

CITY OF GROSSE POINTE WOODS, MICHIGAN
20025 Mack Plaza Dr.
Planning Commission Meeting Agenda
November 23, 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 Workshop – 10/26/10
 - Planning Commission – 10/26/10
7. **BUILDING OFFICIAL'S LETTER REGARDING NEON SIGNS – 11/18/10**
8. **NEON SIGN APPEAL: McCUBBINS BARBER SHOP, 20563 MACK AVENUE:**
 - A. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - B. Letter – 09/29/10 (LeFevre)
 - C. Letter – 09/30/10 (Reed)
 - D. Proclamation – 09/16/02
 - E. Photos (2)
 - F. Memo – 11/17/10 (Building Official Tutag)
9. **NEON SIGN APPEAL: ELAN CANDIES, 20651 MACK AVENUE:**
 - A. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - B. Letter – 10/22/10 (Domzalski)
 - C. Photo
 - D. Memo – 11/17/10 (Building Official Tutag)
10. **NEON SIGN APPEAL: BANK'S POINTE VACUUM, 20187 MACK AVENUE:**
 - A. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - B. Letter – Rec'd 10/26/10 (Bank's)
 - C. Photos (2)
 - D. Memo – 11/17/10 (Building Official Tutag)
11. **NEON SIGN APPEAL: SAMIRA'S FAMILY FASHION, 21027 MACK AVENUE:**
 - A. GPW Bldg Dept Letter – 09/21/10 (Tutag)
 - B. Letter – 11/01/10 (Fayed)
 - C. Photo
 - D. Memo – 11/17/10 (Building Official Tutag)
12. **NEON SIGN APPEAL: DAVID C. SECORD, D.D.S., M.S., 20259 MACK AVENUE:**
 - A. GPW Bldg Dept Letter – 10/22/10 (Tutag)
 - B. Letter w/att. – 11/09/10 (Secord)
 - C. Photo
 - D. Memo – 11/17/10 (Building Official Tutag)

13. **NEON SIGN APPEAL: MERIT WOODS PHARMACY, 19325 MACK AVENUE:**
A. GPW Bldg Dept Letter – 09/21/10 (Tutag)
B. Letter – 11/01/10 (Wilson)
C. 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
D. Memo – 11/17/10 (Building Official Tutag)
14. **BUILDING OFFICIAL’S MONTHLY REPORT:**
Building Department Report – October 2010
15. **COUNCIL REPORT:**
November - Vaughn
16. **INFORMATION ONLY - COUNCIL REPRESENTATIVE FOR NEXT MEETING:**
December - Vitale
17. **NEW BUSINESS:**
Sub-Committee Reports:
2020 Plan (Hamborsky/Vitale/Fuller/Gilezan)
Business & Development (Evola/Nederhood/Richardson/Vaughn)
18. **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 WORKSHOP
10-26-10 – 09

MINUTES OF THE PLANNING COMMISSION WORKSHOP MEETING HELD ON OCTOBER 26, 2010 IN THE CONFERENCE ROOM OF THE MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 6:33 p.m. by Chair Fuller.

Roll Call: Chair Fuller
Dickinson, Evola, Gilezan (6:46 pm), Hamborsky (7:13 pm), Richardson,
Vaughn (6:39 pm), Vitale

Absent: Nederhood

Also Present: Building Official Tutag
City Attorney C. Berschback
Recording Secretary Babij Ryska

Attendance: Council Member Boddy, PC Representative (6:40 pm)

The first item on the agenda was concerning **Discussion: Neon Sign Ordinance**. Chair Fuller opened discussion by stating the grandfather clause in the Ordinance has expired and all businesses must remove their neon signs. Building Official Tutag indicated that three businesses have filed an appeal. Those who have not yet complied or filed an appeal will receive a final letter giving 48 hours to remove signs or receive a citation.

City Attorney C. Berschback gave an overview of the history of the sign ordinance and the intent of its revisions. Discussion ensued regarding the appeals process. Chair Fuller allowed the business owners present to address the Commission.

Under **New Business**, Council Representative Boddy requested that the Commission Members whose terms are up at the end of the year advise if they would like to continue to serve.

The Planning Commission Workshop meeting was unanimously adjourned at 7:29 p.m.

PLANNING COMMISSION
10/26/10 – 045

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GROSSE POINTE WOODS
HELD ON TUESDAY, OCTOBER 26, 2010, IN THE COUNCIL-COURT ROOM OF THE
MUNICIPAL BUILDING, 20025 MACK AVENUE, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:34 p.m. by Chair Fuller.

Roll Call: Chair Fuller
Dickinson, Evola, Gilezan, Hamborsky, Richardson, Vaughn, Vitale

Absent: Nederhood

Also Present: Building Official Tutag
Recording Secretary Babij Ryska

Attendance: Council Member Boddy

Motion by Vaughn, seconded by Evola, that Planning 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, for being in attendance at tonight's meeting.

Motion by Evola, seconded by Vitale, regarding **Approval of Minutes**, that the Planning Commission Meeting minutes dated September 28, 2010 be approved as submitted.

PLANNING COMMISSION

10/26/10 – 046

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 Monthly Report**. Mr. Tutag reported the following:

- Children's Home Project is moving along, the developers are meeting with staff to discuss making a formal submission.
- Cataloging neon signs, will send a final letter and businesses will have 48 hours to remove signs or receive a citation.
- Almost 100% functional with the provisions of the foreclosure ordinance.

Commission Member Richardson gave the **Council Report**:

October 4, 2010

- The Zoning Ordinance amendment to allow a Continuing Care Retirement Community was approved.

October 18, 2010

- The AT&T Cell Tower proposal was denied.

Commission Member Vaughn will attend the Council meetings in November.

The following **Subcommittee Reports** were provided:

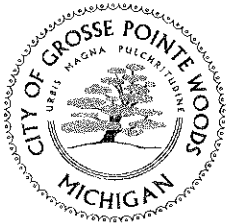
2020 Plan (*Fuller/ Gilezan/ Hamborsky/ Vitale*) – Commission Member Hamborsky stated that at the subcommittee meeting they discussed ways to promote commercial development within the City. However, they do not want to focus on the same issues as the Business & Development Subcommittee so it might be advisable to have a joint subcommittee meeting.

Business & Development (*Evola/ Nederhood/ Richardson/ Vaughn*) – Commission Member Vaughn reported that the subcommittee met with local Realtors regarding ways to make the City more appealing to new buyers. They discussed three main concerns: 1) the receptiveness of Realtors in general; 2) proximity to other communities and how that is perceived; and 3) perception of the quality of the schools in the City. The subcommittee also met with Administration to discuss the issues. Commission Member Nederhood is still trying to schedule a meeting with the Chamber of Commerce.

PLANNING COMMISSION
10/26/10 – 047

Under **New Business**, discussion of neon sign appeals ensued. At this point there are three appeal applications. It is likely they will be addressed at the next regular Planning Commission meeting in November.

Motion by Evola, seconded by Gilezan, to adjourn the Planning Commission meeting at 8:25 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.

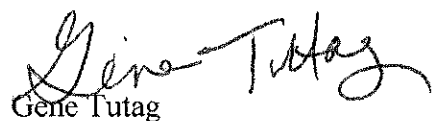
The city council may grant an exception, if there is a finding that the exception would be in the best interest of the city, and that the exception would not be against the spirit and intent of the sign ordinance.

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



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive

Grosse Pointe Woods, Michigan 48236-2397

September 21, 2010

Business Owner
McCubbin's Barber Shop
20563 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

WILLIAM WALTER LEFEVRE

29 September 2010

Robert E. Novitke, Mayor
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RECEIVED
OCT - 4 2010
CITY OF GROSSE POINTE WOODS

Dear Mr. Novitke:

I am writing today to ask the Council of the City of Grosse Pointe Woods to consider issuing a variance to the city ordinances concerning signs to McCubbin's Barber Shop located on Mack Avenue in the City of Grosse Pointe Woods.

As you may know, McCubbin's has been in business on the same site in Grosse Pointe Woods since 1952 and has had a small neon sign in the front window since the very beginnings of the business. Recently, the City of Grosse Pointe Woods has issued an order under sign ordinances that this neon sign must come down. As a patron of McCubbin's and as a historian, I would ask that the city reconsider this order or issue a variance to McCubbin's because of the historical nature of the sign. Indeed, it is my understanding that a picture of McCubbin's dating from the late 1950s and sporting the sign in question graces the walls of the City of Grosse Pointe Woods.

Thanking you in advance for your attention to this matter, I remain

Sincerely yours,


William W. LeFevre

29043 Bay Pointe Drive
Chesterfield Twp, MI 48047
September 30, 2010

City of Grosse Pointe Woods
ATTN: Office of the City Clerk,
Ms. Lisa Hathaway
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RECEIVED
OCT - 1 2010
CITY OF GROSSE POINTE WOODS

Dear Ms. Hathaway,

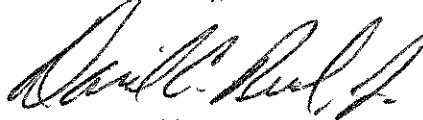
I recently received a letter from the Grosse Pointe Woods Building Official, Mr. Gene Tutag, dated September 21, 2010, citing City Ordinance #823, which requires removal of neon signs from business properties by October 26, 2010. This letter further states that appeals should be addressed with the City Clerk's Office.

I am the proprietor of McCubbin's Barber Shop, a third-generation small business which has operated in Grosse Pointe Woods and served three generations of its residents since 1952. On September 16, 2002, I received a Proclamation and engraved plaque from the Mayor of Grosse Pointe Woods citing my long-term service to the community. As a matter of fact, a picture of McCubbins Barber Shop, including the neon sign in the window, currently hangs in the City Office Building.

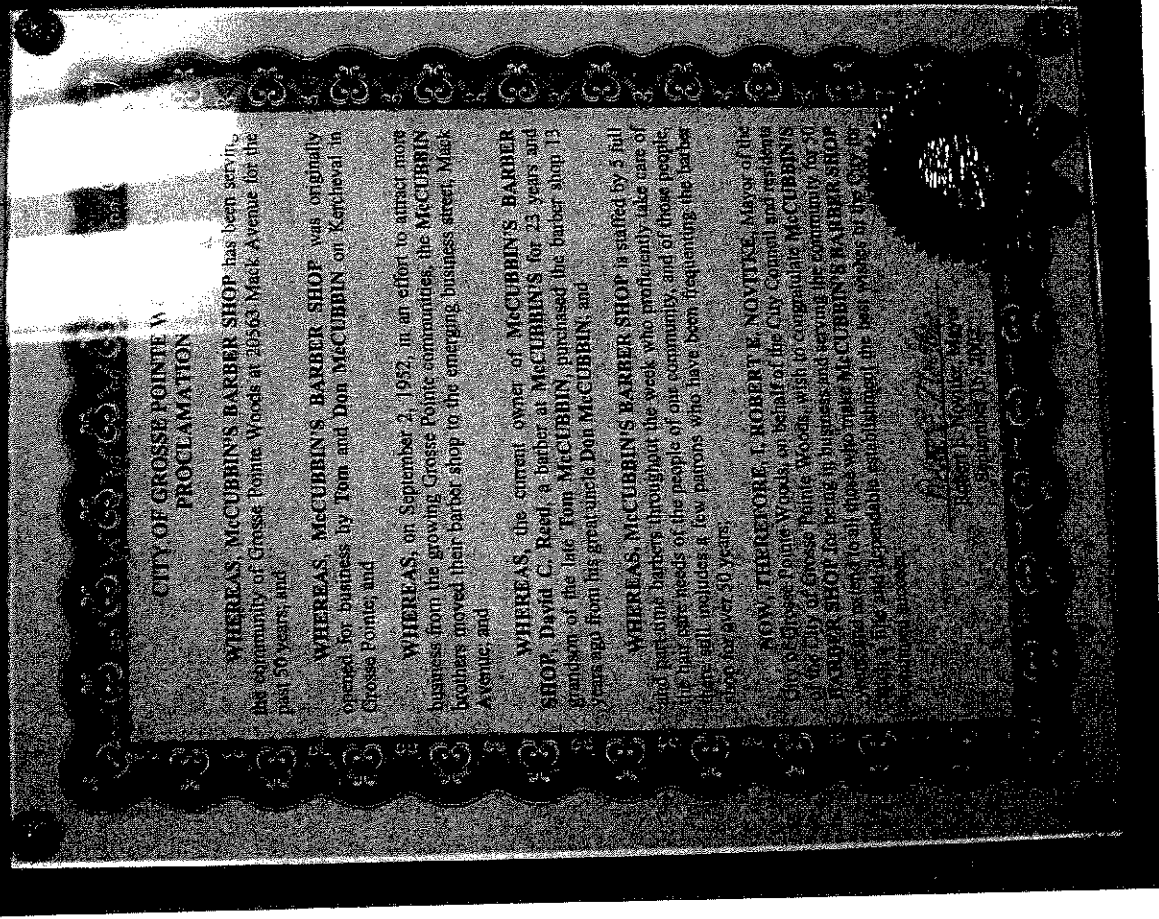
I would like to formally appeal the permanent removal of the neon business sign currently hanging in the front window of my building, based on the fact that this is the original sign from 1952, and reflects a piece of Grosse Pointe Woods history. I respectfully request that my case be reviewed with consideration given to this historical value. I can provide additional photographs, as well as a copy of the proclamation mentioned above, upon request.

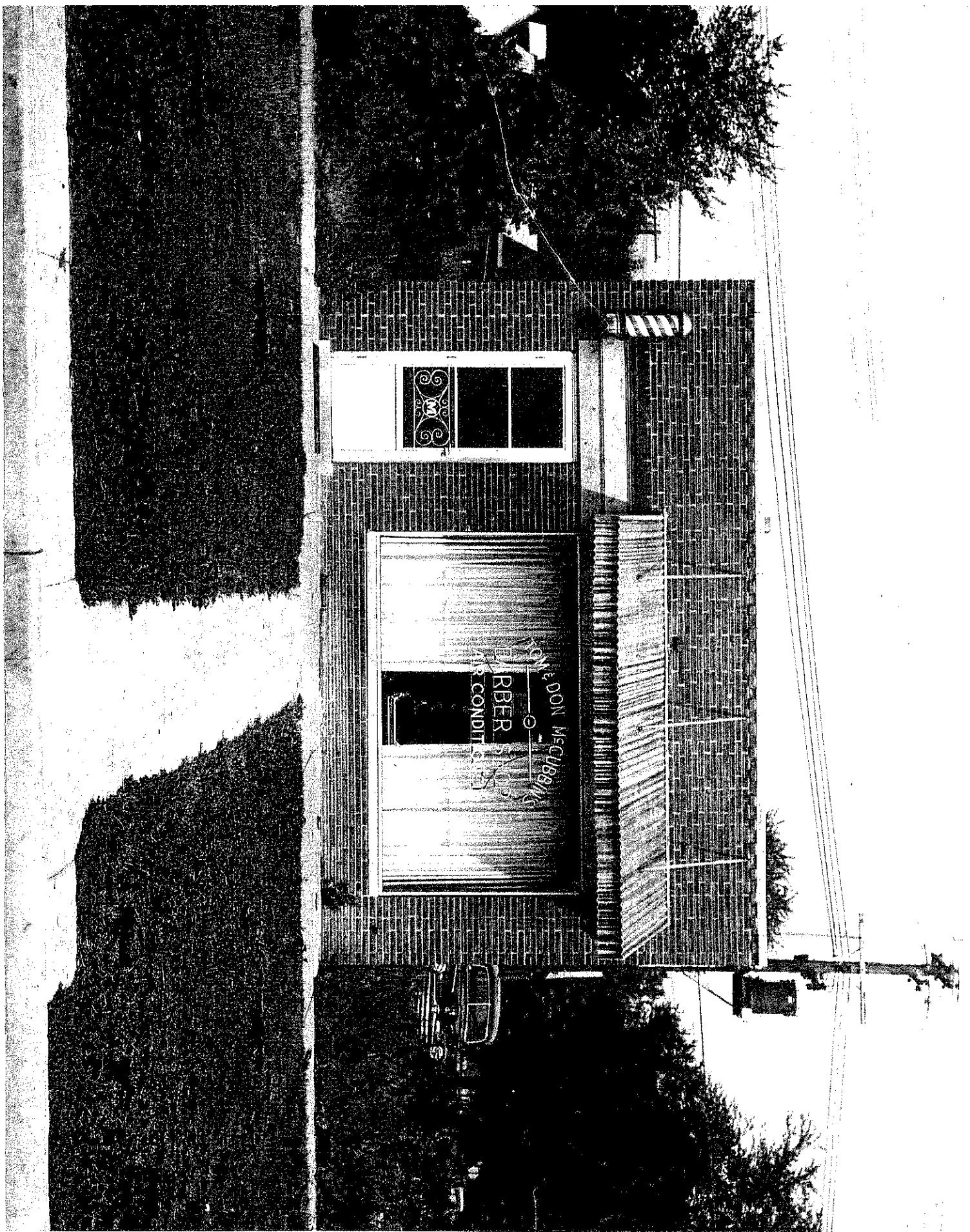
Please notify me prior to the removal deadline, October 26, 2010, regarding this request.

Sincerely,



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





CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official *GT*
DATE: November 17, 2010
SUBJECT: Sign Variance at McCubbins Barbershop, 20563 Mack Avenue

McCubbins Barbershop has been informed per Section 32-35 of the sign code to remove a neon window sign identifying the business 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. The applicant is claiming that this sign reflects a piece of Grosse Pointe Woods history as the reason to grant the exception. There is no doubt that the sign has been in the window of the barber shop for in excess of 50 years, 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
Elan Candies
20651 Mack
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.

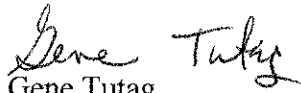
Additionally, your business may have neon-type signs not found on the above mentioned list that are in violation of Section 32-10(b)(11) of the City's code and must also be removed.

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

Elan Candies
20651 Mack Avenue
Grosse Pointe Woods, MI 48236

October 22, 2010

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

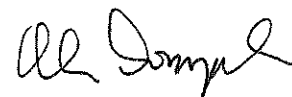
This letter meant to be a "Claim of Appeal" asking for an exception to Ordinance # 823 (The Neon Sign Ordinance) for the above-named business.

Our seasonal candy business has been in operation at this location since 1996, and our (small) neon sign has been installed since 1998.

Our business has no other form of advertising, and we believe that removing it would be a detriment to our business, and to the community. Our sign simply states the name of the business "Elan Candies", is very small and unobtrusive, and is in keeping with the tasteful standards of the community.

Based on the forgoing, I respectfully request an exception be granted for the above-referenced sign.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Domzalski". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alan Domzalski

City of Grosse Pointe Woods
20025 Mack Avenue, Grosse Pointe Woods
Phone 343-2440

CITY CLERK 2 2010


\$ _____ CITY OF G.P. WOODS
\$ _____ Notary
\$ _____ Permits/Licenses
\$ _____ Voter Info.
\$ 150.- Public Hearing Fees
\$ _____ Fireworks Vendor
\$ _____

700403

Customer Copy



CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT
MEMORANDUM

TO: Planning Commission
FROM: Gene Tutag, Building Official 
DATE: November 17, 2010
SUBJECT: Sign Variance at Elan Candies, 20651 Mack Avenue

Elan Candies has been informed per Section 32-35 of the sign code to remove a neon window sign that states "Elan Candies" from the premises by October 26, 2010. The owner Alan Domzalski 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

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.

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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.



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

ESCALADA • ANN TAYLOR • CLYVIN KLEIN • COACH • DKNY

POLO

CONSIGNMENT

SAVIER'S

RESALE

21022


ARMANI • CACHÉ • CELINE

ST. JOHN

ELLEN TRACY • PRADA • POLO

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.



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.

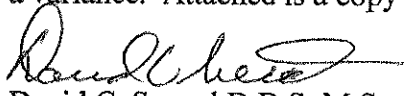
20259 Mack Avenue
Grosse Pointe Woods, MI 48236

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.

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.

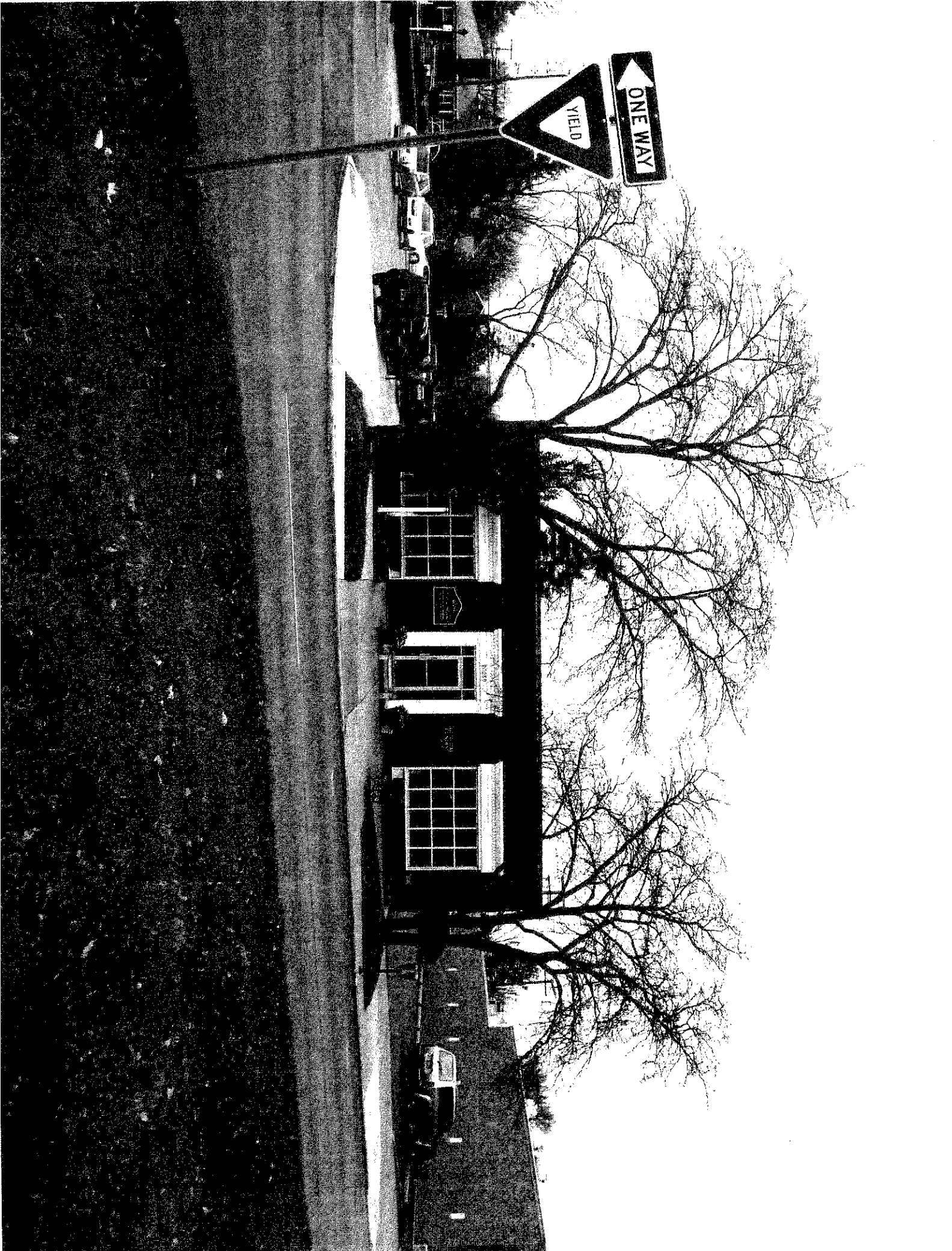
In accordance with Section 32-32 you may appeal the notice to remove the sign(s) by filing an appeal with the City Clerk.

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



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.



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

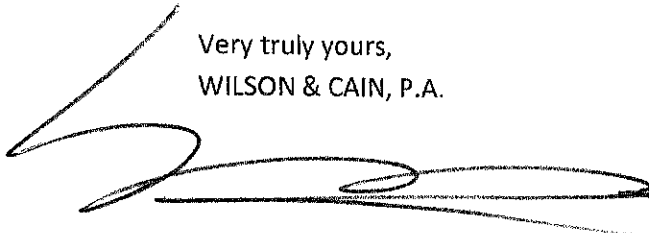
RE: MERIT WOODS/NEON SIGN ORDINANCE #823

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.

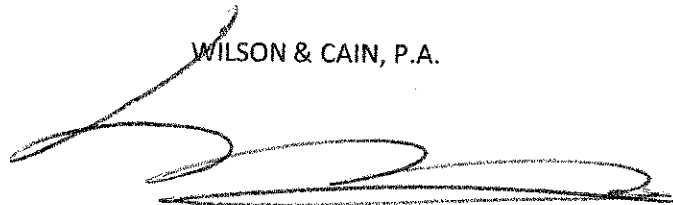
32-1(10) seeks to provide signage that will harmonize with the building upon which it is placed and the adjoining properties. Merit Woods' neon signs have harmonized perfectly with the building for over 35 years. It must be considered that "harmony" necessarily includes indefinable aesthetic considerations 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.

A handwritten signature in black ink, appearing to read 'Gary M. Wilson', is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

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)

- 523

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 Mccah
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 (40%) - Sec. 32-8
- ☐ Cloth & Banner Signs - Permit Required - Sec. 32-15(a)
- ☐ Political Signs - Sec. 32-22
- ☐ Temp. Signs: Real Estate - Sec. 32-20
- ☐ 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 Nuisance
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 Comply

EXHIBIT 3

The People of the City of Grosse Pointe Woods

RESOLUTION

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.

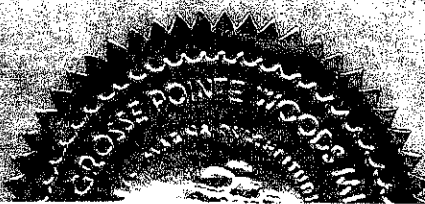


EXHIBIT 4



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.

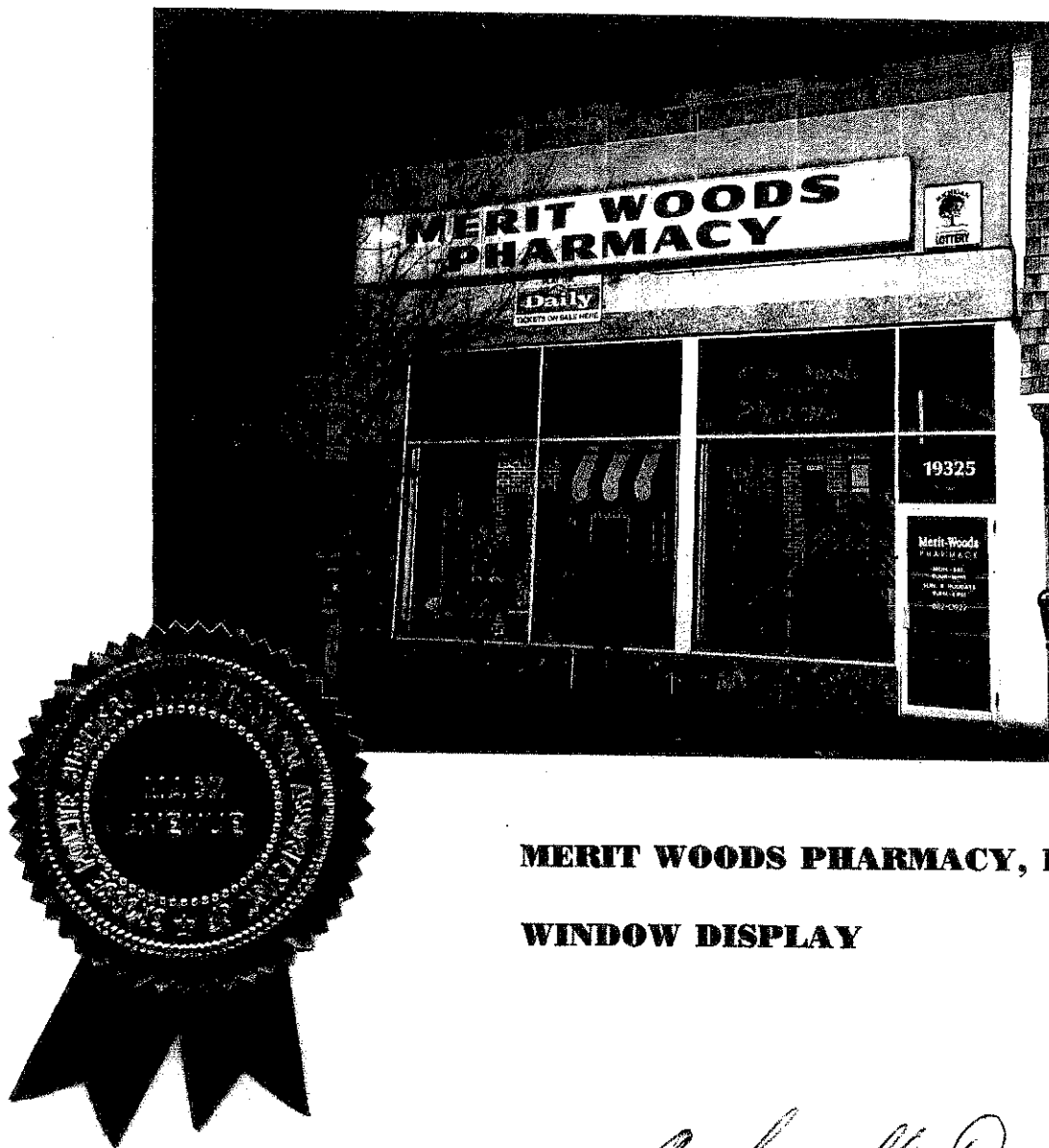
"As you all know, I am not a man of many words," Weisberg said. "However, on this occasion I have to say it is a nice honor for the city to name July 1 as my special day. My family and I are touched." Weisberg married Barbara Rubinfire after serving in the Army and raised two daughters. He has five grandchildren.

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

Antonio R. Clemente

President

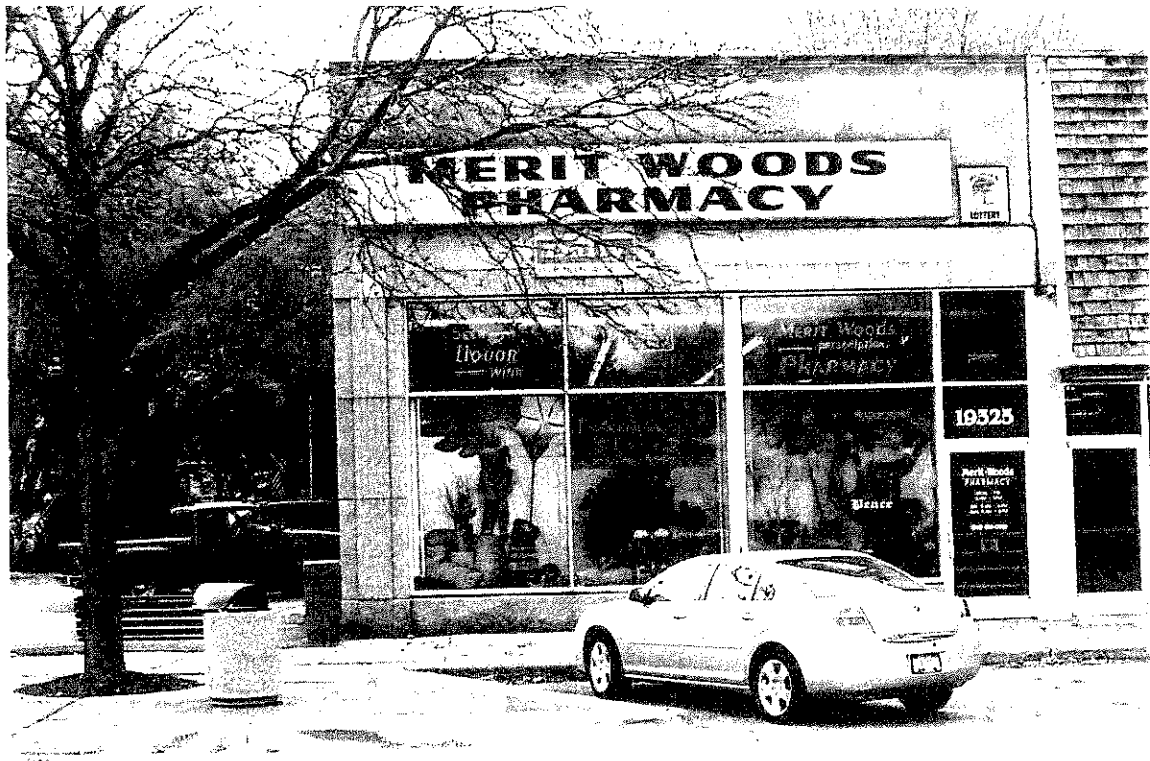


EXHIBIT 6



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
BUILDING DEPARTMENT
Monthly Financial Report – October 2010**

Permits Issued: 188

Rental Certificates: 23

Total Amount: \$28,743

CODE ENFORCEMENT

Abandoned/Foreclosure Compliance Letters Sent:	17
# of Complaints Investigated by Code Enforcement:	18
Closed Due to Compliance:	10
Open for Longer Compliance Time:	8
Citations Issued:	4
Early Trash Notices:	12
Code Violation Notices to Residents:	89
Tall Grass Notices Issued:	11
Stop Work notices to Contractors (working w/o permit):	14
Outside Storage:	12

NEW BUSINESS

None