



Agenda Item # 4

BOA-003541-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

408 Adams Street

Applicant / Agent:

Maurin Architecture, P.C., (Robert Maurin, Agent)

Property Owner:

Figures Construction & Development, Inc.

Current Zoning:

T-4 Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number(s):

6718

Unified Development Code Requirement:

- The Unified Development Code (UDC) limits structures to a maximum of three (3) stories tall and prohibits parking lots with more than 20 spaces in a T-4 Sub-district of the Downtown Development District.

Board Consideration:

- Building Height and Parking Variances to allow a new four (4) story mixed-use development structure with 55 parking spaces in a T-4 Sub-district of the Downtown Development District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.
A school lies to the northwest.

APPLICATION NUMBER 6718 DATE December 1, 2025
 APPLICANT Maurin Architecture, P.C., (Robert Maurin, Agent)
 REQUEST Building Height and Parking Variances



SITE HISTORY

The site was previously zoned R-B, Residential Business District prior to the adoption of the Downtown Development District (DDD) in 2014, when the site was rezoned to T-4 Sub-District of the Downtown Development District.

The site was before the Planning Commission at its December 1, 2022 meeting, as part of the three (3) lot De Tonti Pointe Subdivision, which was recorded in Probate Court.

On September 19, 2024, the site was before the Planning Commission as part of the eleven (11) lot La Maison at De Tonti Square Subdivision, which was recorded in Probate Court.

The subject site has not been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, it appears that there are proposed structures to be placed within the public Right of Way. Contact the Engineering Dept. to discuss requesting a Non-Utility Use Agreement with the City, this agreement must be approved prior to the issuance of any Land Disturbance permits.

Traffic Engineering Comments:

A traffic impact study will be required for this proposed site. 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 Appendix A, Section 9.C 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 Building Height and Parking Variances to allow a new four (4) story mixed-use development structure with 55 parking spaces in a T-4 Sub-district of the Downtown Development District; the Unified Development Code (UDC) limits structures to a maximum of three (3) stories tall, and prohibits parking lots with more than 20 spaces in a T-4 Sub-district of the Downtown Development District.

The complete application and supporting documents are available via the link on page 1.

It should be noted that the proposed development appears to cross lot lines. As such, either the lots should be combined into a single lot of record, or an ingress/egress easement should be recorded in Probate Court to legitimize the cross access.

In July 2025, the site submitted an application for review to the Consolidated Review Committee (CRC). Upon the completion of the review, the applicant was advised of the need for several items to be either redesigned, or would require a variance. The applicant has not submitted revised plans to the CRC for review, but has been in communication with Planning & Zoning staff. Based on those discussions, the applicant has decided to request the building height and parking variances. If approved, the applicant should submit a revised site plan to the CRC for review prior to the issuance of permits.

The applicant is proposing a mixed-use development with commercial uses on the first floor, and residential uses on the second, third, and fourth floors. The applicant does not state how many residential units are proposed, but is requesting to be allowed to have a parking lot with 55 spaces to serve the proposed development.

It should be noted that the site is located in the DeTonti Square Historic District, and has been granted a Certificate of Appropriateness for the development, as proposed.

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 and documentation submitted, 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 variance should be subject to the following conditions:

- 1) Either submit a one (1) lot Subdivision application, or record an ingress/egress easement in Probate Court to legitimize the cross access;
- 2) Submittal of a revised site plan to the CRC for review prior to the issuance of permits;
- 3) Obtain all required land disturbance, building, and sign permits; and
- 4) Full compliance with all municipal codes and ordinances.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

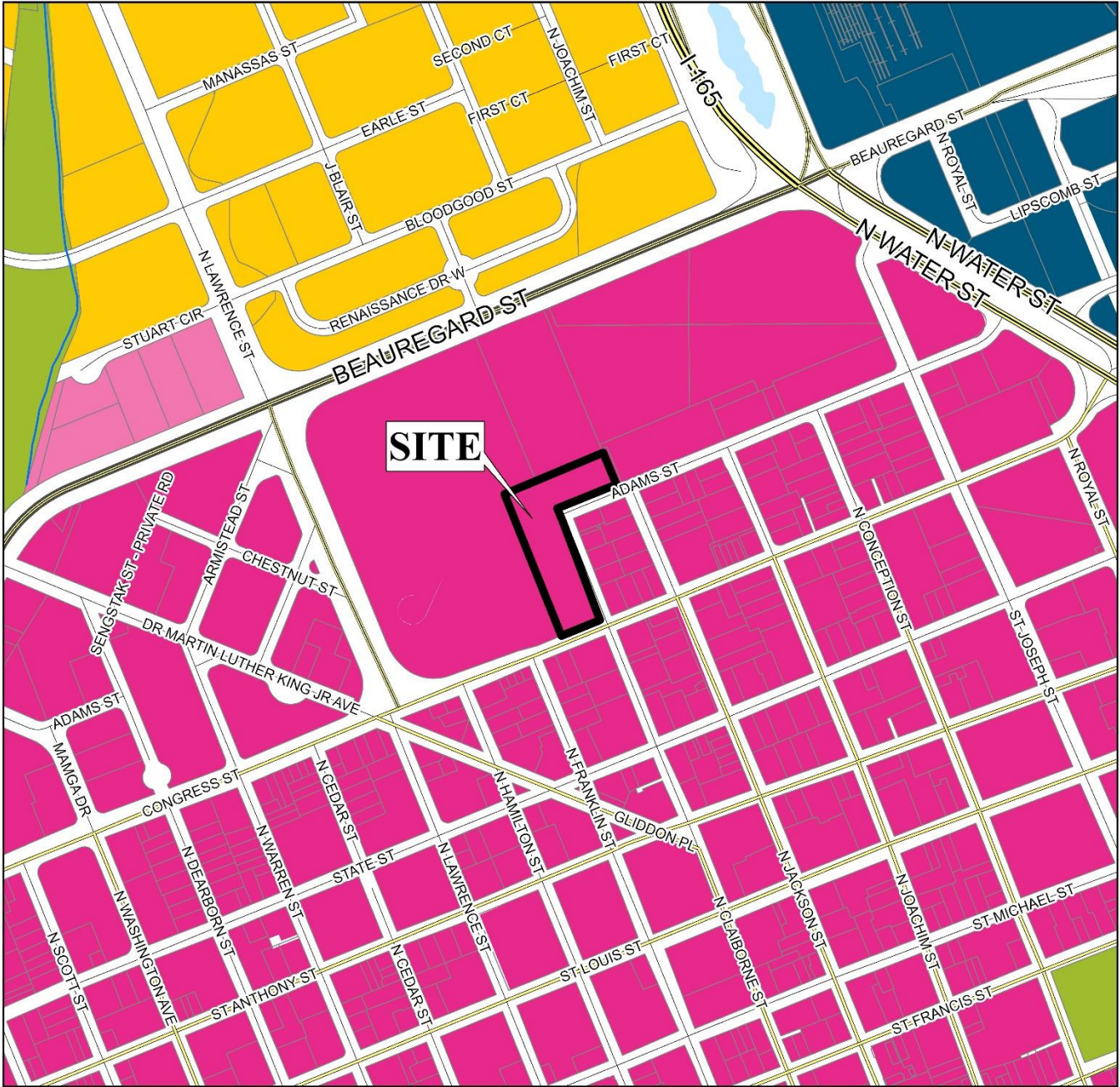


The site is surrounded by residential and commercial units.
A school lies to the northwest.

APPLICATION NUMBER	6718	DATE	December 1, 2025
APPLICANT	Maurin Architecture, P.C., (Robert Maurin, Agent)		
REQUEST	Building Height and Parking Variances		



FLUM LOCATOR MAP



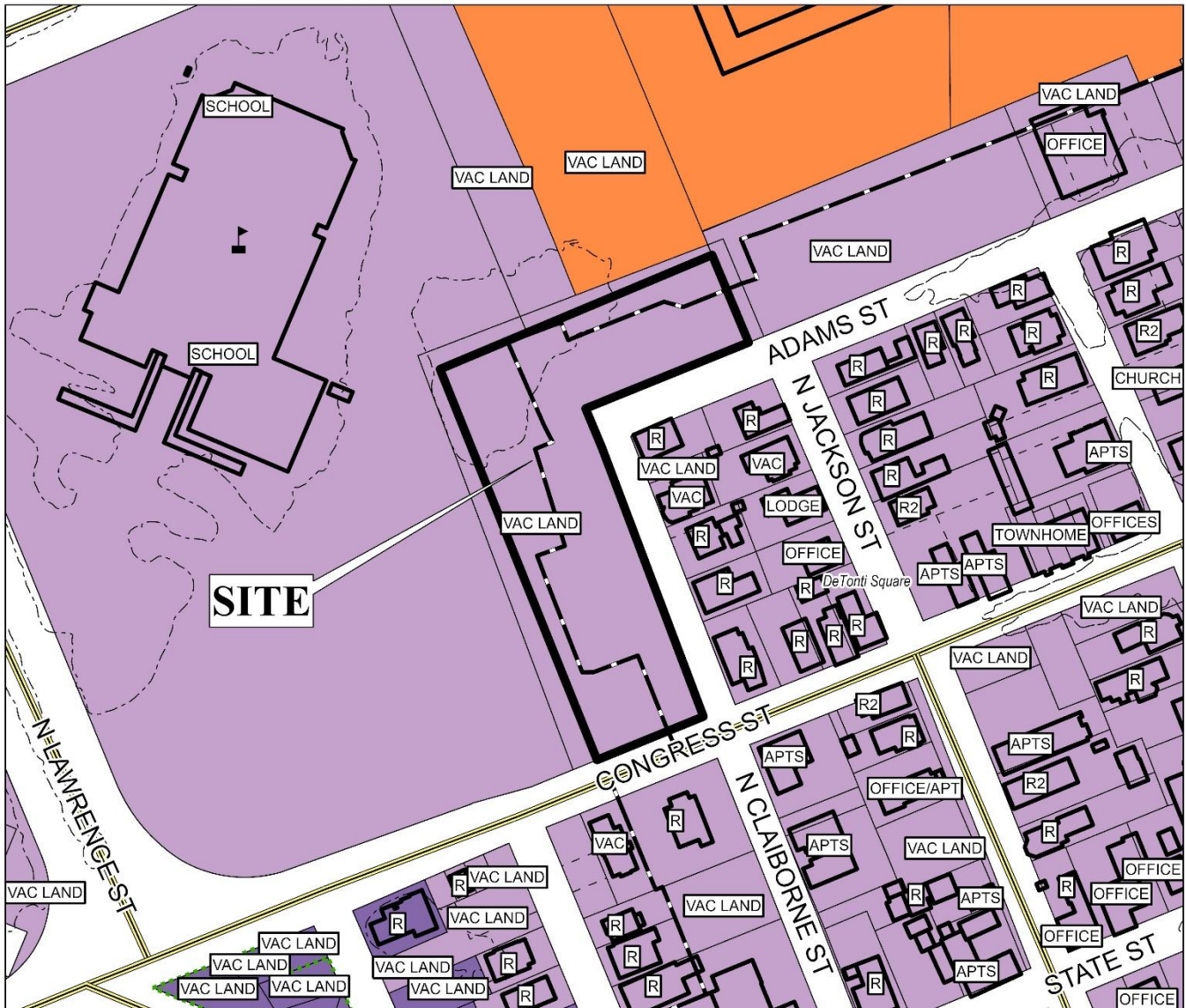
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- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| Low Density Residential | Neighborhood Center - Traditional | Light Industry | Water Dependent |
| Mixed Density Residential | Neighborhood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



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



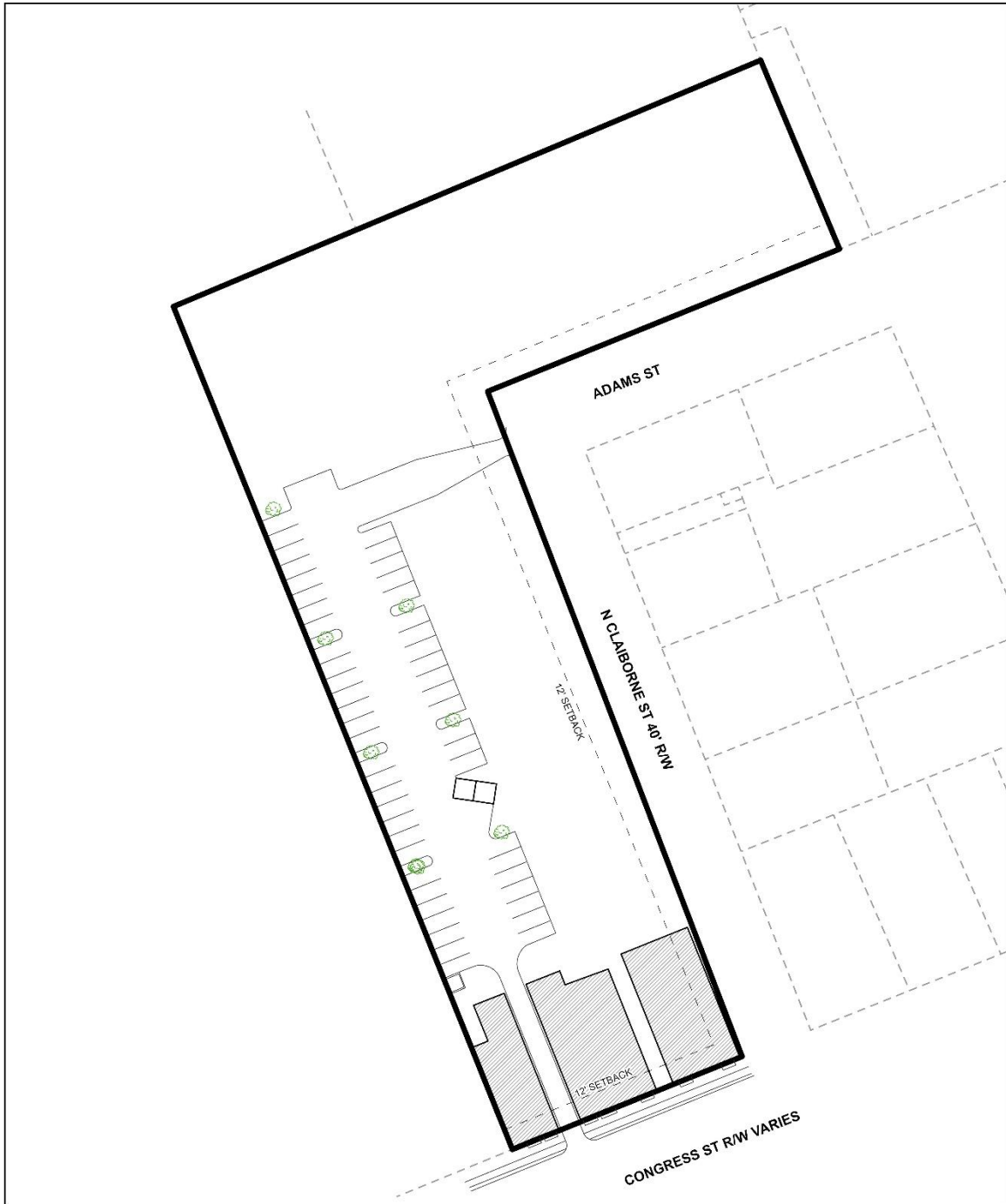
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



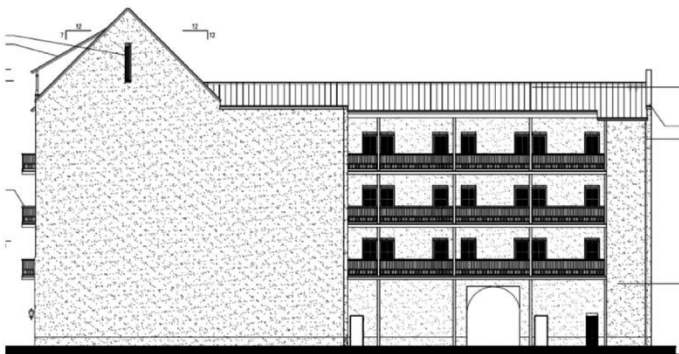
SITE PLAN



The site plan illustrates parking, setbacks, and proposed buildings.

APPLICATION NUMBER	6718	DATE	December 1, 2025	 NTS
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DETAIL SITE PLAN



North Elevation



Chighizola House, 6 S. Franklin Street

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DETAIL SITE PLAN



South Elevation



East Elevation

APPLICATION NUMBER <u>6718</u> DATE <u>December 1, 2025</u>
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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).

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.

Zoning correspondence matrix

[illegible]

DOWNTOWN (DT)

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric. As a land use district, Downtown is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes. As the City's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 du/ac); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, active Downtown Mobile.

Development Intent

- Support new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable and safe public spaces, bicycle and pedestrian-friendly streets and allow for convenient access to jobs, housing, and entertainment.
- Support infill development that provides better utilization of land, reduces surface parking, and is compatible with its surroundings.
- Building siting, form, and scale will vary by context within Downtown as defined in the zoning.
- Protect and enhance the historic and cultural heritage of the City.

Land use mix

Primary Uses

- Commercial
- Office
- Civic
- Residential, Multifamily

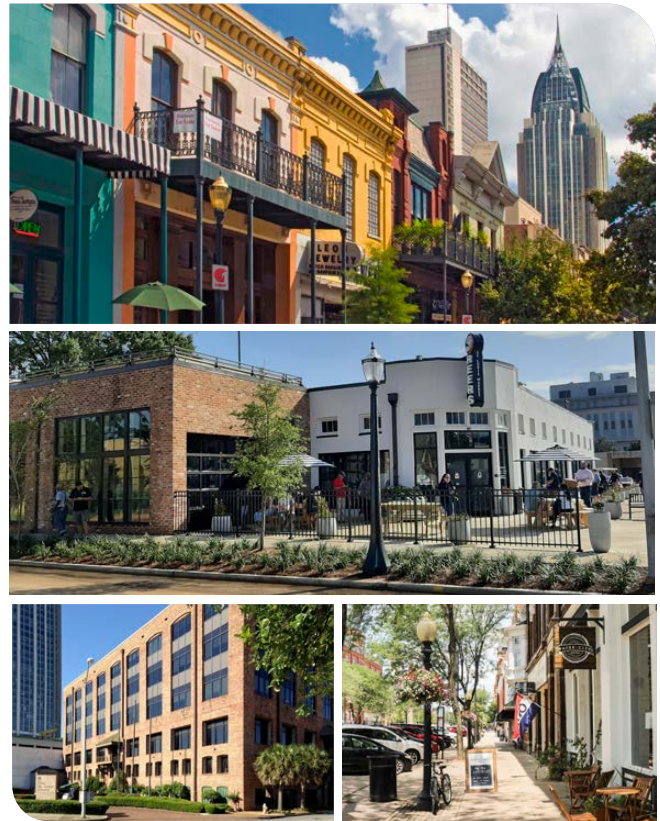
Secondary Uses

- Residential, Attached
- Residential, Single Family
- Parks

Housing mix

- Residential units above ground-floor retail
- Multifamily buildings
- Attached residential such as duplexes, multiplexes, and townhomes
- Single family homes

Character Example



Downtown includes a wide range of building types including high-rise offices, one and two-story mixed use buildings, various civic buildings, and historic single family homes. Detailed expectations for future development vary throughout Downtown and are contained in the Downtown Development District code.

Rendering: Dover Kohl