

**CITY OF OAK PARK, MICHIGAN  
ZONING BOARD OF APPEALS  
MARCH 27, 2018  
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  
Vice Chairperson Huston  
Commissioner Anderson  
Commissioner Blumenkopf  
Commissioner Peiss  
Commissioner Seligson

ABSENT: Commissioner Barton

OTHERS  
PRESENT: City Planner Kevin Rulkowski  
Deputy City Clerk Lisa Vecchio

**APPROVAL OF ZONING BOARD OF APPEALS MINUTES OF NOVEMBER 28, 2017**

**MOTION BY Huston, SECONDED BY Peiss**, to approve the meeting minutes of November 28, 2017 with one correction.

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

**MOTION DECLARED ADOPTED**

**COMMUNICATIONS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

a) **CASE 18-01:**

**APPLICANT:**

Congregation Beth Shalom  
14601 Lincoln  
Oak Park, Michigan

**PROPERTY:**

14601 Lincoln  
Property Identification Number: 52-25-19-327-002

**ORDINANCE REQUIREMENTS AND REQUEST:**

The following variances are requested:

1. Article XVIII, Section 1803, A, 1, requires monument style signs not to exceed thirty (30) square feet in size. The applicant is requesting a waiver of three (3) square feet to allow for a monument style sign thirty-three (33) square feet in size.
2. Article XVIII, Section 1803, A, 3, requires no electronic messaging sign shall be allowed within 100 feet of a residential zone. The applicant is requesting a waiver to allow for an electronic messaging sign to be in a residential zone.
3. Article XVIII, Section 1802, T, 2, requires the area of the electronic messaging display not to exceed 50 percent of the total sign face of a monument style sign. The applicant is requesting a waiver of two-and-one-half (2.5) square feet to allow for an electronic messaging display of seventeen-and-one-half (17.5) square feet in size.

**STAFF FINDINGS OF FACT:**

- 1) The property is currently zoned R-1, One Family Dwelling District.
- 2) Article XVIII, Section 1803, A, 1, requires monument style signs not to exceed thirty (30) square feet in size.
- 3) The applicant is requesting a waiver of three (3) square feet to allow for a monument style sign thirty-three (33) square feet in size.
- 4) Article XVIII, Section 1803, A, 3, requires no electronic messaging sign shall be allowed within 100 feet of a residential zone.
- 5) The applicant is requesting a waiver to allow for an electronic messaging sign to be in a residential zone.
- 6) Article XVIII, Section 1802, T, 2, requires the area of the electronic messaging display not to exceed 50 percent of the total sign face of a monument style sign.
- 7) The applicant is requesting a waiver of two-and-one-half (2.5) square feet to allow for an electronic messaging display of seventeen-and-one-half (17.5) square feet in size.
- 8) The proposed monument style sign will be located in approximately the same location as the current monument style sign.
- 9) At the proposed location the proposed sign will be 150 feet from the closest residential use (home) to the northwest, 218 feet from the closest residential use (apartment) to the west, and 362 feet from the closest residential use (home) to the east.
- 10) All Electronic message signs are subject to the following regulations:
  - a. An electronic messaging sign shall be permitted only as a portion of a monument style sign or a freestanding shopping center sign. Electronic messaging signs are prohibited as wall, office building identification, window and temporary signs.
  - b. The area of the electronic messaging display shall not exceed 50 percent of the total sign face of a monument style sign.
  - c. In a freestanding shopping center sign, an electronic messaging display may replace one permitted tenant panel not to exceed 30 square feet in size.

- d. Messages on electronic messaging signs shall be displayed for a minimum of eight seconds before changing.
  - e. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message or display is changed to another message or display. When an electronic message changes, the prior message shall disappear simultaneously with the appearance of the new message.
  - f. An electronic messaging sign shall be equipped with an automatic dimmer control capable of providing a distinct illumination change from a higher illumination level to a lower illumination level. The illumination level of the sign shall be reduced during the time period from one-half hour before sunset to one-half hour after sunrise.
  - g. Audio speakers are not permitted on any electronic messaging sign.
  - h. A malfunctioning electronic messaging sign shall be turned off or shall display a blank screen until repaired.
  - i. No electronic messaging sign shall be allowed within 100 feet of a residential zone from which it is visible. An electronic messaging sign which is visible from a residential district may operate only between the hours of 6:00 a.m. and 10:00 p.m.
- 11) The applicant's current sign has an internally illuminated manually-changeable message board.
- 12) Lincoln Avenue is a collector street with a larger volume of daily traffic than a neighborhood street.

**STAFF RECOMMENDATIONS:**

The applicant, Congregation Beth Shalom, 14601 Lincoln, is proposing to erect a new monument style sign in the same location as their current monument style sign. The current sign has an internally illuminated manually-changeable (plastic letters inserted into channels) message board. The proposed sign will have an electronic message board as part of the sign. The Zoning Ordinance sign regulations prohibit these types of signs in residential districts or within 100 feet of a residential zone. The area near Congregation Beth Shalom is a mixture of single family homes, apartments and institutional uses (schools and places of worship) on Lincoln Avenue a street with a boulevard. The Congregation Beth Shalom property is also very large (5 acres). The residential uses near the location of the proposed monument style sign are between 150 to 360 feet away. The replacement of the current internally illuminated message board with an electronic one will most likely have very little, if any, negative impact to the surrounding properties if operated as required by the provisions in the Zoning ordinance.

Considering the size of the proposed sign and its location in relationship to the nearest residential uses, it would seem reasonable to consider a variance to accommodate the electronic message sign as part of a new monument style sign. For these reasons an argument for a practical difficulty (*although compliance would not unreasonably prevent the owner from using the property for a permitted purpose, strict compliance would*

*render conformity unnecessarily burdensome, the granting of a variance would provide substantial justice to applicant) could be demonstrated.*

Taking the above discussion and findings of fact into consideration, it is the recommendation of the Planning Division to approve the variance requests subject to the following Zoning Ordinance conditions for these types of signs:

- a. Messages on electronic messaging signs shall be displayed for a minimum of eight seconds before changing.
- b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message or display is changed to another message or display. When an electronic message changes, the prior message shall disappear simultaneously with the appearance of the new message.
- c. An electronic messaging sign shall be equipped with an automatic dimmer control capable of providing a distinct illumination change from a higher illumination level to a lower illumination level. The illumination level of the sign shall be reduced during the time period from one-half hour before sunset to one-half hour after sunrise.
- d. Audio speakers are not permitted on any electronic messaging sign.
- e. A malfunctioning electronic messaging sign shall be turned off or shall display a blank screen until repaired.
- f. An electronic messaging sign which is visible from a residential district may operate only between the hours of 6:00 a.m. and 10:00 p.m.

John Phalen, 14730 Lincoln, expressed concerns regarding the brightness and time of evening the sign will be lit, being that it is visible from his bedroom window.

City Planner Rulkowski explained that there are ordinances in place that require the sign to be turned off between 10:00pm and 6:00am, as well as how brightly it can be lit.

Gretchen Wiener, President of Beth Shalom, explained that they wish to replace the sign to create better communication with the community, and to upgrade their sign with the latest technology – electronic LED screen. She is aware of the concerns of the surrounding neighbors and is willing to adhere to City Zoning Ordinance.

**MOTION BY Seligson, SECONDED BY Anderson:** that based on the information presented in the Planning Division Report, and additional findings of fact discussed during the review of case # 18-01, I move to **approve** the request

of the Congregation Beth Shalom, 14601 Lincoln,

- 1) for a waiver of three (3) square feet from the provisions in Article XVIII, Section 1803, A, 1, to allow for a monument style sign thirty-three (33) square feet in size.
- 2) for a waiver from the provisions in Article XVIII, Section 1803, A, 3, to allow for a for an electronic messaging sign to be in a residential zone.

- 3) for a waiver of two-and-one-half (2.5) square feet from the provisions in Article XVIII, Section 1803, A, 1, to allow for an electronic messaging display of seventeen-and-one-half (17.5) square feet in size.

with the following Zoning Ordinance conditions:

- a. Messages on electronic messaging signs shall be displayed for a minimum of eight seconds before changing.
- b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance except when the electronic message or display is changed to another message or display. When an electronic message changes, the prior message shall disappear simultaneously with the appearance of the new message.
- c. An electronic messaging sign shall be equipped with an automatic dimmer control capable of providing a distinct illumination change from a higher illumination level to a lower illumination level. The illumination level of the sign shall be reduced during the time period from one-half hour before sunset to one-half hour after sunrise.
- d. Audio speakers are not permitted on any electronic messaging sign.
- e. A malfunctioning electronic messaging sign shall be turned off or shall display a blank screen until repaired.
- f. An electronic messaging sign which is visible from a residential district may operate only between the hours of 6:00 a.m. and 10:00 p.m.

**VOTE:** Yes: Anderson, Blumenkopf, Huston, Landau, Peiss, Seligson  
No: None

**MOTION CARRIED**

**ADJOURNMENT:**

There being no objections, Chairperson Landau adjourned the meeting at 7:48 p.m.

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Lisa Vecchio, Deputy City Clerk/Director of Elections