

**DESIGN REVIEW BOARD**  
**MINUTES OF OCTOBER 21, 2020**  
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, October 21, 2020. Chairman John Henke called the meeting to order at 7:12 p.m.

**1) ROLL CALL**

**Present:** Chairman John Henke (left at 8:23 p.m.); Vice-Chairman Keith Deyer; Board Members Gigi Debbrecht (arrived 7:29 p.m.), Natalia Dukas, Patricia Lang

**Absent:** Board Members Joseph Mercurio, Michael Willoughby; Alternate Board Member Alexander Jerome

**Administration:** Nicholas Dupuis, City Planner  
Laura Eichenhorn, City Transcriptionist

**10-78-20**

**2) Approval Of Minutes**

**Motion by Ms. Lang**

**Seconded by Mr. Dukas to approve the DRB Minutes of October 7, 2020 as submitted.**

**Motion carried, 4-0.**

ROLL CALL VOTE

Yeas: Dukas, Lang, Deyer, Henke

Nays: None

**10-79-20**

**3) Courtesy Review**

City Planner Dupuis presented a courtesy review request from John Marusich, owner of The Pearl at 856 N. Old Woodward. CP Dupuis explained that the canopy sign ordinance permits signage on canopy valences to be up to 18 inches tall. The valence in this case, however, is 44 inches tall. In addition, per ordinance the square footage of the canopy can only be 33% of the linear frontage. The current dimensions of The Pearl's valence work out to be 50-60% of the square footage of the linear frontage.

Mr. Marusich installed the valence prior to receiving approval from the City. He submitted an administrative approval request subsequent to the valence's installation, which the City had to deny since it did not meet ordinance requirements. CP Dupuis stated he was told by Mr. Marusich that the installation of the valence without approval was the result of a series of misunderstandings among the people he hired to create and install the valence. The Pearl's canopy will be extended out over the sidewalk to seven feet in response to requirements from

the Planning Board. After performing the required modification, Mr. Marusich has said he would like to restore the valence sign as-is to the building's frontage.

CP Dupuis stated that Mr. Marusich has an official application in with the DRB for a design review of the sign, which is scheduled for November 4, 2020. He understands that the valence will not be permitted by the DRB since it does not conform to the ordinance, and that he would then have to appear before the Board of Zoning Appeals should he wish to pursue the matter further. CP Dupuis explained Mr. Marusich was before the DRB this evening to get additional context on why the DRB made the recommendations it did for the canopy valence ordinance which was changed in May 2020.

In reply to a question from Mr. Marusich, Chairman Henke summarized that the DRB made recommendations to change the canopy valence ordinance in May 2020 after much Board deliberation regarding the appropriate size, scale, and aesthetics of such canopy valences and attendant signage.

Mr. Marusich asked Board members to state what they found aesthetically problematic about The Pearl's valence, since it does not comply with the aesthetic recommendations previously made by the DRB and now contained in the relevant ordinance.

Chairman Henke and CP Dupuis emphasized to Mr. Marusich that it was not relevant whether the DRB found his particular canopy valence aesthetically problematic at this point. They emphasized that the only question at hand was whether The Pearl's canopy valence complied with the ordinance, and that unfortunately it did not.

Chairman Henke said that, after the design review of the valence scheduled for November 4, 2020, the DRB could possibly recommend to the BZA that the valence be granted a variance. He explained that the recommendation would not be binding on the BZA, and that the DRB would not be able to independently approve the valence.

Mr. Marusich asked whether the DRB could grant him some leeway since he did not intend to flout the ordinance requirements. He reiterated his contention that the valence was mistakenly installed without approval due to misunderstandings on the part of the people he hired to do it.

Chairman Henke stated that it is general DRB practice to look more kindly on these types of discussions when they happen before non-compliant action is taken by the business owner. He said the DRB looks less favorably on requests for forgiveness of ordinance violations.

Agreeing with Chairman Henke, the Board emphasized that a misunderstanding of ordinances or application processes was not a sufficient reason to be granted leeway by the DRB. They also reiterated Chairman Henke's previous comment that they had little ability to give Mr. Marusich leeway on this issue. They emphasized that the process of getting signage approval in the City is well-known by most business owners and that the DRB cannot act to approve an ordinance violation.

Ms. Lang said she had no problem with the sign on an aesthetic level. She agreed with her fellow Board members that since the sign violates the ordinance the only option available to them would

be to consider recommending a variance approval to the BZA after November 4, 2020's design review.

Seeing no further comment on the matter, the DRB continued to the next agenda item.

**10-80-20**

**4) Public Hearing Review**

None.

**10-81-20**

**5) Design Review**

None.

**10-82-20**

**6) Sign Review**

None.

**10-83-20**

**7) Study Session**

None.

**10-84-20**

**8) Miscellaneous Business And Communications**

**A. Staff Reports**

**1. Administrative Sign Approvals**

CP Dupuis presented an administrative sign approval request from Dennis Pazzi, for his store located at 395 E. Maple Road. He explained that Mr. Pazzi was seeking to add a description to his sign in order to let people coming in off the street know that he does commercial interior design and not residential interior design.

Chairman Henke reminded the Board that it has been his ongoing stance that if he could not tell what a business is from the sign then he has had no objection to descriptor words being added to the signage.

Chairman Henke continued that allowing descriptor words in the sign band in select cases would also be a way for the City to further support its small businesses while they are attempting to weather the deleterious impact of the Covid-19 pandemic.

Mr. Deyer said he was unsure how the DRB would determine when descriptor words in the sign band would be appropriate and when they would not be. Mr. Deyer said that businesses could put the descriptor words at the bottom of their windows instead in order to provide clarity.

Chairman Henke warned that vehicles passing Pazzi on Maple would be highly unlikely to be able to see the descriptor words in the window.

Ms. Lang said she would be supportive of allowing descriptor words in this case particularly on the side of the business that faces Woodward.

Ms. Dukas said that in general she concurred with Chairman Henke. She said she found the proposed description in this case slightly long and would be more supportive if it was shortened a bit.

There was Board consensus that this item and the other five administrative sign approvals CP Dupuis wanted to discuss presently should be returned to be discussed more thoroughly by the DRB at its November 4, 2020 meeting.

CP Dupuis asked whether the six administrative sign review requests he had intended for the present meeting should be noticed and paid for as design reviews or whether they should be included on the next meeting's agenda as administrative sign review requests again. He said that if each request had to be a full design review they would not appear before the DRB until the November 18, 2020 meeting.

Chairman Henke said he would reach out to City Attorney Currier the next day to determine what would be most appropriate. He recommended that the requests be scheduled as administrative sign review requests with the understanding that they might have to be changed to design reviews and moved to the November 18 meeting depending on City Attorney Currier's response.

CP Dupuis said he would like to facilitate a future study session among the DRB members to try and gain clarity on which descriptor words are and are not acceptable according to the Board's members.

Chairman Henke explained that descriptor words has been a contentious topic among the DRB members for longer than he has been a member of the Board. He said he was willing to have a study session but cautioned CP Dupuis that he may not gain any further clarity on the Board's preferences.

- 2. Administrative Approvals**
- 3. Action List - 2020**

**10-85-20**

**Adjournment**

**Motion by Ms. Lang**

**Seconded by Ms. Dukas to adjourn the DRB meeting of October 21, 2020 at 8:24 p.m.**

**Motion carried, 4-0.**

ROLL CALL VOTE

Yeas: Lang, Dukas, Debbrecht, Deyer

Nays: None

Nicholas Dupuis  
City Planner

APPROVED