



Agenda Item # 7

BOA-003601-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:
404 Adams Street

Applicant / Agent:
Rashawn Figures

Property Owner:
Rashawn Figures

Current Zoning:
T-4 Sub-District of the Downtown Development District

Future Land Use:
Downtown

Case Numbers:
6727

Unified Development Code (UDC) Requirement:

- The UDC requires new structures to have a minimum of 20% transparency measured on each floor in a T-4 Sub-District of the Downtown Development District.

Board Consideration:

- Transparency Variance to allow reduced transparency for a new duplex 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 units.

APPLICATION NUMBER	6727	DATE	February 2, 2026	 NTS
APPLICANT	Rashawn Figures			
REQUEST	Transparency Variance			

SITE HISTORY

The subject site was annexed into the City in 1814.

In May 1953, the site was approved by the Board of Zoning Adjustment for a Setback Variance to allow the construction of three (3) apartments.

With the adoption of the Zoning Ordinance in 1967, the site was assigned an R-B, Residential Business District zoning classification.

In January 2014, the site was rezoned from R-B to T-4 Sub-District of the Downtown Development District, with the adoption of the Form-Based Code.

The site was made a legal lot of record (Lot 3) by the approval of De Tonti Pointe Subdivision, a three (3)-lot subdivision approved by the Planning Commission in November 2022, and recorded in 2023.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments.

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 Transparency Variance to allow reduced transparency for a new duplex in a T-4 Sub-District of the Downtown Development District; the UDC requires new structures to have a minimum of 20% transparency measured on each floor in a T-4 Sub-District of the Downtown Development District.

The entire application packet is available via the link on Page 1.

The proposed development was presented to the Consolidated Review Committee (CRC) in November 2025, where the applicant was advised that the building façade design did not comply with the transparency requirements of a building façade along a public frontage, and the design should either be revised or a variance obtained, hence the application at hand.

For sites within the Downtown Development District (DDD), Chapter 64, Appendix A, Section 10.B.7. of the Unified Development Code states that all building facades along public frontages shall have a minimum of 20% transparency measured on each floor. The Consolidated Review Committee (CRC) determined the 1st floor has approximately 12.8% transparency, and the 2nd floor has approximately 12.1% transparency.

The applicant states the following as justification for the request:

The proposed design meets the UDC in all requirements except for the Façade transparency requirement. The DDD per CRC review requires 20% transparency on the front façade of the building for each floor. As designed and approved by the ARB the transparency for the first floor is 47 sf (door glazing and windows) / 309sf (façade area of 1st floor) = 15% transparency. Second floor 42 sf (door glazing and windows) / 278 sf (façade area of 2nd floor excluding roof gable) = 15% transparency. In exploring increasing the number of windows on the front façade, it was determined that the amount of windows needed to meet the 20% threshold would essentially take up the entire porch area creating an undesirable design and openness for a residential unit. Nor would the design meet historic proportions for residential construction. Transparency levels in that amount are more conducive to commercial developments. Transoms over the doors and windows were explored, but they could not get large enough within the wall area to meet the criteria (height of transoms are limited by the internal ceiling heights of the units).

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 al 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:

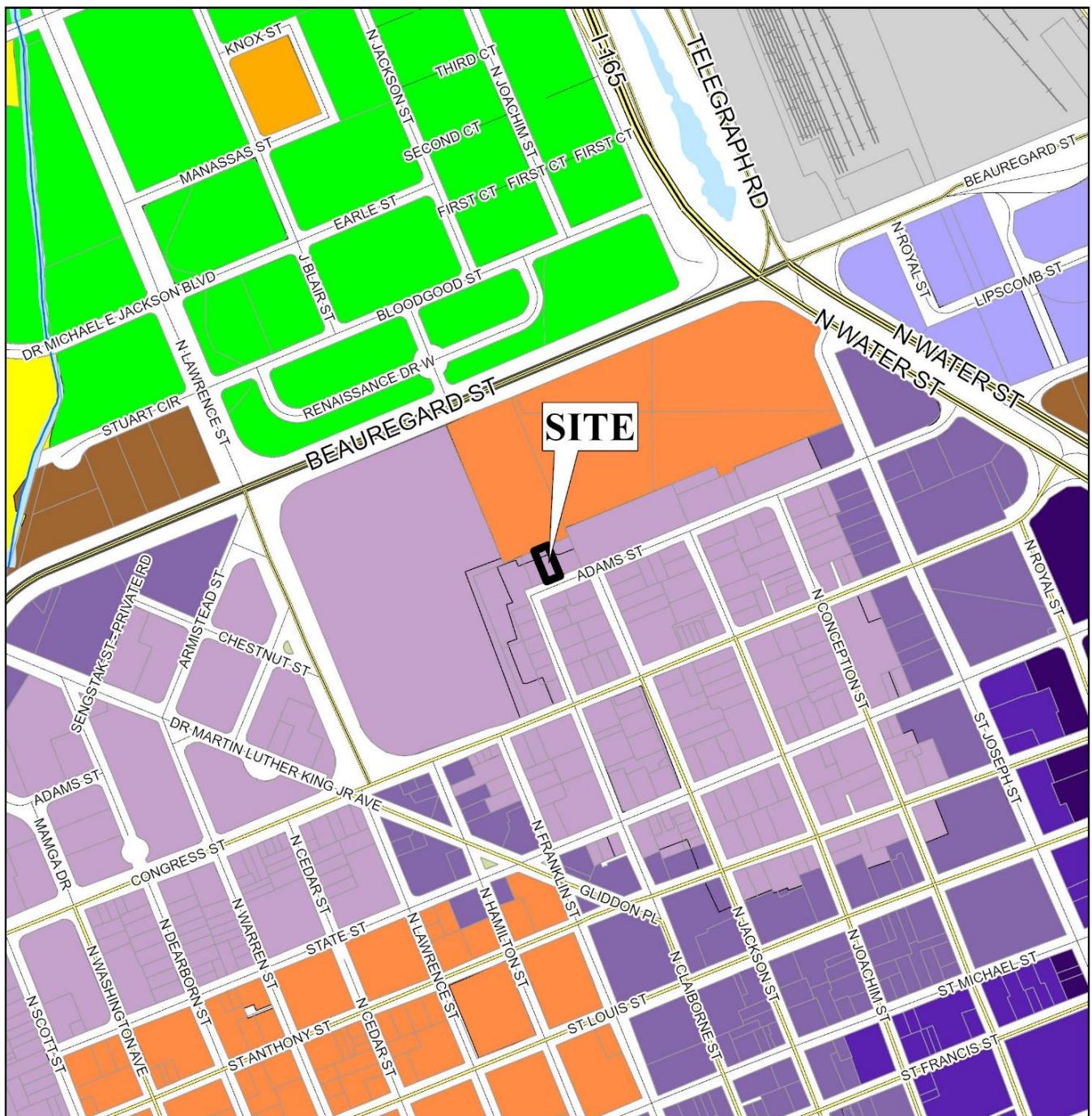
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

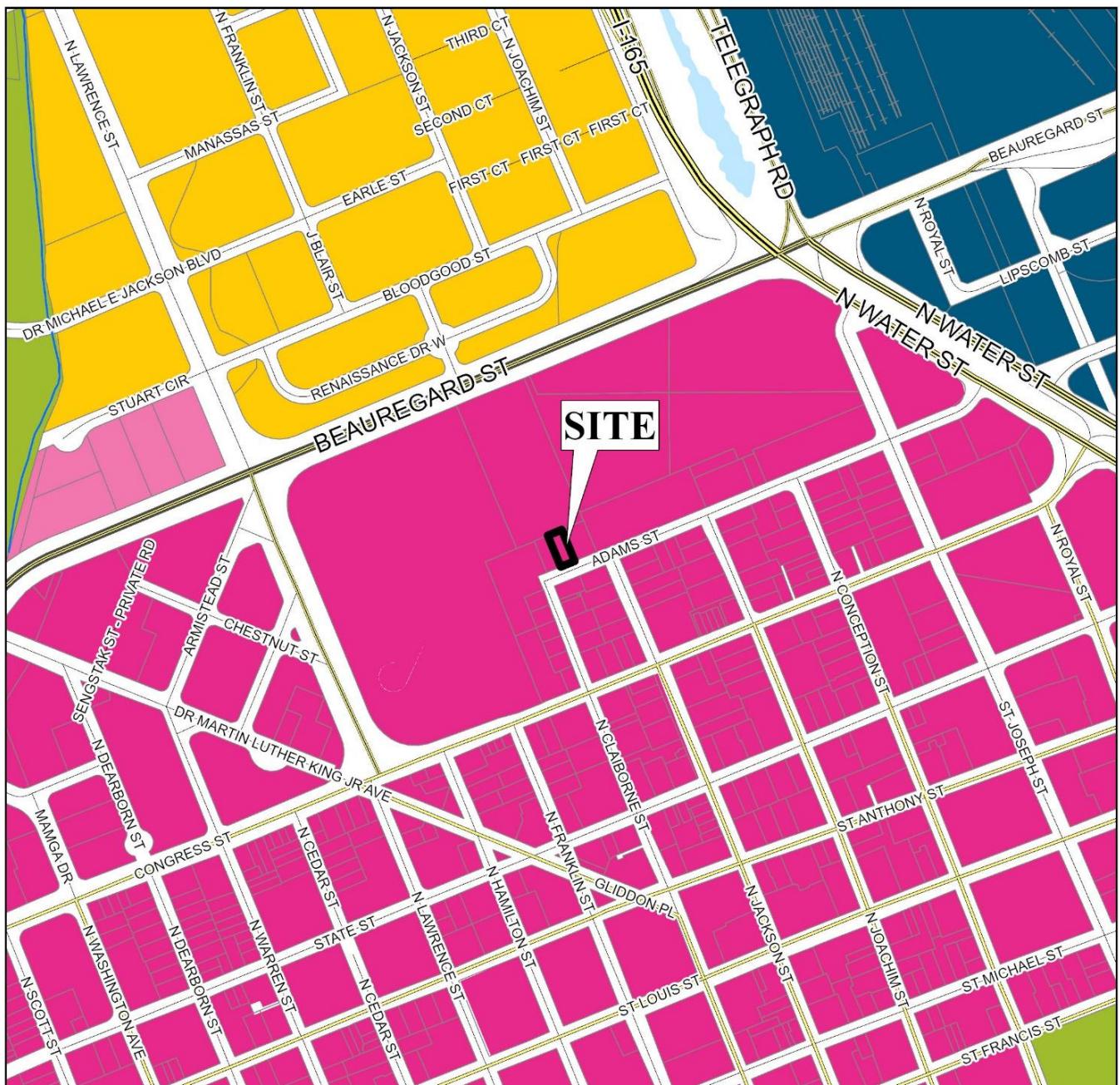
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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APPLICANT Rashawn Figures

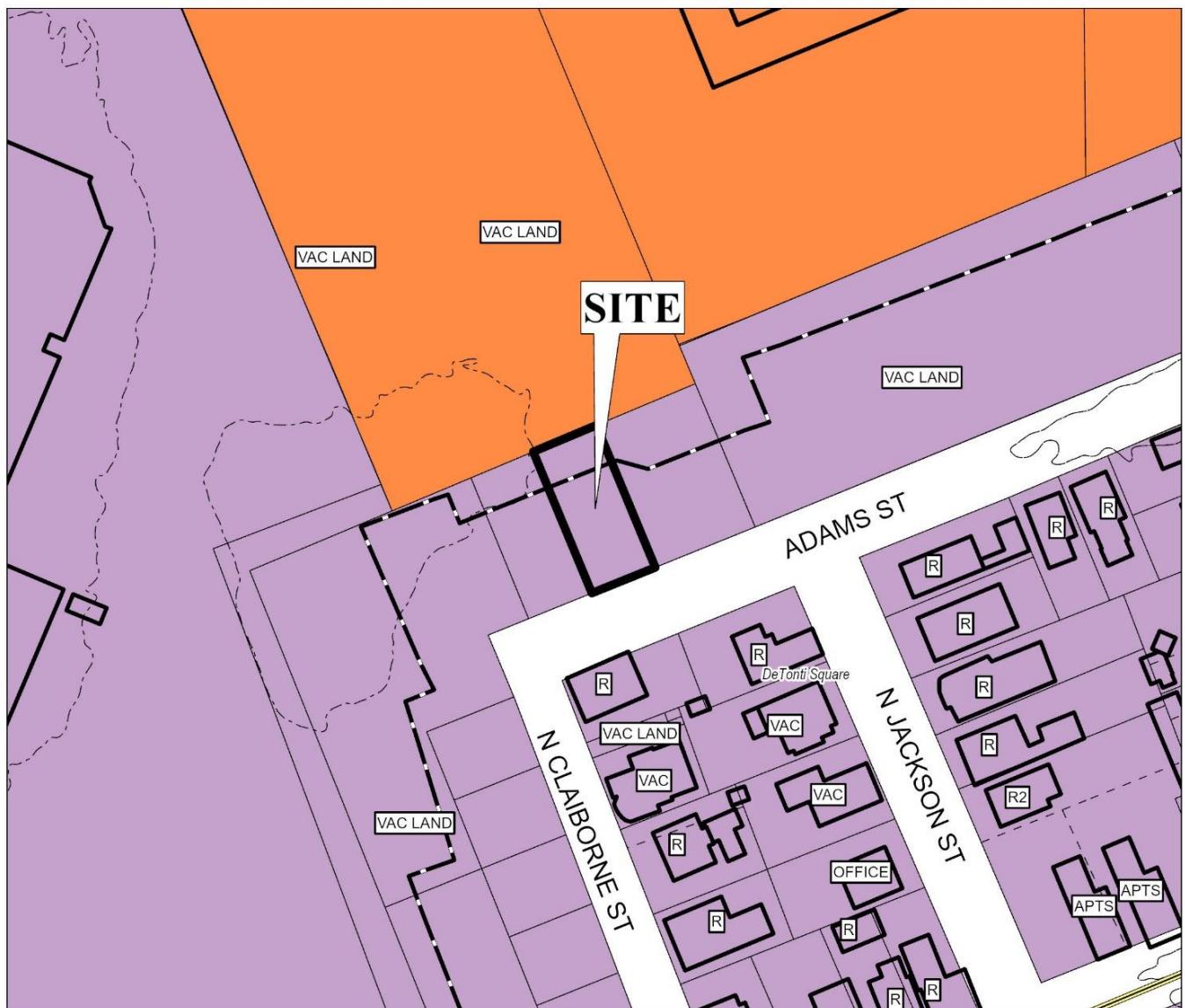
REQUEST Transparency Variance

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



BOARD OF ADJUSTMENT

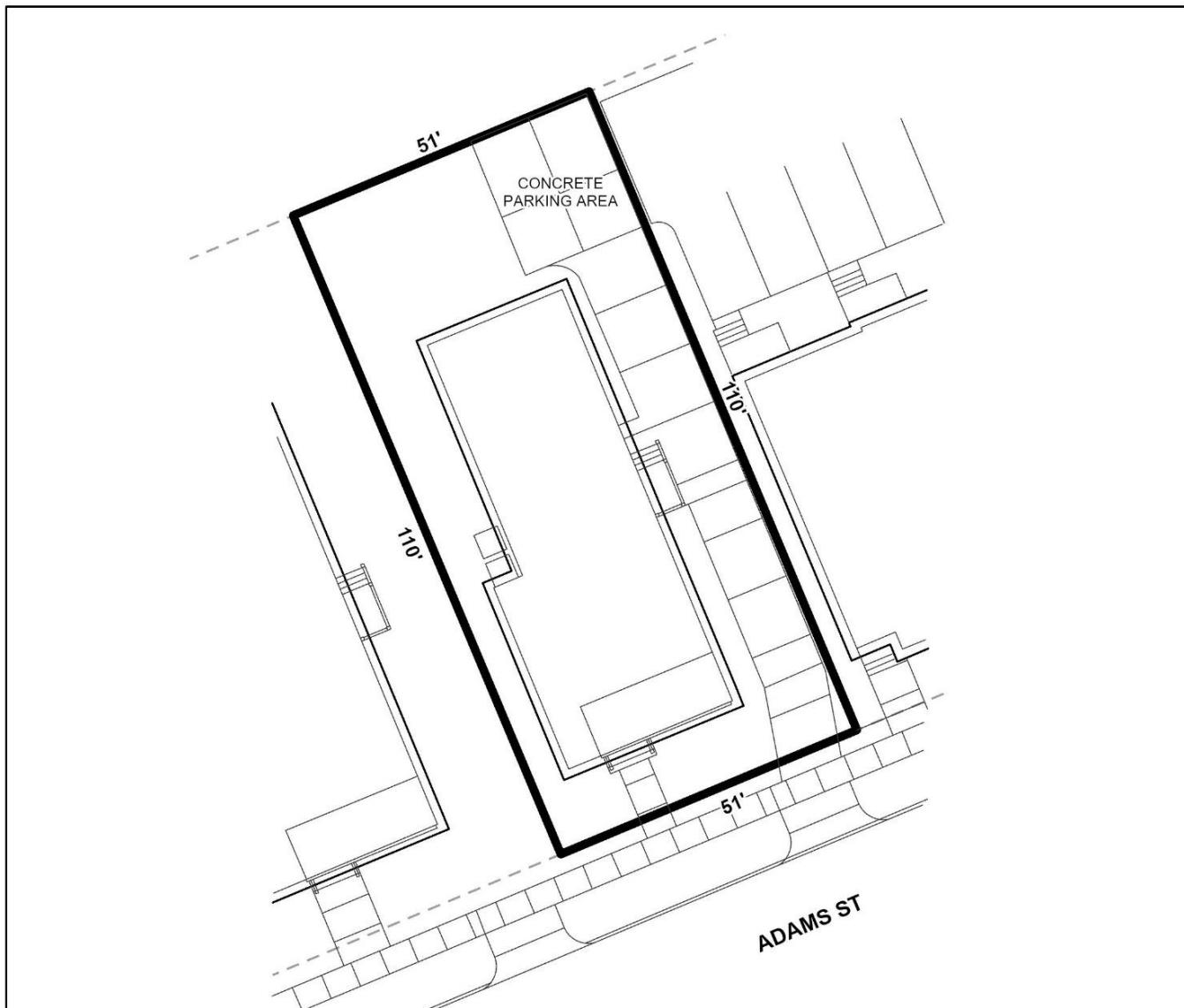
VICINITY MAP - EXISTING ZONING



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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">R-A</td> <td style="width: 25%;">R-3</td> <td style="width: 25%;">B-1</td> <td style="width: 25%;">B-2</td> <td style="width: 25%;">B-5</td> <td style="width: 25%;">ML</td> <td style="width: 25%;">I-2</td> <td style="width: 25%;">OPEN</td> <td style="width: 25%;">T-3</td> <td style="width: 25%;">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
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SITE PLAN



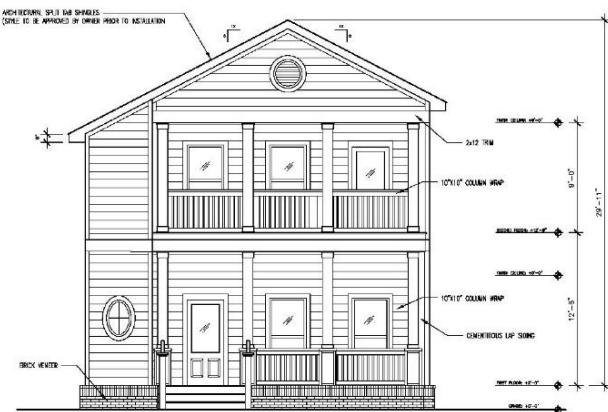
The site plan illustrates the proposed building placements.

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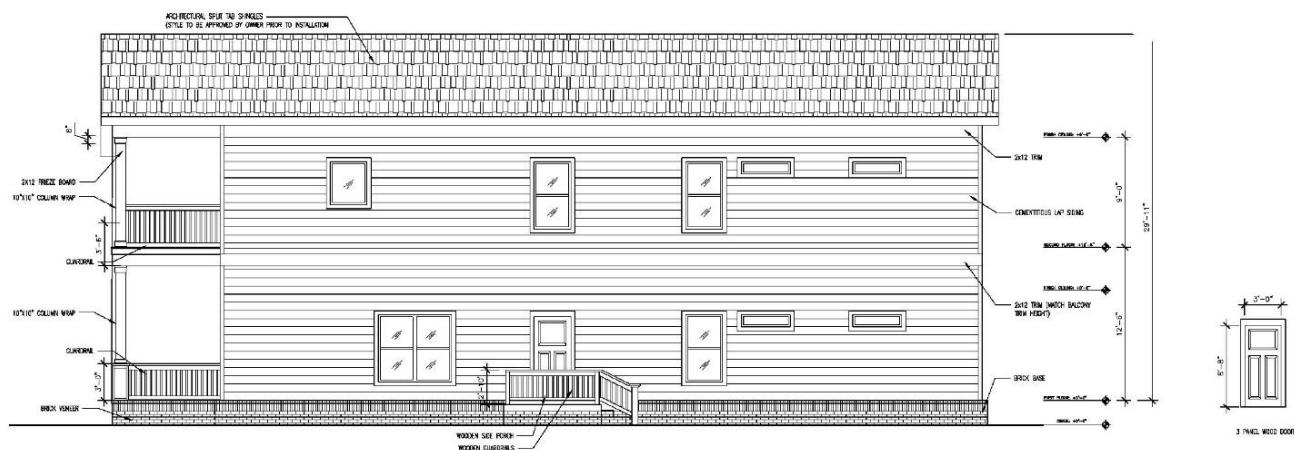


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DETAIL SITE PLAN



SOUTH ELEVATION

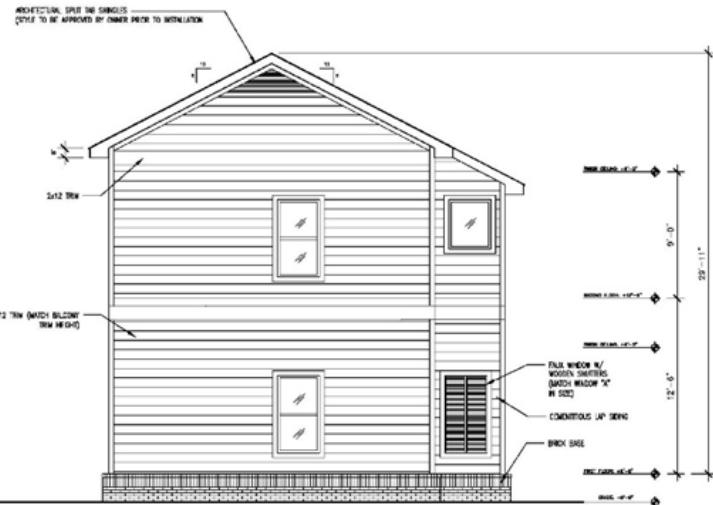


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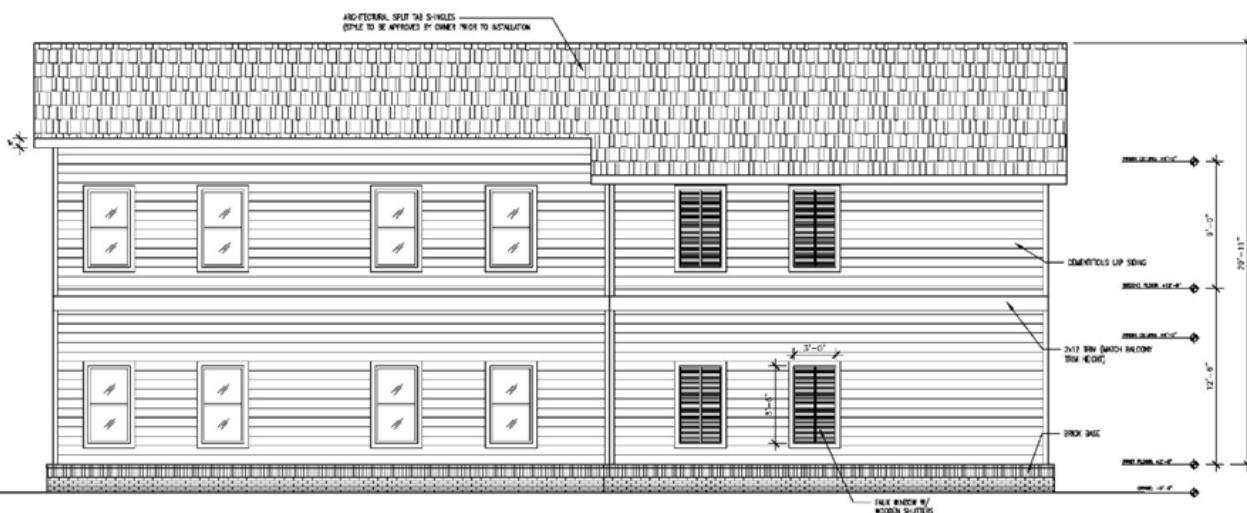
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DETAIL SITE PLAN



NORTH ELEVATION



WEST ELEVATION

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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.

<divZoning correspondence matrix

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