

CITY OF GROSSE POINTE WOODS, MICHIGAN
20025 Mack Plaza Dr.
Planning Commission Meeting Agenda
December 14, 2010
7:30 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ACCEPTANCE OF AGENDA**
5. **RECOGNITION OF COUNCIL REPRESENTATIVE/S**
6. **APPROVAL OF MINUTES:**
 Planning Commission – 11/24/10
7. **BUILDING OFFICIAL'S LETTER REGARDING NEON SIGNS – 11/18/10**
8. **CONTINUED NEON SIGN APPEAL: BANK'S POINTE VACUUM, 20187 MACK AVENUE:**
 - A. PC Excerpt – 11/23/10
 - B. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - C. Letter – Rec'd 10/26/10 (Bank's)
 - D. Photos (2)
 - E. Memo – 11/17/10 (Building Official Tutag)
9. **CONTINUED NEON SIGN APPEAL: SAMIRA'S FAMILY FASHION, 21027 MACK AVENUE:**
 - A. PC Excerpt – 11/23/10
 - B. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - C. Letter – 11/01/10 (Fayed)
 - D. Photo
 - E. Memo – 11/17/10 (Building Official Tutag)
10. **CONTINUED NEON SIGN APPEAL: DAVID C. SECORD, D.D.S., M.S., 20259 MACK AVENUE:**
 - A. PC Excerpt – 11/23/10
 - B. GPW Bldg Dept Letter – 10/22/10 (Tutag)
 - C. Letter w/att. – 11/09/10 (Secord)
 - D. Photo
 - E. Memo – 11/17/10 (Building Official Tutag)
11. **CONTINUED NEON SIGN APPEAL: MERIT WOODS PHARMACY, 19325 MACK AVENUE:**
 - A. PC Excerpt – 11/23/10
 - B. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - C. Letter – 11/01/10 (Wilson)
 - D. Letter – 11/10/10 (Wilson)
 - Exhibit 1 – GPW Letter w/attachment – 09/21/10
 - Exhibit 2 – GPW Code Enforcement Notice – 10/28/10
 - Exhibit 3 – GPW Resolution
 - Exhibit 4 – GP News Article
 - Exhibit 5 – GPW Mack Avenue Enrichment Award

Exhibit 6 – Photo
Exhibit 7 – Photo
Exhibit 8 – Photo
Exhibit 9 – Photo
Exhibit 10 – Photo

E. Memo – 11/17/10 (Building Official Tutag)

12. NEON SIGN APPEAL: LITTLE TONY'S, 20513 MACK AVENUE:

- A. GPW Building Dept Letter – 10/11/10 (Tutag)
- B. Letter – Rec'd 11/16/10 (Alfonsi)
- C. Photos (4)
- D. Memo – 12/08/10 (Building Official Tutag)

13. NEON SIGN APPEAL: FRIENDS HAIR & NAILS SALON, 19877 MACK AVENUE:

- A. GPW Building Dept Letter – 09/21/10 (Tutag)
- B. Letter – 11/11/10 (A. Bernard)
- C. Photo – Rec'd 12/07/10
- D. Memo – 12/07/12 (Building Official Tutag)

14. PLANNING COMMISSION ATTENDANCE – 2011 MONTHLY COUNCIL MEETING SCHEDULE:

Memo – 12/06/08 Building Official (Tutag)

15. BUILDING OFFICIAL'S MONTHLY REPORT:

Building Department Report – November 2010

16. COUNCIL REPORT:

December - Vitale

17. INFORMATION ONLY - COUNCIL REPRESENTATIVE FOR NEXT MEETING:

January - Dickinson

18. NEW BUSINESS:

Sub-Committee Reports:

2020 Plan (Hamborsky/Vitale/Fuller/Gilezan)

Business & Development (Evola/Nederhood/Richardson/Vaughn)

19. ADJOURNMENT

Submitted by: Gene Tutag, Building Official

313-343-2426

**IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT) POSTED
AND COPIES GIVEN TO NEWSPAPERS**

Notice: The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to said meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or calling the A.D.A. Coordinator or the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2445; or Telecommunications Device for the Deaf (TDD) (313) 343-9249.

NOTE TO PETITIONERS:

**Please make every effort to be present at the meeting so that public officials
may get the benefit of your input on the matter before them.**

PLANNING COMMISSION
11/23/10- 048

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS
HELD ON TUESDAY, NOVEMBER 23, 2010, IN THE COUNCIL-COURT ROOM OF THE
MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:32 p.m. by Chair Fuller.

Roll Call: Chair Fuller
Dickinson, Evola, Gilezan, Hamborsky (7:36), Richardson, Vaughn, Vitale

Absent: Nederhood

Also Present: Building Official Tutag
City Attorney C. Berschback
Recording Secretary St. Peter

Attendance: Council Member Boddy, PC Representative
Council Member Bryant
Council Member Granger
Council Member Howle
Council Member Sucher

Motion by Gilezan, seconded by Vaughn, that Commission Member Nederhood be excused from tonight's meeting.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale
NO: None
ABSENT: Nederhood

Motion by Evola, seconded by Vaughn, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale
NO: None
ABSENT: Nederhood

Chair Fuller welcomed Council Member Boddy, as Planning Commission Representative, and Council Members Bryant, Granger, Howle, and Sucher for being in attendance at tonight's meeting.

PLANNING COMMISSION

11/23/10– 049

Motion by Evola, seconded by Vitale, regarding **Approval of Minutes**, that the Planning Commission Workshop and Planning Commission Meeting minutes dated October 26, 2010 be approved.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

NO: None

ABSENT: Nederhood

The next item on the agenda was the **Building Official's Letter Regarding Neon Signs – 11/18/10**. The City Attorney gave a brief history of the Neon Sign Ordinance. Building Official Tutag explained steps taken to gain compliance.

The next item on the agenda was concerning **Neon Sign Appeal: McCubbin's Barber Shop, 20563 Mack Avenue**. The following individual was heard:

David C. Reed, Jr.
Proprietor/Owner
McCubbin's Barber Shop

The next item on the agenda was concerning **Neon Sign Appeal: Elan Candies, 20651 Mack Avenue**. The following individual was heard:

Alan Domzalski
Chief Operating Officer
Sundance Beverage Company

The next item on the agenda was concerning **Neon Sign Appeal: Bank's Pointe Vacuum, 20187 Mack Avenue**.

The next item on the agenda was concerning **Neon Sign Appeal: Samira's Family Fashion, 21027 Mack Avenue**. The following individual was heard:

Samira Fayed
Samira's Family Fashion

PLANNING COMMISSION
11/23/10– 050

The next item on the agenda was concerning **Neon Sign Appeal: David C. Secord, D.D.S., 20259 Mack Avenue**. The following individual was heard:

David C. Secord, D.D. S.
David C. Secord, D.D.S., M.S.

The next item on the agenda was concerning **Neon Sign Appeal: Merit Woods Pharmacy, 19325 Mack Avenue**. The following individual was heard:

Gary M. Wilson
Wilson & Cain, P.A.

Discussion ensued among the Planning Commission regarding the appeals and additional comments were allowed by business owners filing an appeal.

Motion by Evola, seconded by Vaughn, that the Planning Commission will decide the Neon Sign Appeals of McCubbin's Barber Shop, 20563 Mack Avenue, and Elan Candies, 20651 Mack Avenue at tonight's meeting.

UPON ROLL CALL VOTE, motion CARRIED by the following vote:

Evola	Yes	Vitale	No
Gilezan	No	Fuller	Yes
Hamborsky	Yes	Dickinson	Yes
Richardson	Yes	Nederhood	Absent
Vaughn	Yes		

Motion by Hamborsky, seconded by Vaughn, that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue be adjourned to a future meeting of the Planning Commission.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale
NO: None
ABSENT: Nederhood

PLANNING COMMISSION
11/23/10- 051

Motion by Dickinson, seconded by Vitale, that the Planning Commission **recommend the City Council deny** the Neon Sign Appeal of **McCubbin's Barber Shop**, 20563 Mack Avenue.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

NO: None

ABSENT: Nederhood

Motion by Gilezan, seconded by Richardson, that the Planning Commission immediately certify the previous motion.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

NO: None

ABSENT: Nederhood

Motion by Vaughn, seconded by Dickinson, that the Planning Commission **recommend the City Council deny** the Neon Sign Appeal of **Elan Candies**, 20651 Mack Avenue, based on the following findings: it is not in the best interest of the City to allow neon signs; allowing exceptions for individual signs does not keep with the spirit of the ordinance because it would make it impossible to enforce the sign ordinance.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

NO: None

ABSENT: Nederhood

Motion by Vaughn, seconded by Vitale, that the Planning Commission immediately certify the previous motion.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

NO: None

ABSENT: Nederhood

PLANNING COMMISSION
11/23/10– 052

Motion by Evola, seconded by Vitale, that the Planning Commission Representative attending the December Council meeting present some of the concerns of tonight's meeting:

Substitute motion by Vaughn, seconded by Vitale, to amend the previous motion to state that "the Planning Commission is of the view that sufficient time should be given to Petitioners whose appeals are denied to replace their signs with conforming signs."

SUBSTITUTE MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale
NO: None
ABSENT: Nederhood

Motion by Vaughn, seconded by Hamborsky, that the Planning Commission immediately certify the previous motion.

MOTION CARRIED by the following vote:

YES: Dickinson, Evola, Fuller, Gilezan, Hamborsky, Richardson, Vaughn, Vitale
NO: None
ABSENT: Nederhood

Motion by Vaughn, seconded by Vitale, that the Planning Commission hear the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue at a special meeting to be scheduled in early January 2011.

UPON ROLL CALL VOTE, motion FAILED by the following vote:

Gilezan	No	Fuller	No
Hamborsky	Yes	Dickinson	No
Richardson	No	Evola	No
Vaughn	Yes	Nederhood	Absent
Vitale	Yes		

Chair Fuller stated that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue will be heard at the December 14, 2010 meeting.

PLANNING COMMISSION
11/23/10– 053

The next item on the agenda was the **Building Official's Monthly Report**. Mr. Tutag reported the following:

- The Cook Road development is proceeding and the Building Department anticipates a submission to the Planning Commission for the January meeting.

Commission Member Vaughn gave the **November 2010 Council Report**:

- November 1st meeting: Toni DiClemente is retiring as the president of the Mack Avenue Business Association and a Toni DiClemente day was approved by the City Council.
- November 15th meeting: Dr. Policherla's variance request to operate an overnight sleep disorder clinic testing facility in the basement of his building was denied. Additionally, there was a discussion under New Business of a home owned by Serenity House at Fairway and Vernier. This facility has obtained a temporary license to operate out of the home. They cannot have any 24-hour or continuous nursing care. They can have 24-hour supervision by aides and other types of nurses.

Commission Member Vitale will attend the Council Meetings in December.

Under **New Business**, the following **Subcommittee Reports** were provided:

2020 Plan - Nothing to report.

Business & Development – Nothing to report.

Motion by Evola, seconded by Vaughn, to adjourn the Planning Commission meeting at 9:50 p.m. Passed unanimously.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

November 18, 2010

TO: Grosse Pointe Woods Planning Commission

Dear Planning Commission Members:

The Building Department sent out 51 letters asking businesses that had prohibited signs to remove them. As a result of the notice 41 business owners removed the sign(s) as directed, 7 owners are appealing the notice to remove the signs, and 3 tickets were issued to those who did nothing.

Of the three tickets issued, two of the three signs were subsequently removed and tickets were dismissed. One has filed an appeal and will be on a Planning Commission agenda at a future meeting. We will be sending out letters to those that have complied acknowledging their cooperation.

The Planning Commission, in accordance with Section 35-35, will be reviewing the attached applications for appeal and provide a recommendation to the City Council.

The city council may grant an exception, if there is a finding that the exception would be in the best interest of the city, and that the exception would not be against the spirit and intent of the sign ordinance.

The criteria for the grant of an exception is limited to the above standards that the City Council will be applying in the next step in the process.

You may recall the revisions to the boat, recreational vehicle and trailer ordinance a few years back. There was some controversy when the ordinance was enacted as the open storage of these vehicles was no longer permitted in the city. Many of our residents had permits and had stored the vehicles on their property for many years. Through the enforcement efforts of the Building Department the ordinance is a success as no one can store these vehicles except under certain temporary conditions.

What we heard from the business community throughout this current enforcement process was that they will comply with the ordinance as long as everyone else does. The neon sign prohibition can be as successful as the boat, recreational vehicle and trailer ordinance if everyone is treated the same.

Respectfully yours,

Gene Tutag

Grosse Pointe Woods Building Official

PLANNING COMMISSION
11/23/10

Chair Fuller stated that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue will be heard at the December 14, 2010 meeting.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
Banks Pointe Vacuum Company
20187 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,

Gene Tutag
Building Official
313-343-2426

Encl
Sign Ordinance Section 32-32 thru 32-35

COPY

RECEIVED

OCT 26 2010

CITY OF GROSSE PTE. WOODS

This letter of intent is in response to the
City of Grosse Pointe Woods city code
section 32-32 (b) (11).

This is on behalf of
Bank's Vacuum Superstore located at
20187 Mack Ave.

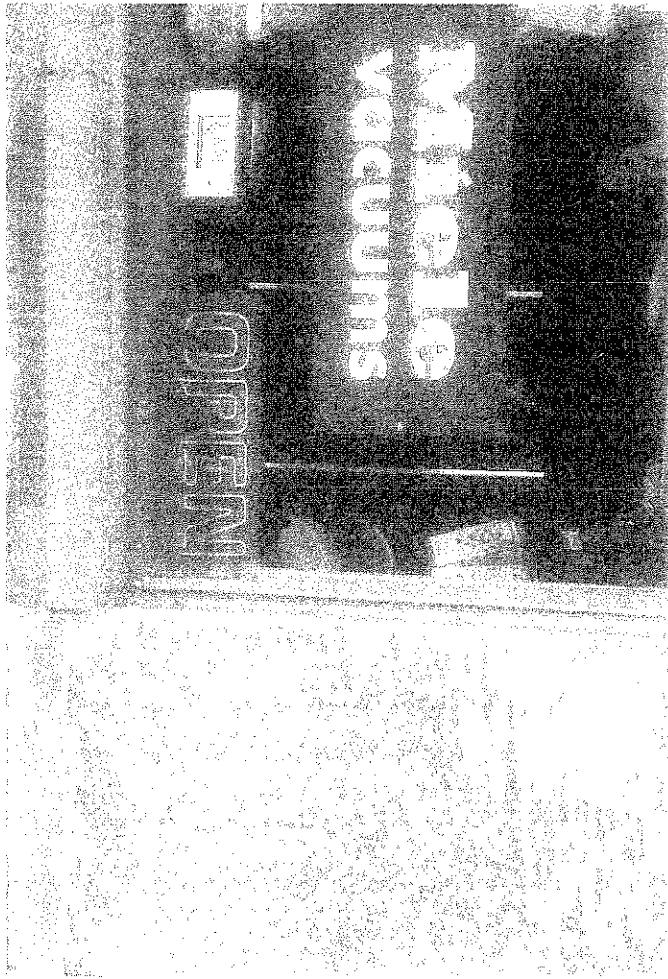
Bank's Vacuum would like to file an appeal
to keep the neon sign we have had for over
10 years. The signs approximate size is only
25" w / 15" t

Attached are pictures of the signs location
in our front window.

Thank you for your consideration.




RECEIVED
OCT 26 2010
CITY OF GROSSE PTE. WOODS



RECEIVED
OCT 26 2010
CITY OF GROSSE PTE. WOODS

CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official
DATE: November 17, 2010 
SUBJECT: Sign Variance at Bank's Vacuum, 20187 Mack Avenue

Bank's Vacuum has been informed per Section 32-35 of the sign code to remove a neon window sign that states "open" from the premises by October 26, 2010. The owner has filed a letter with the City Clerk formally appealing the order to remove the sign.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above, any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited signs.

The applicant's sign is clearly a prohibited type of neon sign. The applicant has not provided any back up to justify the grant of the exception. The above criteria for granting the exception is not met and it is recommended that the Planning Commission forward their finding to the City Council.

PLANNING COMMISSION

11/23/10

Chair Fuller stated that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue will be heard at the December 14, 2010 meeting.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive

Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
Samiras Family Fashions
21027 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,

Gene Tutag
Building Official
313-343-2426

Encl
Sign Ordinance Section 32-32 thru 32-35

COPY

Letter of intent

RECEIVED
NOV 02 2010
CITY OF GROSSE POINTE WOODS

Dear Gene Tutag:

We are truly shocked on the idea of banning neon signs even from businesses that have been open for over 15 years. Clearly, your letter states that "any neon-type sign in existence as of October 24, 2002 on file shall be removed by October 26 2010", we've been open since July of 1994. In our case, the neon sign we have is extremely important for the buying/selling of furs. Also, Removing neon signs throughout the whole city will without a doubt let our economy take a nose dive into the Detroit river. A significant amount of people will pass by on Mack not having a clue whether a store is open/closed or if we even sell furs. Unfortunately, if this law has to be final in the future for whatever reason, some kind of exception has to be made for stores (like ours) to keep their neon signs up. I know it's a law that has been passed but if you guys can reconsider I am sure the whole city of Grosse Pointe would greatly appreciate it!

Sincerely,

Samira and Mike from Samira's Fashions and Furs

Mike Tugard 11/1/2010

CONSIGNMENTS NEW & RESALE DESIGNER CLOTH

ESCADA • ANN TAYLOR • OLIVIA KLEIN • COACH • DKNY

RE-CONSIGNMENT

ARMANI • CACHÉ • CELINE

ARMANI • CACHÉ • CELINE

ST. JOHN • ELLEN TRACY • PRADA • POLO

ST. JOHN • ELLEN TRACY • PRADA • POLO

ARMANI • CACHÉ • CELINE


ARMANI • CACHÉ • CELINE

Re-Elect JUDGE
FRESARD
 Circuit Court

CITY OF GROSSE POINTE WOODS

BUILDING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official 
DATE: November 17, 2010
SUBJECT: Sign Variance at Samira's Fashion, 21027 Mack Avenue

Samira's Fashion has been informed per Section 32-35 of the sign code to remove a neon window sign that says "Furs" from the premises by October 26, 2010. The owner, David C. Reed, Jr., has filed a letter with the City Clerk formally appealing the order to remove the sign.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited signs.

The applicant's sign is clearly a prohibited type of neon sign. No information has been provided to justify the grant of an exception. The above criteria for granting the exception is not met and it is recommended that the Planning Commission forward their findings to the City Council.

PLANNING COMMISSION

11/23/10

Chair Fuller stated that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue will be heard at the December 14, 2010 meeting.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

October 22, 2010

Business Owner
David C. Secord DDS PC
20259 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

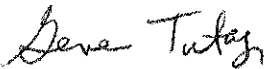
Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.


We thank you in advance for your anticipated cooperation in this manner.

Sincerely,


Gene Tutag
Building Official
313-343-2426

COPY

Encl
Sign Ordinance Section 32-32 thru 32-35

 DAVID C. SECORD,
D.D.S., M.S.

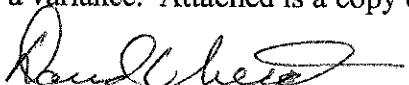
20259 Mack Avenue
Grosse Pointe Woods, MI 48236

November 09, 2010

City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, MI 48236

To Whom It May Concern:

I would like to appeal Ordinance #823, the removal of neon-type signs. I would like to apply for a variance. Attached is a copy of the letter I received regarding this issue.


David C. Secord D.D.S., M.S.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

October 22, 2010

Business Owner
David C. Secord DDS PC
20259 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

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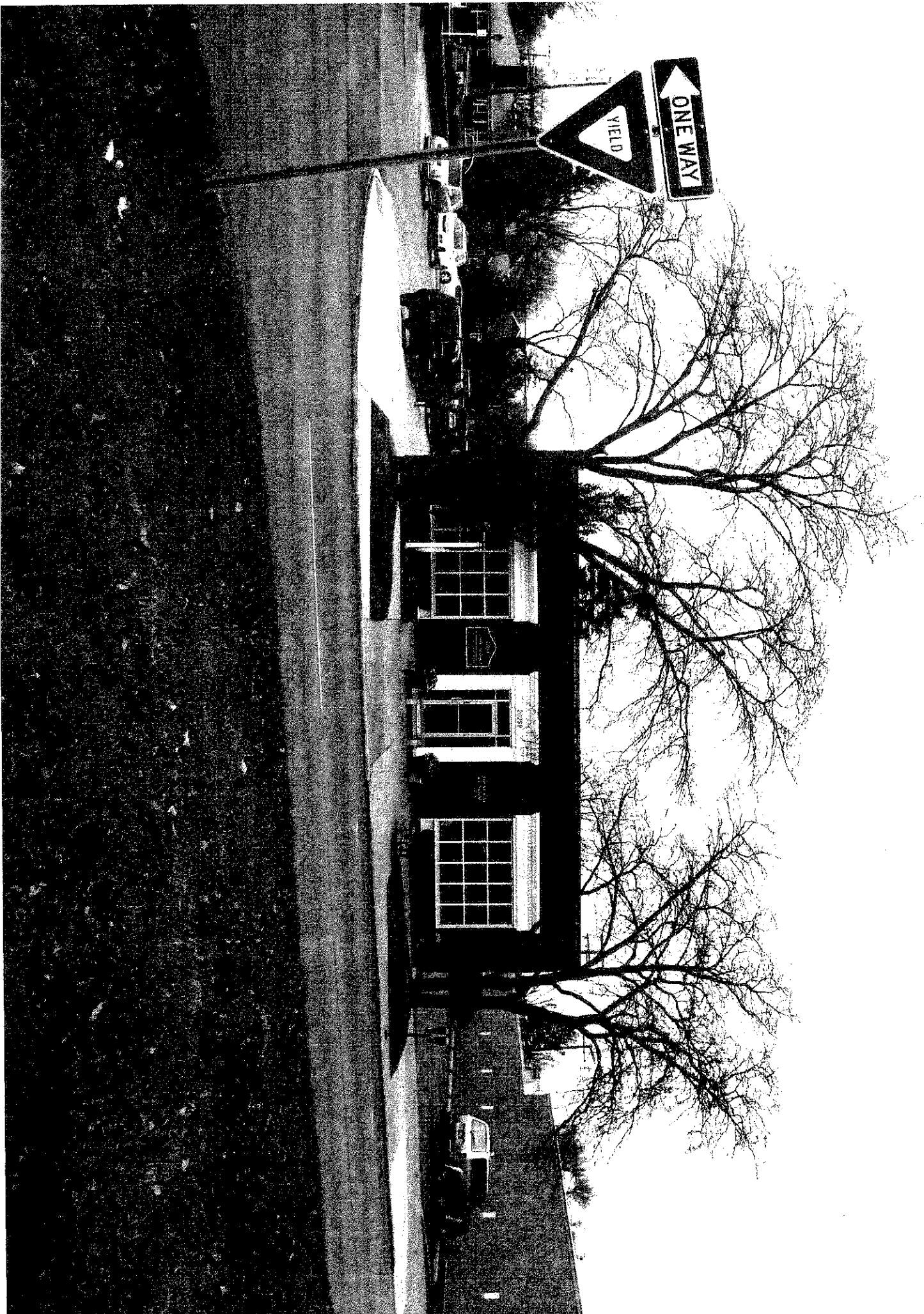
In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,

Gene Tutag
Building Official
313-343-2426

Encl:
Sign Ordinance Section 32-32 thru 32-35




CITY OF GROSSE POINTE WOODS

BUILDING DEPARTMENT

MEMORANDUM

TO: Planning Commission

FROM: Gene Tutag, Building Official 

DATE: November 17, 2010

SUBJECT: Sign Variance at David C. Secord DDS, 20259 Mack Avenue

David C. Secord has been informed per Section 32-35 of the sign code to remove a neon sign from an interior wall intended to be visible from Mack Avenue from the premises by October 26, 2010. Dr Secord has filed a letter with the City Clerk formally appealing the order to remove the sign.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above, any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited signs.

The applicant's sign is a prohibited neon sign. This sign is in an arcade area used by the patients of Dr Secord. The sign could have the power source removed so it could not be illuminated, or by relocating it to another wall not directly oriented to Mack Avenue would be allowed. It is recommended that the Planning Commission forward their findings to the City Council.

PLANNING COMMISSION
11/23/10

Chair Fuller stated that the Neon Sign Appeals of Bank's Vacuum, 20187 Mack Avenue; Samira's Family Fashion, 21027 Mack Avenue; David Secord, D.D.S., 20259 Mack Avenue; and Merit Woods Pharmacy, 19325 Mack Avenue will be heard at the December 14, 2010 meeting.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
Merit Woods
19325 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,

Gene Tutag
Building Official
313-343-2426

COPY

Encl

Sign Ordinance Section 32-32 thru 32-35

WILSON & CAIN, P.A.
Counsellors at Law
18404 Mack Avenue
Grosse Pointe Farms, Michigan 48236

GARY M. WILSON
Also admitted in Massachusetts
RANDALL D. CAIN

313-886-5600

facsimile
313-886-5604

November 1, 2010

RECEIVED

NOV 01 2010

Gene Tutag
Building Official
City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236

CITY OF GROSSE PTE. WOODS

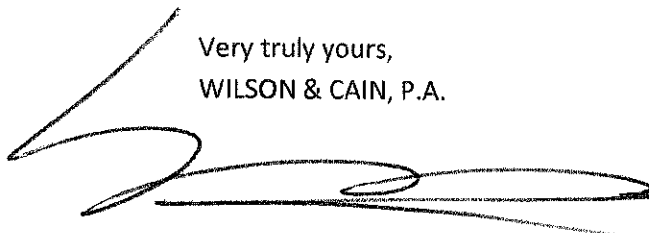
RE: MERIT WOODS/NEON SIGN ORDINANCE #823

Dear Mr. Tutag:

Enclosed please find my client's check in the amount of \$150.00, representing the fee for an appeal to the Planning Commission.

I intend to provide further documentation supporting this request, but per our conversation of Friday I promised to have this request and the fee to you immediately. Thank you for your courtesy on the telephone Friday in assisting with my understanding of the appeal process.

Very truly yours,
WILSON & CAIN, P.A.



Gary M. Wilson

GMW:hc
Cc: Merit Woods

WILSON & CAIN, P.A.
Counsellors at Law
18404 Mack Avenue
Grosse Pointe Farms, Michigan 48236

GARY M. WILSON
Also admitted in Massachusetts
RANDALL D. CAIN

313-886-5600
facsimile
313-886-5604

November 10, 2010

Planning Commission
City of Grosse Pointe Woods
20025 Mack Avenue
Grosse Pointe Woods, Michigan 48236

RE: OUR CLIENT: MERIT WOODS PHARMACY
ADDRESS: 19325 MACK AVENUE
ISSUE: NEON SIGN ORDINANCE #823

To the Members of the Planning Commission:

Please consider this as our client's petition for review of the determination of Ordinance violation issued (See attached Exhibit 1, letter dated September 21, 2010, and Exhibit 2, NOTICE dated 10/28/2010).

HISTORY OF SERVICE TO THE COMMUNITY

Pharmacist Sheldon Weisberg's Merit Woods has been an outstanding and involved member of the Grosse Pointe Woods business community for 45 years. A 1991 Resolution (see attached Exhibit 3) by the people of the City of Grosse Pointe Woods honored Mr. Weisberg for his 25 years of dedicated service to the community:

WHEREAS, the CITY OF GROSSE POINTE WOODS is dependent
upon the Mack Avenue merchants to supply needed
services and goods to the residents of the community;
and

WHEREAS, the availability of such goods and services
within the community result in the CITY OF GROSSE
POINTE WOODS being considered as one of the
finest communities in the State of Michigan;
and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the CITY OF GROSSE POINTE WOODS that Merit-Woods Pharmacy, Inc., its owners and employees, be commended for outstanding service to the community on the occasion of the twenty-fifth anniversary of conducting business within the CITY OF GROSSE POINTE WOODS.

In June 2006, Mr. Weisberg was honored with a Proclamation by the Grosse Pointe Woods City Council for his dedication and assistance to the residents of Grosse Pointe Woods. Mayor Novitke stated *"Sheldon has dedicated a lot of time to help the residents of Grosse Pointe Woods whenever they entered his store. He is very worthy of such an honor."* See attached Exhibit 4.

The Grosse Pointe Business and Professional Association of Mack Avenue honored Merit Woods for its longstanding seasonal window displays. (See, attached Exhibit 5).

THE DEMISE OF THE INDEPENDENT PHARMACY IN THE GROSSE POINTE

Merit Woods has survived the arrival of the chain pharmacies in a business climate that has crushed many others in the Grosse Pointes over the years. Grosse Pointe Woods has been particularly hard-hit with the recent closing of Manor Pharmacy (formerly Hollywood). Historically, the Woods has also lost Bob's Drugs, Harkness Pharmacy and Treder Pharmacy as the chains and big box stores undercut the margins of privately owned pharmacies. In the other Grosse Pointes, Kent Drugs (Farms), Shettler's (Farms), Cunningham's (City) and Park Pharmacy (Park) are also gone.

For 45 years Mr. Weisberg and his outstanding staff of pharmacists and employees have continuously offered old-fashioned customer service to the community. The personal touch and sensitivity to customers is especially important in serving the medical and pharmaceutical needs of the community, as independent pharmacies are a last bastion of the personal touch in the now depersonalized arena of medical care. Merit Woods presence is a great comfort to untold thousands of customers seeking that personal service.

DETRIMENTAL EFFECT OF ORDINANCE ON THE CONTINUING VIABILITY OF MERIT WOODS

The attached photographs (Exhibits 6-10) show the front and side elevations of 19325 Mack Avenue. It should be noted that the side of Merit Woods is blank and painted a neutral cream color. This side of the building used to display the business name. Through council action and ordinances,

Grosse Pointe Woods previously ordered that this advertisement be removed—significantly reducing the visibility of the business to pedestrians and vehicle traffic.

The current ordinance scheme that would prohibit the neon signs in the front windows of Merit Woods will virtually eliminate *any* remaining visibility to passing traffic. When in bloom, the large tree in front of the building blocks not only the large complying backlit signage, but also most of the three neon displays advertising the sale of beer, liquor and wine, and Lotto. As well, the neon display “Merit Woods Pharmacy prescriptions” immediately to the left of the entrance is also obscured by foliage.

The neon signs in the front windows are not obtrusive, garish, or unattractive. As noted, they are for a good portion of the year nearly invisible. Even when not leafed out, the tree blocks a substantial part of the façade from the full view of passers-by. These signs have signaled the services and products within for over 35 years. The application of the ordinance to Merit Woods will significantly and irremediably harm the business by substantially reducing the communicative ability of Merit Woods to draw in new customers. See, Section 32-1, Purposes and objectives (of the sign ordinance)

It is not true that “everybody knows where Merit Woods is.” New customers are the lifeblood of any business, but in particular those serving an often elderly and infirm or sick customer base. Without adequate signage announcing the presence of small businesses, potential new customers will remain forever unaware of the offerings of this local institution.

Section 32-1(1)’s purpose of “protecting the aesthetic quality of the city” is hardly offended by the presence of the vintage neon signs in question.

Regarding Section 32-1(2), the ordinance’s objectives are not offended by the presence of these signs. While the goal of “promoting the appearance of an early American colonial motif within the commercial business district of the city” may or may not be laudable in 2010, it is acknowledged that neon signs were clearly not extant during colonial times. However, strict adherence to the “colonialization” of the entire business district has and will continue to work hardships on the business community. A review of past fights and closed businesses will not be helpful to this present discussion, but history ignored tends to be repeated.

Section 32-1(3)’s goal of protecting the public from injury due to distractions, hazards and excessive signage is not at issue here.

Section 32-1(4)'s important purpose of "preserving the value of property by ensuring the compatibility of signage with surrounding land uses" is also not at issue here. Any claimed diminution of property values caused by these small neon signs will be impossible to justify or support.

Section 32-1(5)'s requirements that signage be in reasonable scale to the buildings is satisfied. The signs at issue are neither large by any measure, nor are they offensive to the overall scale of the façade.

Section 32-1(6) treating "off-premise" signage is not at issue.

Significantly, 32-1(7) seeks to avoid the concealment or obscuring of signs or adjacent businesses. The forced removal of Merit Woods' neon signs will cause the exact harm that this section seeks to prevent.

Similarly, 32-1(8)'s goal of keeping the number of signs and sign messages at the level reasonably necessary to identify a business and its products will be turned on its head if Merit Woods is forced to remove the signage. For reasons stated above, physical impediments already exist that substantially impair the identification of Merit Woods and its products. Forced removal of the signs indicating the sale of alcoholic beverages and lottery tickets must inevitably cause many to assume that the pharmacy does not offer such items for sale. Since the sign ordinance also strictly limits the ability to post signs in windows, potential customers will never know that these items—which account for a significant part of Merit woods' revenue stream—are available.

32-1(9) seeks to prevent hazards due to collapse, fire, collision, decay or abandonment of signage. It should not be suggested that the age of the neon signs is a hazard; if raised, such a concern could easily be addressed in a less intrusive manner by an inspection of the signs by a qualified individual.

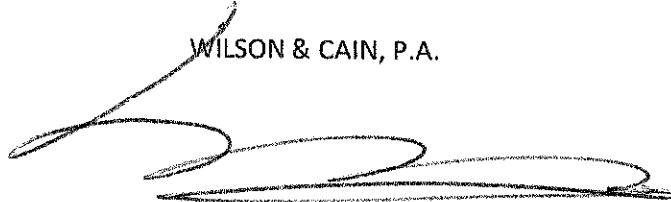
32-1(10) seeks to provide signage that will harmonize with the building upon which it is placed and the adjoining properties. Merit Woods' neon signs have harmonized perfectly with the building for over 35 years. It must be considered that "harmony" necessarily includes indefinable aesthetic considerations of history and nostalgia. This writer (and no doubt hundreds of other Grosse Pointers) has fond memories of Merit Woods and its window displays from childhood of 40 years ago. If Grosse Pointe Woods has received complaints about Merit Woods' neon signs then these should certainly be considered in light of this section of the ordinance. It is, however, doubtful that such a history of objections exists.

REQUEST FOR RELIEF FROM ENFORCEMENT AS TO MERIT WOODS

Enforced removal of the neon signage of this business will cause irreparable harm to Merit Woods and substantial loss of present and future business. Grosse Pointe Woods can ill afford to lose another independent pharmacy. It is respectfully requested that the neon signage displayed in the front of this business be granted a variance from the provisions of the sign ordinance.

Respectfully submitted,

WILSON & CAIN, P.A.



Gary M. Wilson

GMW/jab

EXHIBIT 1



- 105 -

CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
Merit Woods
19325 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,

Gene Tutag
Building Official
313-343-2426

Encl

Sign Ordinance Section 32-32 thru 32-35

- 2022

GROSSE POINTE WOODS – SIGN ORDINANCE

(Sections 32-32 through 32-35)

Sec. 32-32. Appeal of denial of permit

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

(Code 1997, § 62-33; Ord. No. 803, § 62-33, 2-28-2005)

Sec. 32-33. Electronic changeable copy signs

(a) *Definition.* An "electronic changeable copy sign" is defined as a sign upon which the copy changes automatically on a lamp bank and which sign meets the definition of a ground sign as contained in this chapter. Scoreboards used to keep track of scores during athletic events are exempt from this definition.

(b) *Standards.* The following rules and regulations shall be applicable to electronic changeable copy signs notwithstanding any other rules or regulations contained in this chapter:

- (1) Such sign shall not produce blinking or animated messages.
- (2) The changeable copy or message delivered by the sign shall not be changed more often than once in any eight-hour time period.
- (3) Such sign shall be permitted to be installed only within a community facilities zoning district of the city, once application is made to the building official and subsequent review and approval by the planning commission.
- (4) Such sign may be of a size of up to 32 square feet and a height of six feet above the ground.
- (5) Such sign may be installed within ten feet inside of the property line; provided, however, that such location proposed for the installation receives prior approval from the division of safety inspection as to traffic hazards and pedestrian hazards.
- (6) All messages shall not exceed four lines of characters.
- (7) Such sign shall be limited to 50 footcandles power output.

(Code 1997, § 62-34; Ord. No. 803, § 62-34, 2-28-2005)

2023

Sec. 32-34. Multitenant buildings

Generally, multitenant buildings will be exempted from the maximum number of sign restrictions providing a "master"/overall building plan is applied for and approved by the planning commission.

(Code 1997, § 62-35; Ord. No. 803, § 62-35, 2-28-2005)

Sec. 32-35. Grandfathering clause; neon

- (a) Signs that are internally lit by neon are not prohibited (see section 32-6).
 - (b) Any neon type in existence as of October 24, 2002, as per the list on file with the building department shall be removed on or before the first of the following to occur:
 - (1) Any change in occupancy of the premises where the sign exists.
 - (2) Any subsequent alteration or replacement of the sign for any reason.
 - (3) Upon the filing of an application to the planning commission or building official for any signage changes on the premises.
 - (4) At the expiration of 24 months from the effective date of Ordinance No. 823.
- (Code 1997, § 62-36; Ord. No. 803, § 62-36, 2-28-2005; Ord. No. 823, 10-6-2008)

EXHIBIT 2

CITY OF GROSSE POINTE WOODS
Department of Building Inspection
343-2426

NOTICE!

Address 19325 Moorh
Date 10/28/10
Inspector John Priour

An inspection was made at this location and the Ordinance
Violations found are listed below:

- ☐ Nuisance by Animal, Public Places - Sec. 6-1
- ☐ Barking or Howling Dogs - Sec. 6-29
- ☐ Animals at Large - Sec. 6-40
- ☐ Rodent control - Sec. 6-155
- ☐ Construction Hours - Sec. 8-1
- ☐ Certificate of Occupancy Required - Sec. 8-61
- ☐ Exterior Building Maintenance Requirements - Sec. 8-200
- ☐ Fence Permit - Sec. 8-276
- ☐ Landscape Front Yard Fence & Shrubs - Sec. 8-277
- ☐ Duty to Place House Address Numbers - Sec. 8-170
- ☐ Firewood Location - Sec. 8-404
- ☐ Firewood Elevation - Sec. 8-405
- ☐ Exterior Light Shielding - Sec. 8-149
- ☐ Play Equipment Height and Location - Sec. 8-304
- ☐ Nuisance/Unhealthy/Unsanitary - Sec. 20-22
- ☐ Accumulation of Waste - Sec. 20-26
- ☐ Outside Storage Prohibited - Sec. 20-75
- ☐ Parking/Storage of Commercial or Recreational Vehicle - Sec. 50-208(8)
- ☐ Window Signs Covering (+20%) - Sec. 32-8
- ☐ Cloth & Banner Signs - Permit Required - Sec. 32-15(a)
- ☐ Political Signs - Sec. 32-22
- ☐ Temp. Signs: Real Estate - Sec. 32-30
- ☐ Temp. Signs: Garage/Yard/Basement/Estate/Rummage - Sec. 32-28
- ☐ Early Trash - Sec. 34-31
- ☐ Storage Facilities - Sec. 34-33
- ☐ Composting - Sec. 34-50
- ☐ Unlawful Deposits of Materials on Street - Sec. 38-103
- ☐ Materials Permit Required by DPW - Sec. 38-104
- ☐ Barriers and Safeguards Required - Sec. 38-108
- ☐ Placement of Downspouts - Sec. 44-231
- ☐ Brush and Grass Nuisance - Sec. 46-98
- ☐ Authority for city to cut weeds, brush, or grass - Sec. 46-99
- ☐ Parking/Storage of Commercial Vehicles in Residential District - Sec. 50-521
- ☐ Accessory Buildings - Sec. 50-526
- ☐ Building Permits Required - Sec. 50-23

Comments Remove Nuan
GPW # 823 11-1-10

Please contact this Dept. if you have any questions regarding this notice at (313) 343-2426.
A Re-Inspection will be done on or about _____ to verify compliance.
Failure to comply will result in a Misdemeanor Violation being issued.

48 Hrs to Compl

EXHIBIT 3

The People of the City of Grosse Pointe Woods

RESOLUTION

WHEREAS, the CITY OF GROSSE POINTE WOODS is dependant upon the Mack Avenue merchants to supply needed services and goods to the residents of the community; and

WHEREAS, the availability of such goods and services within the community result in the CITY OF GROSSE POINTE WOODS being considered as one of the finest communities in the State of Michigan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the CITY OF GROSSE POINTE WOODS that Merit-Woods Pharmacy, Inc., its owners and employees, be commended for outstanding service to the community on the occasion of the twenty-fifth anniversary of conducting business within the CITY OF GROSSE POINTE WOODS.



EXHIBIT 4



PHOTO COMPLIMENTS OF GROSSE POINTE WOODS

Dedication respected

A quiet, humble Sheldon Weisberg was honored with a proclamation by the Grosse Pointe Woods city council during the June 19 meeting. "Sheldon has dedicated a lot of time to help the residents of Grosse Pointe Woods whenever they entered his store (Merit Woods Pharmacy)," Mayor Robert Novitke said. "He is very worthy of such an honor."

Weisberg, a native Detroit and Cass Tech High School graduate, earned his Bachelor of Science degree in pharmacy from Wayne State University in 1956, served his country for two years as a hospital pharmacist in the U.S. Army beginning in 1957 and is currently a member of the American Pharmacy Association. On March 10, 1966, Weisberg bought Merit Woods Pharmacy, where he has served three generations of Grosse Pointe area customers at its original location at 19325 Mack. Novitke and the city council officially recognized July 1, 2006, as Sheldon Weisberg Day in the city of Grosse Pointe Woods.

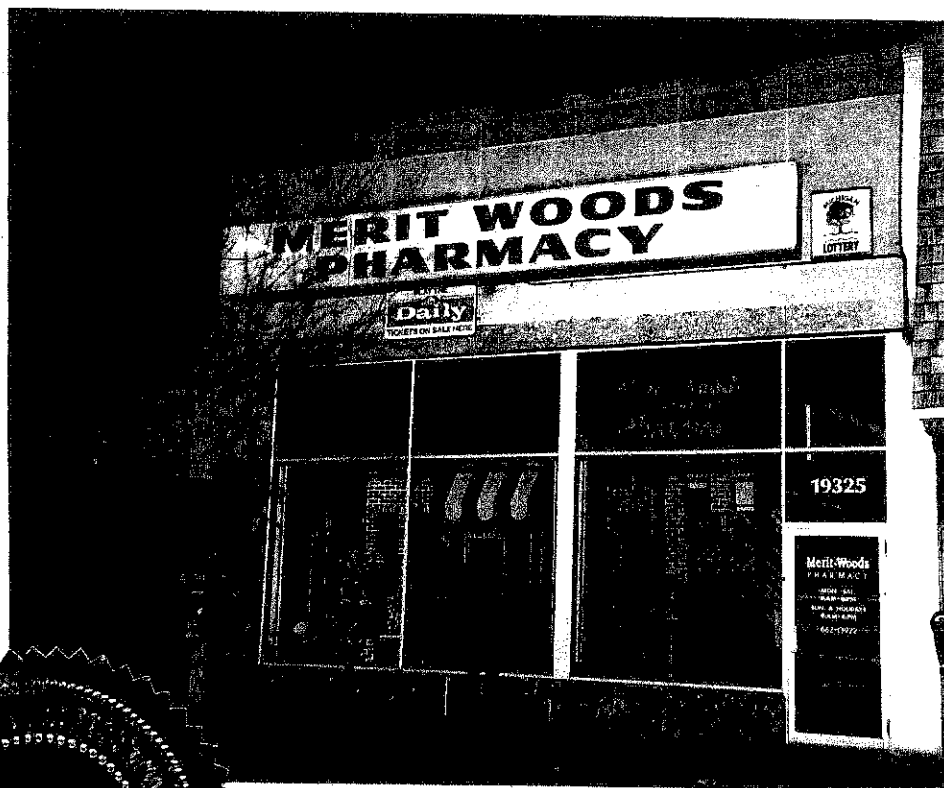
"As you all know, I am not a man of many words," Weisberg said. "However, on this occasion I have to say it is a nice honor for the city to name July 1 as my special day. My family and I are touched." Weisberg married Barbara Rubinfire after serving in the Army and raised two daughters. He has five grandchildren.

EXHIBIT 5

*The Grosse Pointe Business and Professional
Association of Mack Avenue*

is proud to award you this

Mack Avenue Enrichment Award



MERIT WOODS PHARMACY, INC.

WINDOW DISPLAY

Antoinette R. Clemente

President

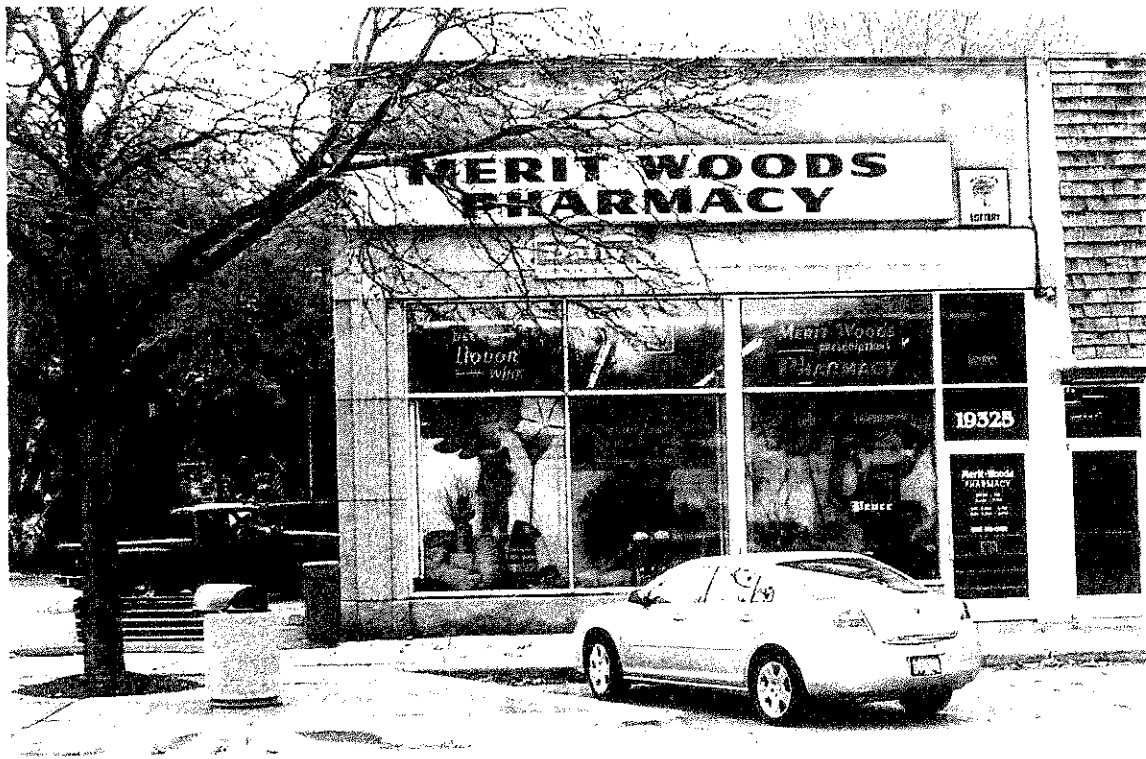


EXHIBIT 6



EXHIBIT 7



EXHIBIT 8

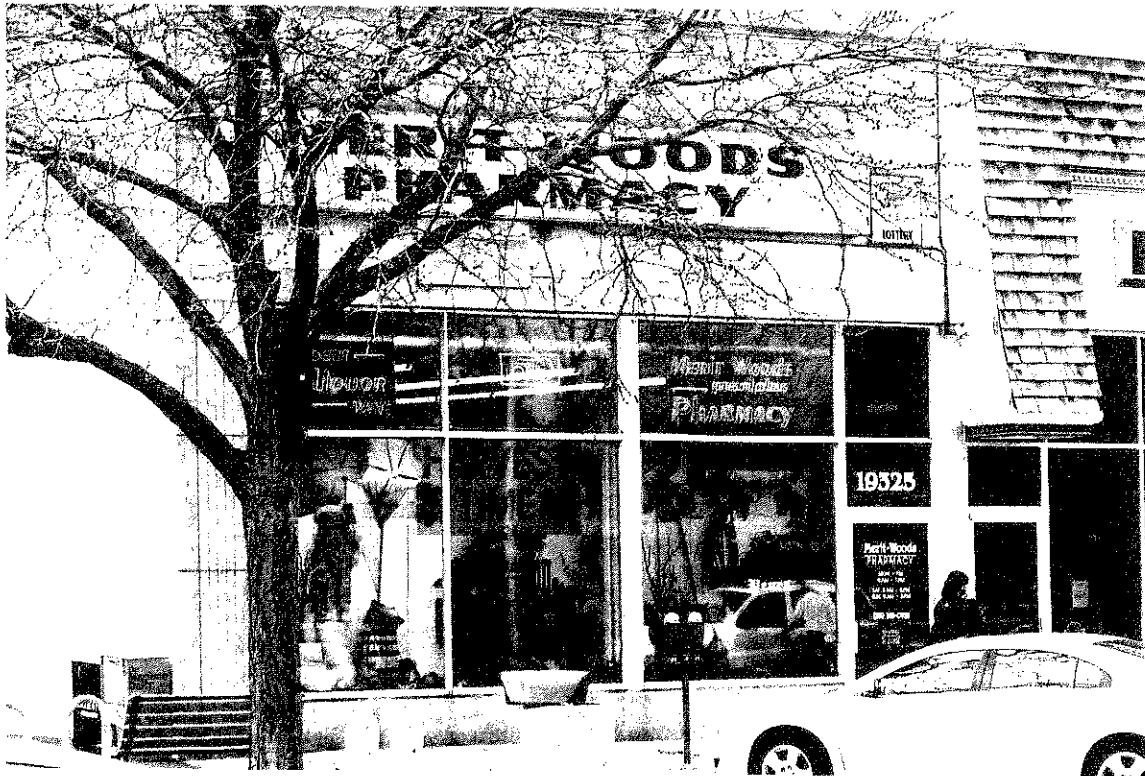



EXHIBIT 9



EXHIBIT 10

CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official 
DATE: November 17, 2010
SUBJECT: Sign Variance at Merit Woods Pharmacy,

Merit Woods Pharmacy has been informed per Section 32-35 of the sign code to remove 3 neon window signs that state: 1) Lotto, 2) Beer Wine Liquor, and 3) Merit Woods Pharmacy, from the premises by October 26, 2010. The owner has hired legal counsel who has filed a letter with the City Clerk formally appealing the order to remove the signs.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited signs.

The applicant's signs are clearly prohibited neon signs. The applicant states many reasons in the attached correspondence as to why the exception should be granted, however the criteria in section 35-35 is not addressed. It is recommended that Planning Commission forward their findings to the City Council.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

October 11, 2010

Ms. Carol Alfonsi
Lounge In the Woods
20513 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Ms. Alfonsi:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,


Gene Tutag
Building Official
313-343-2426

COPY

Encl
Sign Ordinance Section 32-32 thru 32-35

A Sad Day

RECEIVED


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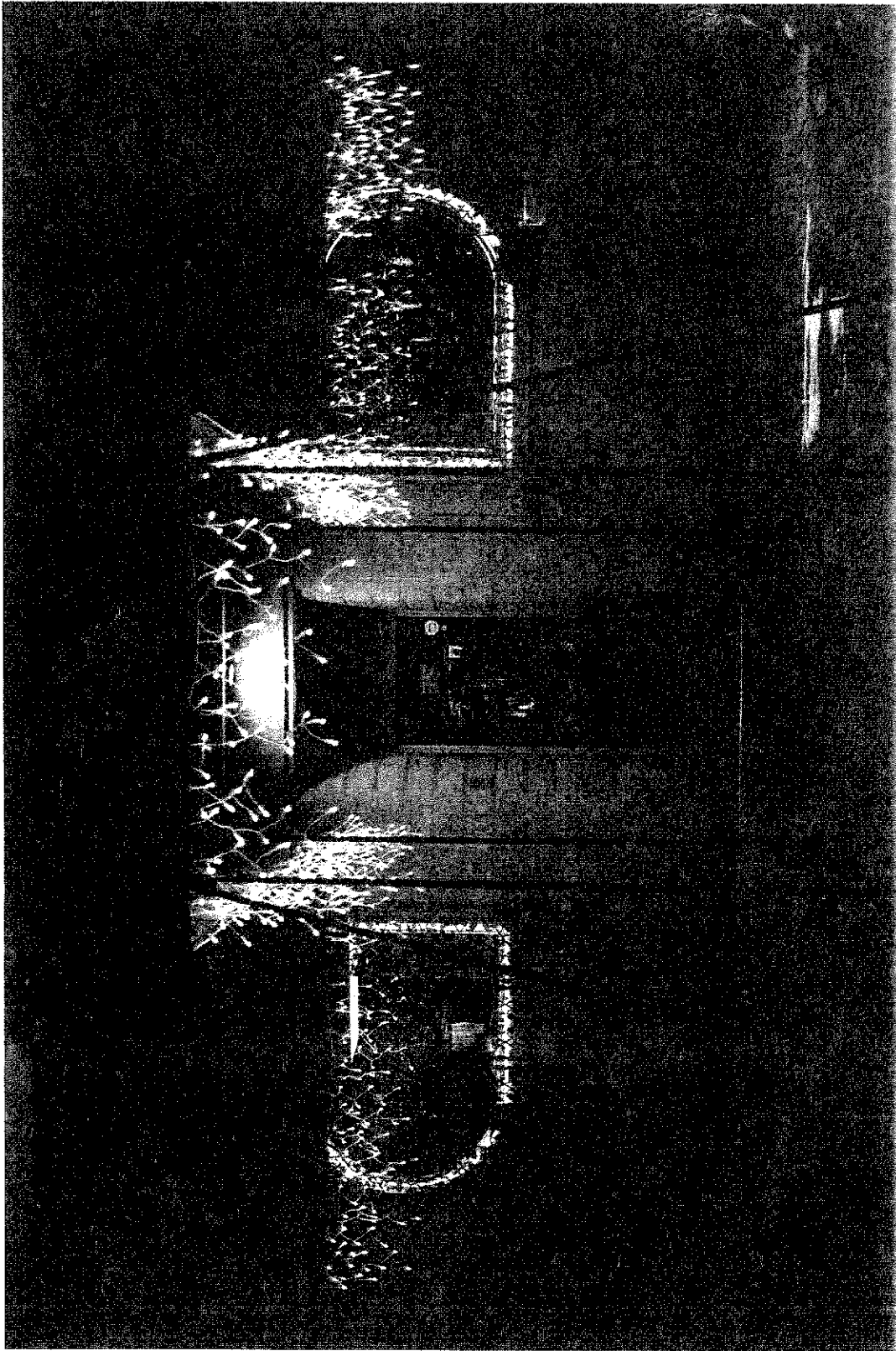
CO. OF GROSE PTE. WOODS

40 years in business, 35 years with lights, a great look for Little

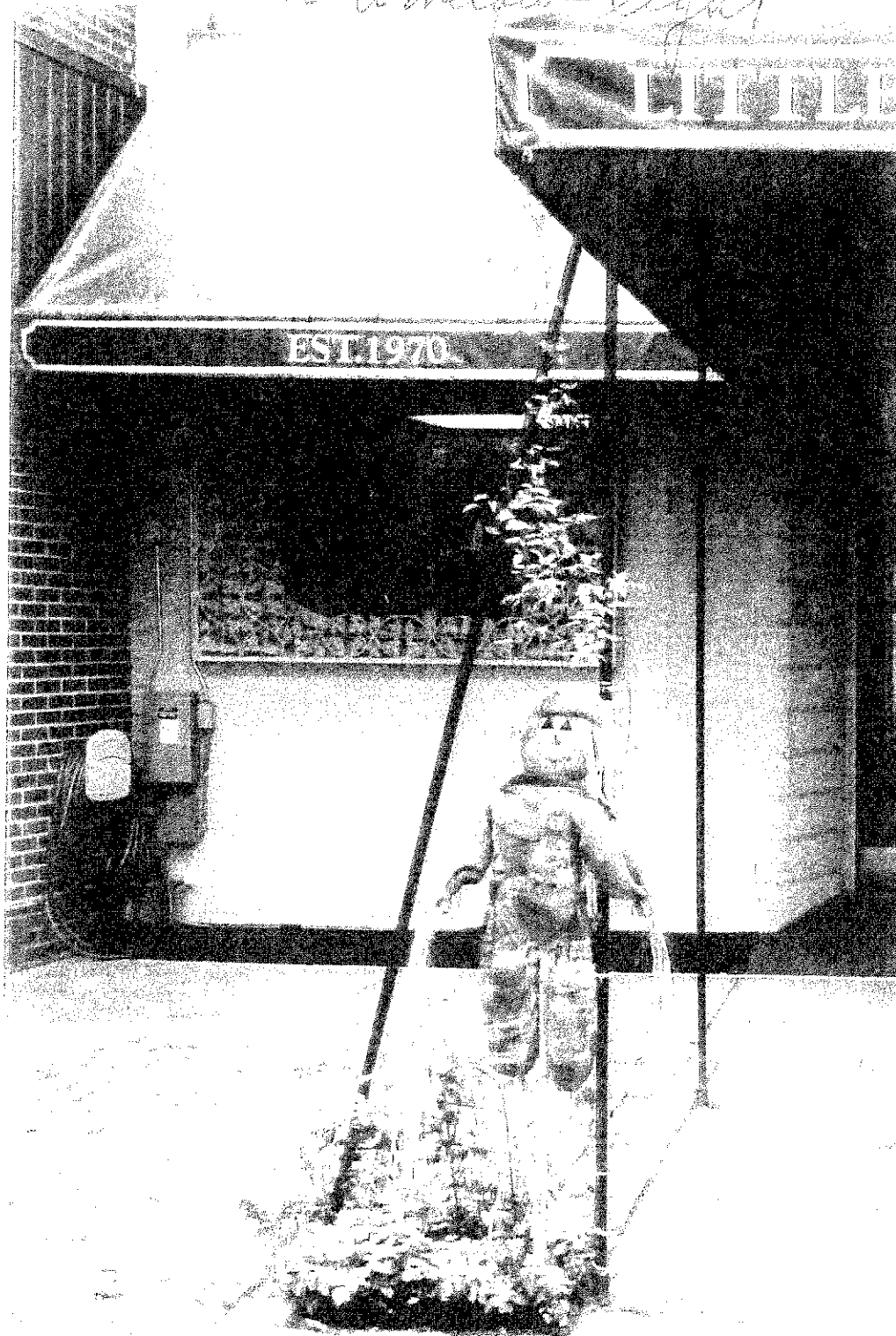
Tony's. No lights around windows would take away a great look. Hard
wired - no switch to turn off window lights.

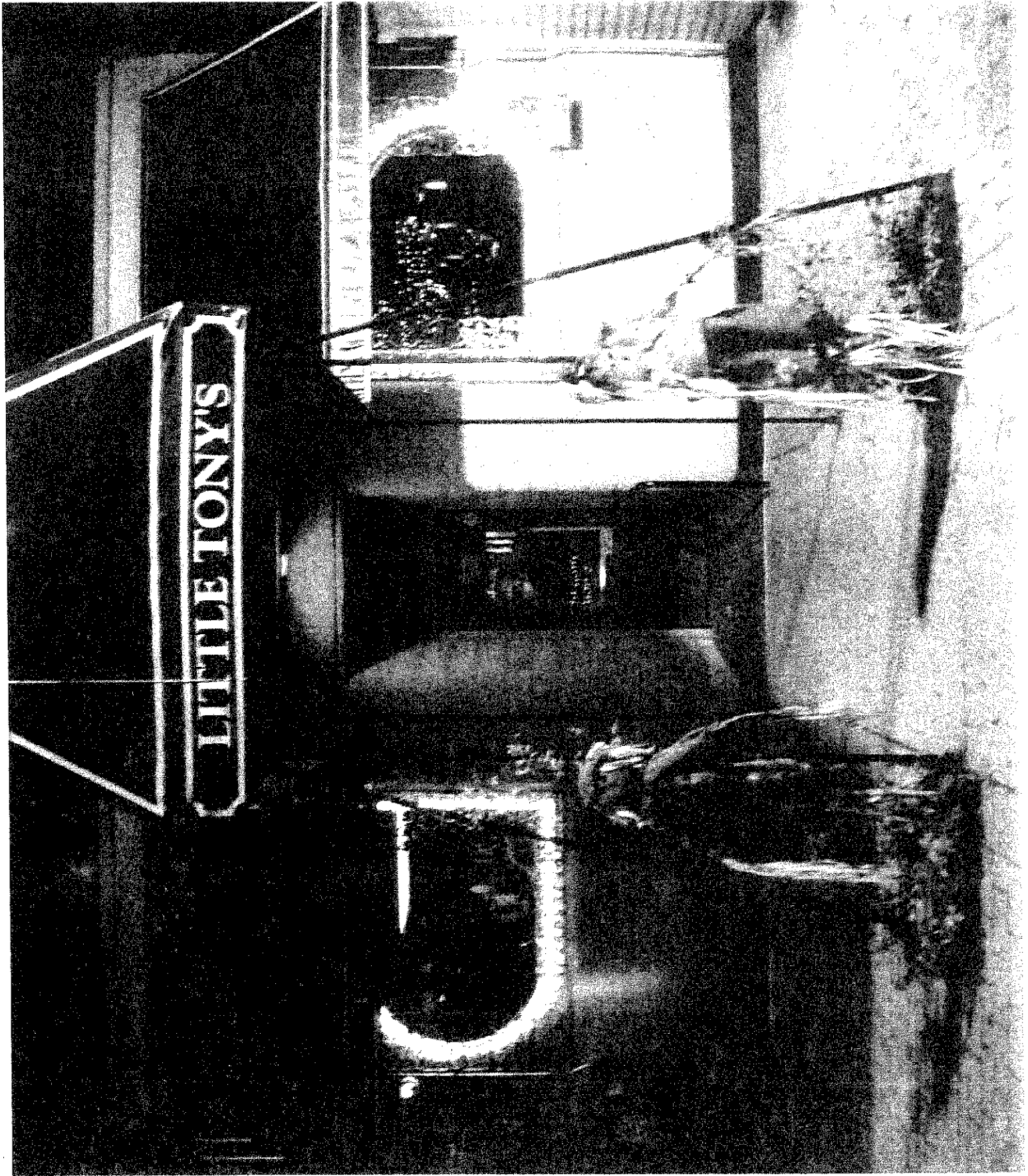
Thank You,

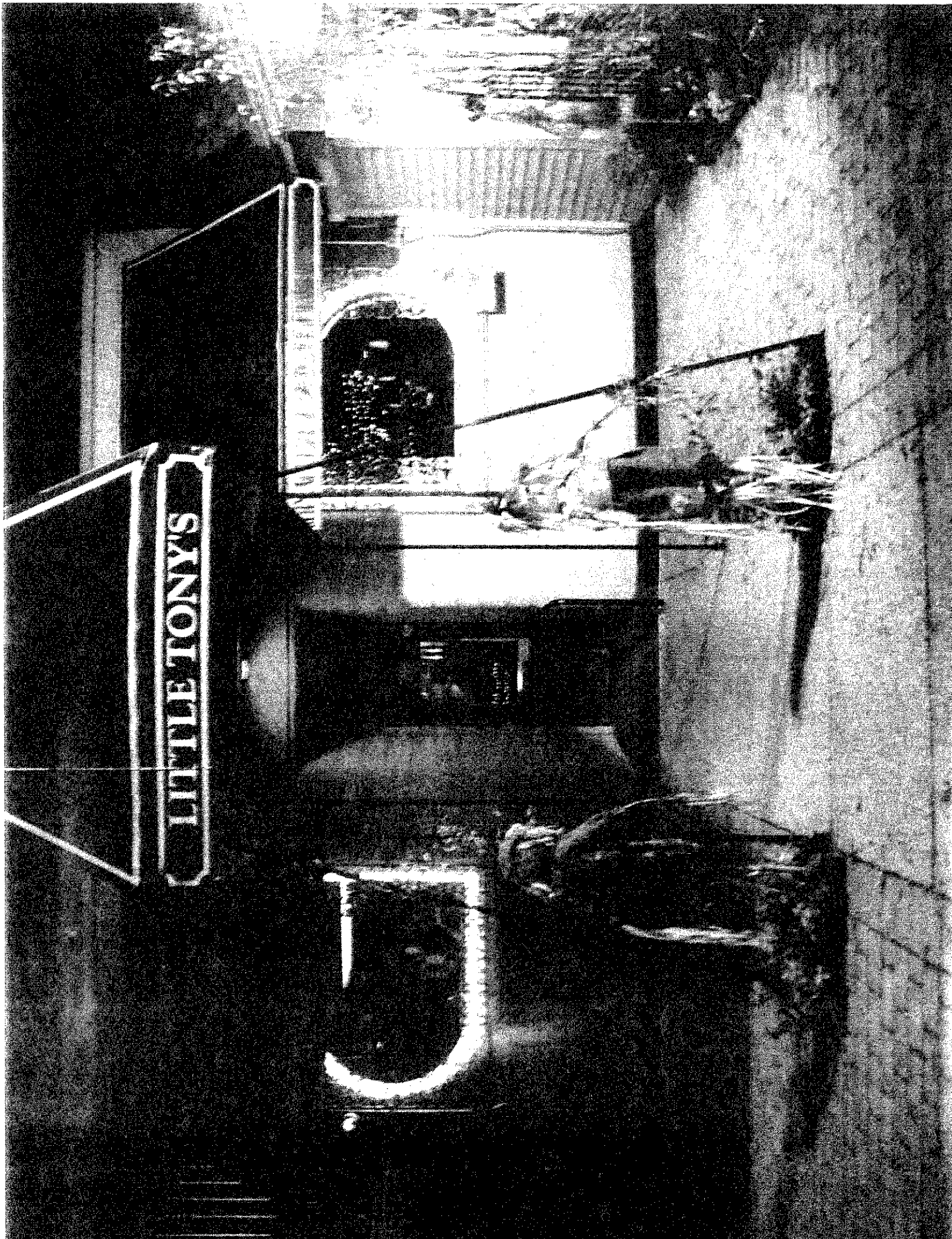

Owner, Carolyn Alfonsi



No Window Light







CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official
DATE: December 8, 2010
SUBJECT: Neon Variance at Little Tony's, 20513 Mack Avenue

Little Tony's has been informed per Section 32-35 of the sign code to remove the neon tubing from around the front windows of the premises by October 26, 2010. The owner, Carol Alfonsi, has filed a letter with the City Clerk formally appealing the order to remove the sign.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited.

The applicant's neon is prohibited. The applicant is claiming that removing this neon would be a detriment to her business and the community as the reason to grant the exception. This however does not meet the above criteria and it is recommended that the Planning Commission forward their findings to the City Council.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive

Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
Friends Hair & Nails
19877 Mack Avenue
Grosse Pointe Woods, MI 48236

Dear Business Owner:

The City of Grosse Pointe Woods adopted Ordinance #823 on October 6, 2008. The ordinance requires that any neon-type sign in existence as of October 24, 2002 on file with the Building Department shall be removed by October 26, 2010. You are receiving this letter because the neon sign(s) at your business is/are on the list and will need to be removed prior to the October 26, 2010 deadline.

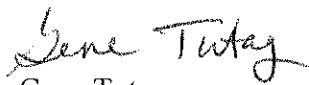
Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

An inspection of your business will be conducted on October 28, 2010 to determine compliance. Failure to remove the neon sign(s) will result in a ticket being issued, requiring your appearance at the Grosse Pointe Woods Municipal Court.

In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

We thank you in advance for your anticipated cooperation in this manner.

Sincerely,


Gene Tutag
Building Official
313-343-2426

COPY

Encl
Sign Ordinance Sections 32-32 thru 32-35

Friends Hair & Nails
19877 Mack Ave.
Grosse Pointe, MI 48236

RECEIVED
NOV 13 2010
CITY OF GROSSE POINTE WOODS

November 11, 2010

City Clerk
City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, MI 48236-2397

Re: Neon Sign

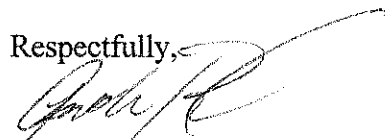
Dear Clerk:

This letter shall serve as notice of my intent to appeal the Notice of Sign Violation my business, Friends Hair & Nails, recently received. The sign in question has been in place for 28 years and has never before been considered a nuisance or an eye sore. In fact, it is an integral part of my business and marketing plan and has been a part of the Mack Ave. business atmosphere for nearly three decades.

There is no reasonable justification for the imposition of violation. I have consulted with my attorney and have been advised that given the duration of the location of the sign and its size, the ordinance is inapplicable to my business.

I have taken and enclosed a couple of pictures for your review and consideration.

Respectfully,



Andrew Bernard
President and Owner of Friends Hair & Nails

RECEIVED
DEC 0 7 11 2810
CITY OF GROSS PLEASURES

HAIR & NAILS

Frederick

CITY OF GROSSE POINTE WOODS

BUILDING DEPARTMENT

MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official
DATE: December 7, 2010
SUBJECT: Sign Variance at Friends Hair & Nails, 19877 Mack Avenue

Friends Hair & Nails Salon has been informed per Section 32-35 of the sign code to remove a neon window sign that states "Friends Hair & Nails" from the premises by October 26, 2010. The owner Andrew Bernard has filed a letter with the City Clerk formally appealing the order to remove the sign.

In accordance with Section 32-32:

Any party who has been refused a sign permit after review by the building official or planning commission for a proposed installation or has been notified by the city to remove an existing sign may file a claim of appeal with the city clerk. Such claim of appeal shall be accompanied by an appeal fee as currently established or as hereafter adopted by resolution of the city council from time to time or a fee structure designated by the administration and approved by the city council by resolution, payable to the general fund of the city. The city council may grant such appeal and allow an exception to the provisions of this chapter upon a finding that such an exception would be in the best interests of the city and not against the spirit and intent of this chapter. If the building official denies a sign permit, or if a variance is requested, the appeal or variance request will first be reviewed by the planning commission, which will provide a recommendation to the city council.

As stated above any party can appeal an order to remove an existing sign and the City Council may grant such appeal upon the finding that such an exception would be in the best interest of the city and not against the spirit and intent of the sign ordinance.

The Planning Commission is also required to review the application and make a recommendation to the City Council.

The first standard to consider is, would the grant of an exception be in the best interest of the city. This standard is being interpreted to mean in the best interest of the public. It would be difficult to apply this standard to a privately owned neon sign advertising a private business to be in the best interest of the public.

The second standard states that the exception is not against the spirit and intent of the sign ordinance. Section 32-10(b)(11) Prohibited signs clearly states that "Any neon or neon type sign as defined in section 32-3, subject to section 32-35" are prohibited signs.

The applicant's sign is clearly a prohibited type of neon sign. The applicant is claiming that removing this sign would be a detriment to his business and the community as the reason to grant the exception. This however does not meet the above criteria and it is recommended that the Planning Commission forward their findings to the City Council.

CITY OF GROSSE POINTE WOODS

BUILDING DEPARTMENT

MEMORANDUM

TO: Planning Commissioners

FROM: Gene Tutag, Building Official

DATE: December 6, 2010

SUBJECT: City Council Meetings for 2011

City Council meetings are held on the first and third Mondays of each month at 7:30 p.m. in the Council-Court Chambers of the Municipal Building. A Planning Commission member is required to attend such meetings.

Below is a suggested schedule for Planning Commission members to attend the monthly City Council meetings for **2011**:

MONTH	DATES	MEMBER	E-MAIL	HOME	Work / Cell
January	03 / 17	Dickinson	aldickinsongpw@yahoo.com	881-6897	
February	07 / 28	Evola	cevola2010@att.net	882-9613	
March	07 / 21	Fuller	fullerpost@aol.com	881-6681	c/313-303-1690 w/248-944-6131
April	04 / 18	Gilezan	ggilezan@dykema.com	885-1360	w/313-568-6789
May	02 / 16	Hamborsky	hamgroup@aol.com	881-2134	c/313-282-6432
June	06 / 20	Nederhood	rnederhood@foley.com	640-1990	w/313-234-7154
July	11 / 18	Richardson	rossrich@comcast.net	884-4056	
August	01 / 15	Vaughn	tvaughn@dykema.com	882-9573	w/313-568-6524
September	12 / 19	Vitale	jvitale@stuckyvitale.com	886-1253	w/248-546-6700
October	03 / 17	Dickinson	aldickinsongpw@yahoo.com	881-6897	
November	07 / 21	Evola	cevola2010@att.net	882-9613	
December	05 / 19	Fuller	fullerpost@aol.com	881-6681	c/313-303-1690 w/248-944-6131

**City of Grosse Pointe Woods
BUILDING DEPARTMENT
Monthly Financial Report – November 2010**

Permits Issued: 133
Rental Certificates: 13
Vacant/Foreclosure: 2

Total Amount: \$ 20,446

CODE ENFORCEMENT

Abandoned/Foreclosure Compliance Letters Sent:	24
# of Complaints Investigated by Code Enforcement:	12
Closed Due to Compliance:	8
Open for Longer Compliance Time:	4
Citations Issued:	4
Early Trash Notices:	7
Code Violation Notices to Residents:	23
Tall Grass Notices Issued:	0
Stop Work notices to Contractors (working w/o permit):	11
Outside Storage:	5

NEW BUSINESS

Beline Obeid Realty, 19846 Mack Avenue
Pointe Pharmacy, 19794 Mack Avenue