staff report;
- 4) Compliance with all Traffic Engineering comments noted in this staff report;
- 5) Compliance with all Urban Forestry comments noted in this staff report;
- 6) Compliance with all Fire Department comments noted in this staff report; and
- 7) Full compliance with all other municipal codes and ordinances.

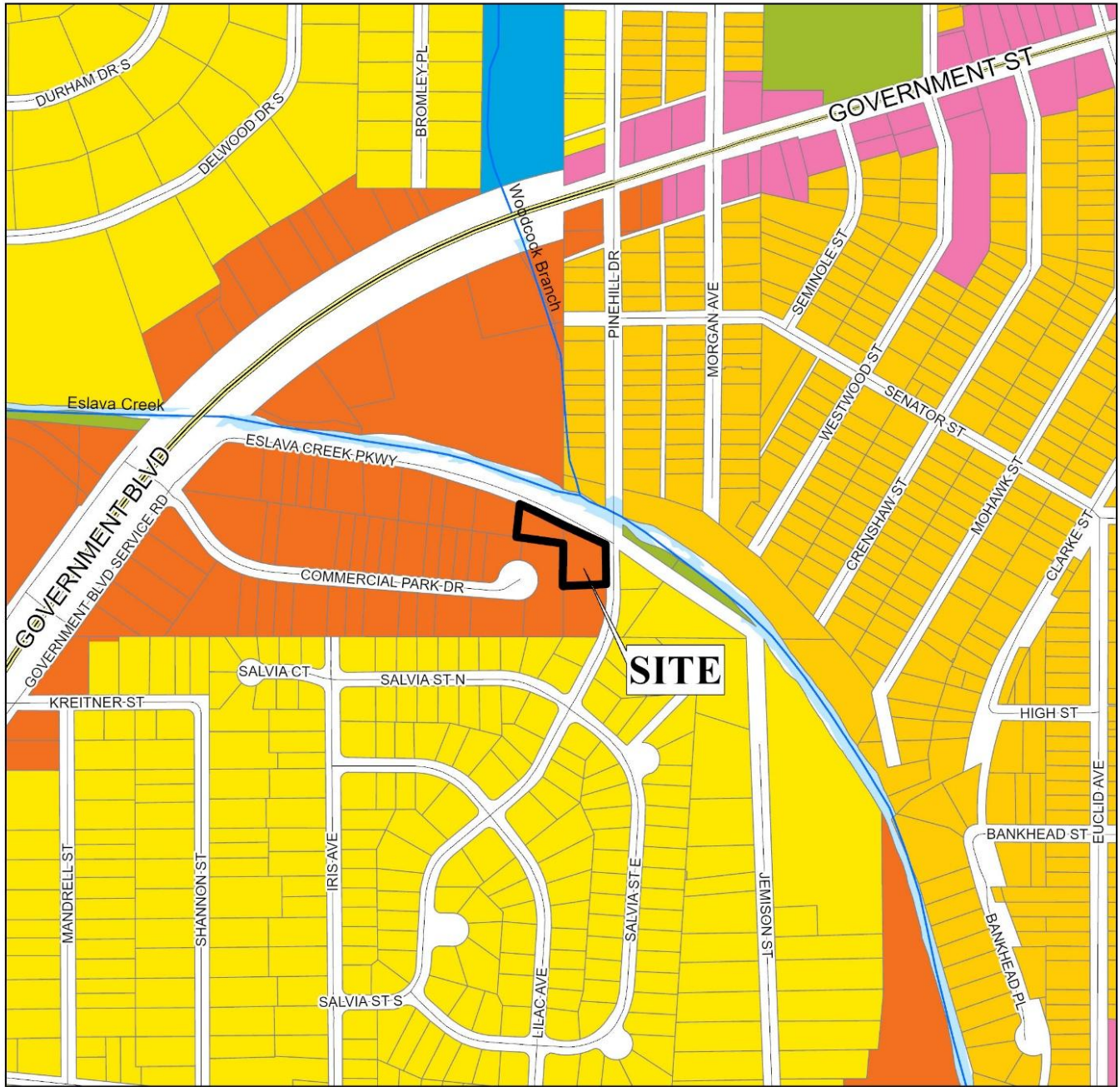
LOCATOR ZONING MAP



APPLICATION NUMBER 6761 DATE June 1, 2026
 APPLICANT SMART Local 441 (George R. Cowles, Agent)
 REQUEST Front Yard Setback and Parking Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6761 DATE June 1, 2026

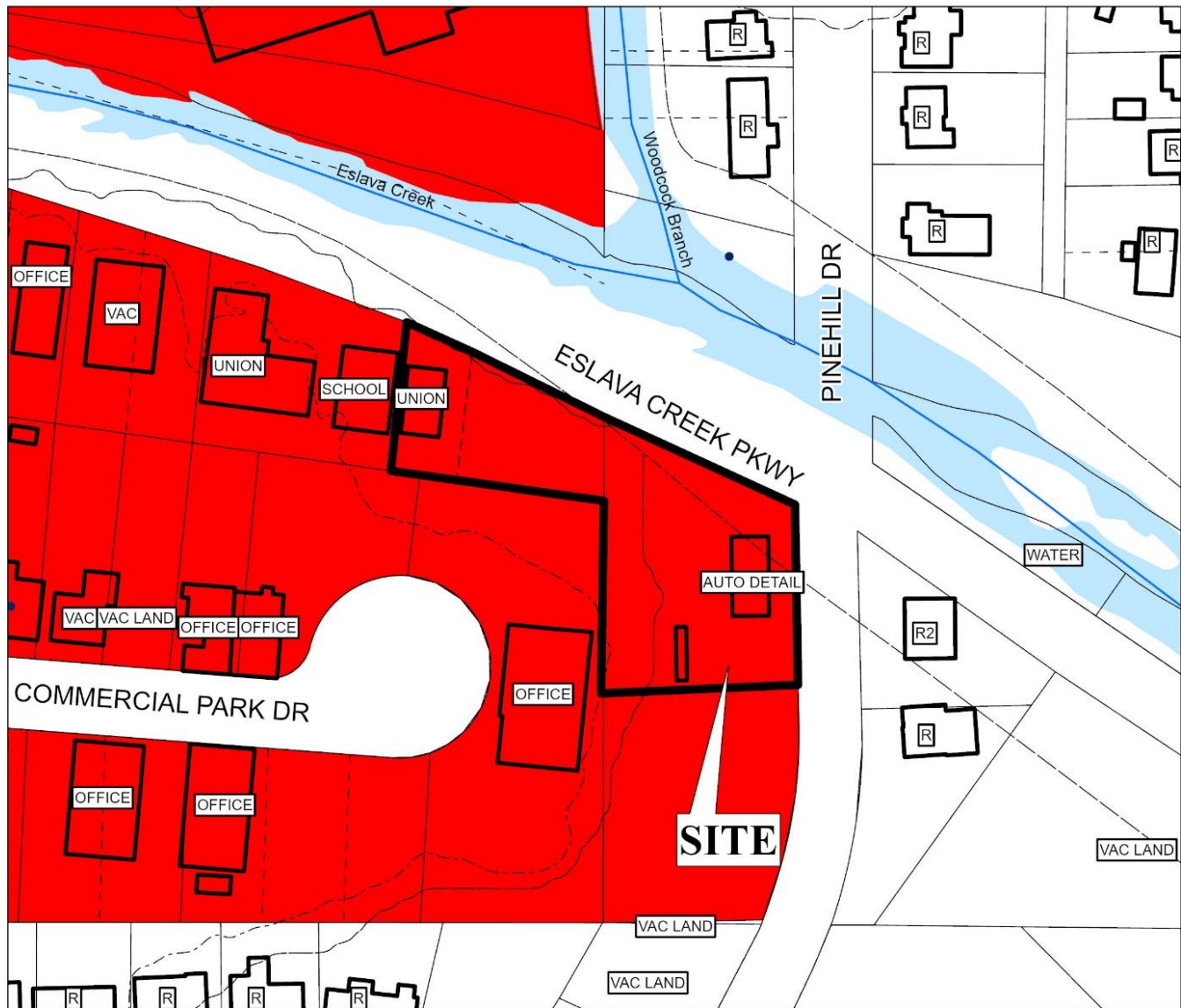
APPLICANT SMART Local 441 (George R. Cowles, Agent)

REQUEST Front Yard Setback and Parking Variances

- | | | | |
|---|--|---|---|
| ■ 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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



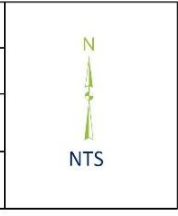
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<table style="width: 100%; font-size: small;"> <tr> <td style="width: 10%;">R-A</td><td style="width: 10%;">R-3</td><td style="width: 10%;">B-1</td><td style="width: 10%;">B-2</td><td style="width: 10%;">B-5</td><td style="width: 10%;">ML</td><td style="width: 10%;">I-2</td><td style="width: 10%;">OPEN</td><td style="width: 10%;">T-3</td><td style="width: 10%;">T-5.2</td></tr> <tr> <td>R-1</td><td>R-B</td><td>T-B</td><td>B-3</td><td>CW</td><td>MH</td><td>PD</td><td>SD</td><td>T-4</td><td>T-6</td></tr> <tr> <td>R-2</td><td>H-B</td><td>LB-2</td><td>B-4</td><td>MM</td><td>I-1</td><td>MUN</td><td>SD-WH</td><td>T-5.1</td><td></td></tr> </table>		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	
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																							

PROPOSED SITE PLAN



APPLICATION NUMBER	6761	DATE	June 1, 2026
APPLICANT	SMART Local 441 (George R. Cowles, Agent)		
REQUEST	Front Yard Setback and Parking Variances		



FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

	RESIDENTIAL - AG (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD 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. DD (SD-WH)	DOWNTOWN DEV. DD (SD)	
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			O								O															O
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■					■																O
DOWNTOWN (DT)					■							■										■	■	■	■	■	■	O	O	
DISTRICT CENTER (DC)								■		U	O	O																		
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	■	■	U	■	■	O	■	O	O	O											■	■	■							
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)			S			S	■	S	S	O											■	■								O
TRADITIONAL CORRIDOR (TC)		■	■	■	■	U	■	U	U	O																				O
MIXED COMMERCIAL CORRIDOR (MCC)						■		■	■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										O	O
HEAVY INDUSTRY (HI)																■	■	■	■										O	O
INSTITUTIONAL LAND USE (INS)										■	■		O	O					O											
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					O									■	■	■		O											

- Zoning district is appropriate to implement the future land use category.
- US Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.
- Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.
- Zoning district 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.

Development Intent

- › 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.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example

