

**CITY OF OAK PARK, MICHIGAN
ZONING BOARD OF APPEALS
OCTOBER 24, 2017
MEETING MINUTES**

The meeting was called to order at 7:30 p.m. by Chairperson Landau in the Council Chambers of City Hall located at 14000 Oak Park Boulevard, Oak Park, MI 48237 and Roll Call was made.

PRESENT: Chairperson Landau, Commissioner Anderson, Commissioner Blumenkopf
Vice Chairperson Huston, Commissioner Barton, and Commissioner Seligson

ABSENT: Commissioner Peiss

OTHERS

PRESENT: City Planner Kevin Rulkowski
Deputy City Clerk Lisa Vecchio

APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF SEPTEMBER 26, 2017

MOTION BY Seligson, SECONDED BY Huston, to approve the meeting minutes of September 26, 2017 with one correction.

Vote: Yes: Landau, Anderson, Blumenkopf, Barton, Huston, Seligson
No: None

MOTION DECLARED ADOPTED

COMMUNICATIONS: None

OLD BUSINESS: None

NEW BUSINESS:

a) **CASE 17-08:**

APPLICANT:

Rabbi Ari Kosterlitz, on behalf of Congregation Dovid Ben Nuchim
14800 Lincoln Avenue
Oak Park, Michigan

PROPERTY:

14800 Lincoln Avenue
Property Identification Number: 25-19-178-036

ORDINANCE REQUIREMENTS AND REQUEST:

Three variances are requested:

1. Article XIX, Section 1906 (c), requires that the side yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet. The applicant is

requesting a waiver of seventeen (17) feet, two (2) inches to allow for a west side yard setback of ten (10) feet, ten (10) inches.

2. Article XIX, Section 1906 (c), requires that the front yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet. The applicant is requesting a waiver of three (3) feet to allow for a front yard setback of twenty-five (25) feet.
3. Article XVII, Section 1726, G (7), requires that places of worship with a proposed occupant load of 200 provide 67 parking spaces. The applicant is requesting a waiver of eighteen (18) parking spaces to allow for 49 parking spaces to be provided on-site.

STAFF FINDINGS OF FACT:

1. The subject property is currently R-1, One Family Dwelling District.
2. Article XIX, Section 1906 (c), requires that the side yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet.
3. The applicant is requesting a waiver of seventeen (17) feet, two (2) inches to allow for a west side yard setback of ten (10) feet, ten (10) inches.
4. Article XIX, Section 1906 (c), requires that the front yard setback for a building fourteen (14) feet in height to be twenty-eight (28) feet.
5. The applicant is requesting a waiver of three (3) feet to allow for a front yard setback of twenty-five (25) feet.
6. Article XVII, Section 1726, G (7), requires that places of worship with a proposed occupant load of 200 provide 67 parking spaces.
7. The applicant is requesting a waiver of eighteen (18) parking spaces to allow for 49 parking spaces to be provided on-site.
8. The Planning Commission on October 9, 2017 approved the Site Plan for the proposed addition subject to the Zoning Board of Appeals granting the required variances.
9. At the suggestion of the Planning Commission, Congregation Dovid Beth Shalom has secured a commitment from Congregation Beth Shalom to allow the use of their parking lot for overflow parking from Congregation Dovid Beth Shalom.
10. Due to the close proximity of the building addition to the residential home on the west side of the property, the Planning Commission conditioned approval of the Site Plan on additional landscaping being placed on west property line.
11. The building addition will remove a driveway and parking area that currently exists on the west side of the property and replace it with a sidewalk and a landscaped area.

STAFF RECOMMENDATIONS:

Congregation Dovid Ben Nuchim, is proposing to construct a building addition at 14800 Lincoln Avenue. The proposed 2,647 square foot addition will house a larger library and conference room as well as offices. The main worship area will not increase in size. The Planning Commission on October 9, 2017 approved the Site Plan for the proposed addition subject to the Zoning Board of Appeals granting the required variances and suggested the congregation seek additional parking from another nearby synagogue.

Two setback variances have been requested, one for the front yard and one for the west side yard setback. The Zoning Ordinance requires that building setbacks for Places of Worship be twice the height of the principal building, in this case a 28 foot setback (2 x 14 feet). The requested three (3) foot front yard variance maintains the existing front building line and is consistent with the front yard setback requirement (25 feet) for the surrounding residential area. The requested west side yard would place the building ten (10) feet, ten (10) inches from the property line. To lessen the impact of the proposed addition to the adjacent residential home, the Planning Commission required additional landscaping along this property line. Considering the 14 foot height of the proposed addition (similar to the height of a ranch home) and the fact that the proposed setback is consistent with a residential side yard setback (ten feet on the side yard setback with a driveway) the visual and building impact will be minimal. Although strict compliance with the setback provisions would not unreasonably prevent the facility from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. Based on the above noted facts both setback requests appear reasonable.

An additional variance is requested for a reduction of the parking from the required 67 parking spaces to 49 parking spaces. The Zoning Ordinance determines the required number of parking spaces based on the area designated for worship. In this case, the building addition is for a larger library, conference room and offices and does not increase the size of the worship area. The Site Plan also notes that "the highest occupant load occurs on Saturdays and on Jewish holidays where driving is not permitted". However, the facility also hosts a number of non-worship activity and events. The Planning Commission suggested the congregation seek cooperation from another nearby synagogue to meet and overflow parking needs. Acting on this concern, Congregation Dovid Beth Shalom has secured a commitment (see attached letter) from Congregation Beth Shalom to allow the use of their parking lot for overflow parking from Congregation Dovid Beth Shalom. Although strict compliance with the required parking provisions would not unreasonably prevent the facility from using the property for a permitted purpose, it would render conformity unnecessarily burdensome in this case. Based on the noted accommodation from a nearby synagogue the granting of a variance appears reasonable.

Taking the above findings of fact into consideration, it is the recommendation of the Planning Division to approve the variances requested.

Chairperson Landau expressed concerns regarding the safety of there being only one driveway designated to exit the property. In the event of a fire or emergency evacuation of the building he believe there will not be enough space for vehicles to exit.

Jean Falon, 14730 Lincoln, expressed concerns regarding the overflow parking, she lives on the same street and in the past her driveway has been blocked. Also regarding the side setback being an excessive request, from 28 ft to 10 ft, she believes that granting this much of a variation in the setback would compromise the premise of the ordinance itself.

Julie Edgar, 14371 Manhattan, lives behind Ben Nuchim and expressed concerns regarding the wall that exists on three sides of the property, which backs up into her backyard. She claimed

that the wall is in poor condition, with the seams coming apart in some areas. There is also a ladder that visitors will use to climb and jump the wall to enter the property, which is very unsafe and provides a poor image.

Members of the Zoning Board of Appeals discussed making certain items regarding the wall, parking, and other factors conditions upon approval.

Jeremy Minchin, President of the Synagogue, described all of the variances and the various changes they wish to make to the property. He addressed the concerns of the residents and the Board and expressed no issue in completing these conditions if it meant approval of their request.

MOTION BY Huston, SECONDED BY Seligson: that based on the information presented in the Staff Report, and additional findings of fact discussed during the review of case # 17-08, I move to conditionally approve the requests

of Rabbi Ari Kosterlitz, on behalf of Congregation Dovid Ben Nuchim, 14800 Lincoln Avenue,

- 1) for a waiver of one (1) foot, from the provisions in Article XVII, Section 1703, C, to allow for the construction of a garage fourteen (14) feet in height.
- 2) for a waiver from the provisions in Article XVII, Section 1703, B, 4, c, to allow for the total square footage of all accessory buildings on the lot to be 11.03%.

With the following conditions:

- 1) the wall along the boundary of the property will be inspected by the City of Oak Park's Technical and Planning Department, and all required repairs to the wall will be made by the property owners;
- 2) the ladder that is placed on the outside of that same wall, which is currently used by individuals to jump the wall, will be removed;
- 3) the dumpster on the property will be enclosed and contained;
- 4) signage directing visitors to overflow parking areas will be placed in visible traffic areas on the property

VOTE: Yes: Anderson, Barton, Blumenkopf, Huston, Seligson
No: Landau

MOTION CARRIED

ADJOURNMENT:

There being no objections Chairman Landau adjourned the meeting at 8:09 p.m.

Lisa Vecchio, Deputy City Clerk/Director of Elections