

APPLICATION NUMBER

5159

A REQUEST FOR

**AN ADMINISTRATIVE APPEAL TO DETERMINE THE
DECISION OF THE LAND USE STAFF CONCERNING AN
INTERPRETATION OF THE SIGN REGULATIONS**

APPLICANT

ROBERT M. TARABELLA

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2003

The applicant contends that the business does not violate any provisions of the Sign Regulations. As illustrated in the attached photos, the applicant's business consists of a truck that has four signs, and each sign consists of three panels, which change or flip; thus each sign face has up to three signs. According to the application, Admobile Outdoor Media, Inc. is a for-profit business, which consists of vehicle(s) that transport advertisements through the City of Mobile. The vehicle "is not stationary and the advertisements change as the vehicle moves."

The truck was seen in the City late last year, and a zoning inspector sent notice to applicant that the truck violated the City's Sign Regulations. The applicant subsequently filed a sign variance application, as well as an injunction in Circuit Court requesting that the business be allowed to continue operation within the city limits. Circuit Court denied the injunction because the applicant did not have a franchise agreement with City of Mobile to use the City's rights-of-ways for the purpose of conducting business.

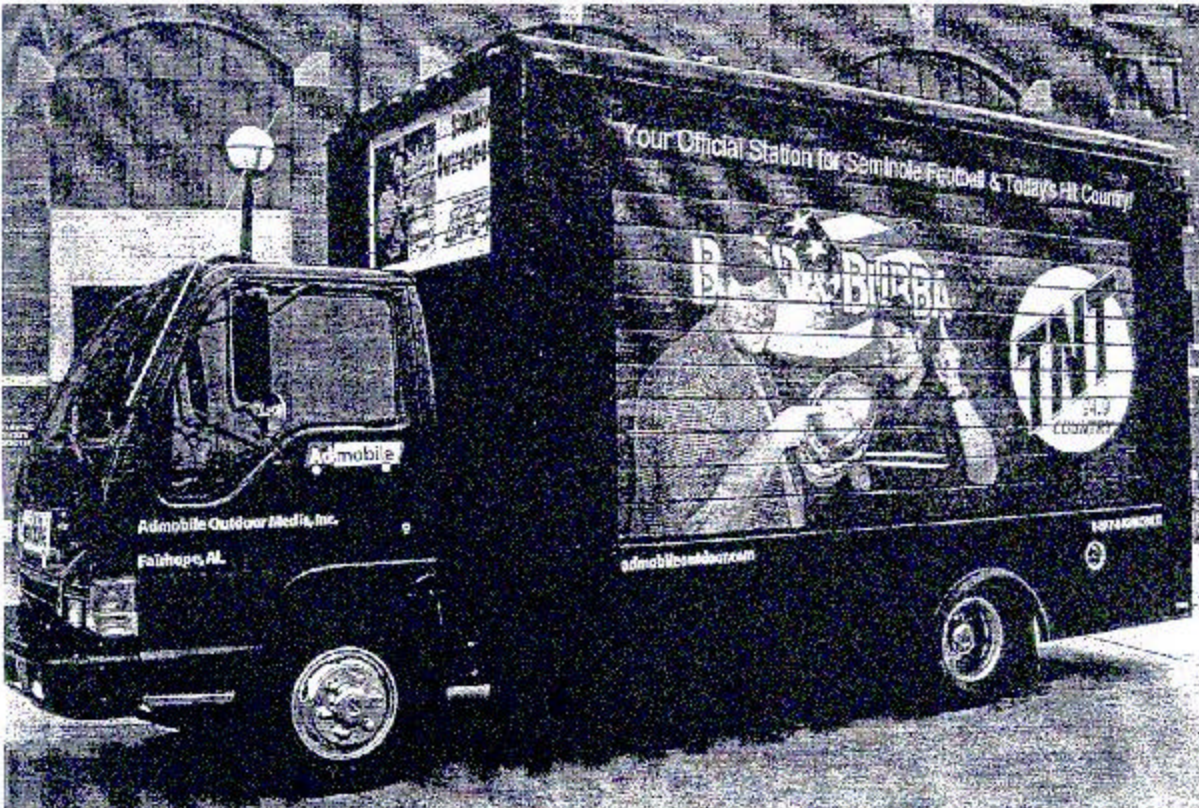
As stated above, the application was submitted as a sign variance; however, as the application cannot be attached to a specific piece of property, and as the application states that "the undersigned attorney [D. Robert Stankoski, Jr.] has reviewed the existing City of Mobile Sign Ordinance and has determined Admobile Outdoor Media, Inc has violated none of the provision contained therein" the application was processed as an Administrative Review because the staff has determined that the truck violates the City's Sign Regulations. The application also states that by filing the request, the "applicant does not admit his business operation is in violation of the existing Sign Ordinance of the City of Mobile."

The Sign Regulations prohibit signs "that are not securely fixed on a substantial structure;" a truck is not a structure. Additionally, the truck essentially serves as a billboard on wheels, and billboards are addressed in the Zoning Ordinance as off-premise advertising which is defined as "any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event or location that is not located on the premises upon which the sign is located". The off-premise section of the Ordinance only allows new billboards, if the new billboard replaces an existing billboard (subject to size and spacing requirements). This truck does not replace an existing billboard. Based upon these two elements of the Zoning Ordinance, the truck is considered a violation of the Zoning Ordinance.

RECOMMENDATION 5159**Date: February 3, 2003**

Based upon the preceding, it is recommended that the Board consider all factors, including any additional information provided at the meeting, in rendering a decision.

PHOTO DETAIL OF VEHICLE



APPLICATION NUMBER 5159 DATE February 3, 2003

APPLICANT Robert M. Tarabella

USE/REQUEST Administrative Appeal

N
1

PHOTO DETAIL OF VEHICLE



APPLICATION NUMBER 5159 DATE February 3, 2003

APPLICANT Robert M. Tarabella

USE/REQUEST Administrative Appeal



PHOTO DETAIL OF VEHICLE



APPLICATION NUMBER 5159 DATE February 3, 2003

APPLICANT Robert M. Tarabella

USE/REQUEST Administrative Appeal



