

## Not in This Neighborhood! Zoning Battles

*Summary: Neighbors unfamiliar with temples, gurdwaras, and mosques sometimes turn to zoning laws in order to sanction religious discrimination. Common sources of conflict include concerns about traffic and parking on residential streets and the appearance of proposed structures. Successful efforts at overcoming zoning conflicts have often involved dialogue between religious communities and the communities into which structures may be built.*

One of the first encounters a new immigrant religious community has with its neighbors might not be over a cup of tea, but in City Hall in a zoning board hearing. Zoning and traffic are real concerns, to be sure, but they also are ways to articulate, in concrete terms, a community's amorphous fears. Every religious tradition in America has faced the "zoning and traffic" problem in one place or another. But new and struggling religious communities often feel the challenge by their new neighbors more acutely.

All over America, the Vietnamese Buddhist tradition initially has taken root in new soil through a multitude of small home temples, which are in homes in ordinary neighborhoods. Suddenly in the suburbs of Denver or Houston, there is a temple next door where a Buddhist monk and his assistants live. The living room is transformed into a Buddha hall, with a high altar for the Buddha and a smaller memorial altar for the deceased. The back patio is filled with picnic tables and blackboards set up for weekend education classes. There may be an image of the *bodhisattva* Guanyin in the backyard.

One such temple is Chua Quan Am in Garden Grove, California. One of dozens of small home temples in the Orange County area, Chua Quan Am underwent a multi-year controversy with the zoning board that ended in 2008. The encounter, like many others like it, raised new questions about what religious liberty means if the standard pattern of "church" and "synagogue" no longer applies—when the monk's home is the church, so to speak.

It was a very different case when a Hindu community in northern New Jersey purchased a former YMCA in Sayreville to transform into a temple. The issues would seem to be clearer: the building had already been zoned for public use and the parking lot was already there. The building was on a busy road with schools, a mall, and a public library, so the volume of traffic and noise was already high. Even so, the Hindu community encountered difficulty. "Get out Hindoos" and "KKK" were written on the

walls of the empty, contested building. Not until the Hindus took the matter to the courts were they able to gain clearance to create their temple community.

Muslim communities have also struggled with issues around zoning and exclusion. Thinly disguised bigotry was the response in 1990 when a mosque was first planned in Edmond, a suburb of Oklahoma City and home of the University of Oklahoma. A Pluralism Project researcher wrote, “At the first public hearing there was a move to deny a building permit to the mosque, because the wife of [a] minister attended the meeting and vehemently opposed it. She said, ‘the Constitution says “one nation under God,” and that’s a Christian God. These people have absolutely no right to be here.’” Though the initial public hearing session did not grant a building permit, word got out about the tenor of the meeting. Various community leaders heard about it and attended the second public hearing. Much more sympathetic to the Muslims' proposal, they visited the existing mosque and began a deep relationship with the community. Eventually, the mosque succeeded in receiving the permit. Twenty-two years later, representatives of the Islamic Society of Edmond were back in front of city planning commissioners, seeking to expand the mosque. Although the committee received an anonymous letter opposing the mosque, it was only a few changes in project scope that delayed a decision.

In Milton, Massachusetts, plans to build a mosque did not go so well. In 1990, the Islamic Society of New England was bursting at the seams in its mosque in the Boston suburb of Quincy. When they began looking for new property, the Muslims found a large Catholic center in Milton up for sale. Again, issues of zoning and traffic were raised in the community. As the story progressed, the real issue became clear: many wondered whether a large Islamic center would be “in keeping” with the Milton community. Both sides hired lawyers, and the dialogue was often difficult and charged. The chairman of Milton’s planning board described the mosque plans as “the largest institutional development in recent times in Milton.” The secretary of the Islamic Center of New England Board of Directors countered, “They’ve taken their zoning by-law requirements and expanded them infinitely more than for anybody else.” The Islamic community persisted in its efforts to buy the property, but just before its loan was approved, a group of Milton citizens bought the Catholic center out from under them. Instead, the Islamic Society of New England opened its new extension in Sharon, Massachusetts in 1993 and the Muslim community was welcomed publicly by many of Sharon’s religious and civic leaders.

Vocal expression of concern about mosques in American cities have only grown more troubling in the years since 9/11. In October 2010 in Murfreesboro, Tennessee, the Islamic Center of Murfreesboro's efforts to build a new mosque were thwarted by accusations of Muslim links with terror. "We're Christians and this religion represents people that are against Christians," said one opponent. "That's something we need to look at, you know, because you're going to have a lot of trouble down the line." When asked what "trouble" he foresaw, concerns were expressed about terrorism and Sharia law. Another opponent argued that her opposition to the Murfreesboro mosque stemmed from concerns about violent extremism. After two years of complaints and zoning hearings, the Islamic Center of Murfreesboro finally opened the doors of their new mosque in August 2012. After several shootings and arson attacks on Muslim and Sikh temples in the weeks prior to opening day, the community decided to hire security guards. Although no violence took place during the opening festivities, anti-mosque protesters were present outside much of the day.

In St. Anthony, Minnesota, a 2012 request from a local mosque to transform a former office building into a religious and cultural center was summarily rejected after disparaging remarks about Islam were made in the public meeting. In response, the United States Attorney's Office in Minneapolis launched a formal investigation into the city's possible violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), a 2000 law that requires that "No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution— (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest." In 2014, the U.S. Attorney announced a settlement: the Abu Huraira Islamic Center would open in the proposed location. After two years of conflict, a local imam offered a literal olive branch to St. Anthony's mayor, acknowledging the end of the legal dispute and the beginning of a new relationship between the local Muslim community and the rest of the city. Cases like the one in Murfreesboro and St. Anthony showcase the difficulties faced particularly by American mosque communities in the aftermath of 9/11.

Neighborhood efforts can often have a damaging effect on religious communities' ability to build. When the Sikhs in the San Fernando Valley proposed to convert a single-family residence on Plummer Street in North Hills into a *gurdwara*, the city rejected their plan. Neighbors gathered signatures expressing

their concern about its effect on a residential neighborhood. Many Sikhs, on the other hand, felt the issue was religious discrimination. A similar feeling pervaded the case in Bee Cave, a suburb of Austin, Texas when a local couple sought court action in 2008 to have the newly built temple demolished. Both parties settled out of court four years later with the *gurdwara* intact. In Palm Bay, Florida, the Church of Iron Oak, a local pagan community, was pursued by city officials when a passerby objected to the Imbolc (Candlemas, the Festival of Lights) celebration that took place without a permit at the home of Iron Oak's religious leader. To the Iron Oak community, this singling out seemed to be a clear issue of discrimination.

What the religious center will look like is another common concern. The \$1.2 million dollar Swaminarayan Hindu Temple in Norwalk, California was refused a conditional use permit in July 1992 when Norwalk residents began to complain about the scale and appearance of the building. For more than two years the temple and planning commission negotiated in court. The city demanded that the lavish, ornamental architecture of the Hindu temple exterior be toned down and have a more "Spanish" style in keeping with the culture of the neighborhood. The maximum capacity of the new temple was reduced by 50%. Similarly, in Bridgewater, New Jersey in 2009, the Sri Venkateswara Hindu Temple faced neighborhood backlash over the spectacular size of the temple's expansion. Community residents expressed outrage that the new temple would have to be large enough to accommodate a 1,200 member congregation spanning several states: "If you go in the parking lot, it's people from Connecticut, from Massachusetts, from all over the place," one opponent argued. After reducing the size of the expansion significantly, Sri Venkateswara won the right to build.

These first encounters can either confirm old prejudices or provide new occasions for learning. "They thought we were Hare Krishnas," said the abbot of a Thai Buddhist temple in Dade County in Florida. "The neighbors didn't know anything about Buddhism. They thought we were a cult." The Greater Miami Religious Leaders Coalition came to the help of the Buddhists after their first request to the zoning board was turned down. Wat Buddharangsi continues to be a part of the religious life of the Miami area, and its website even including a section for visitors that highlights etiquette and information on how to invite a monk to give a blessing.

In its early history, members of Boston's Hindu community tried to explain what a Hindu temple would mean to the neighbors in suburban Ashland, where they wanted to build a Hindu temple. They

encountered concerned citizens who had simply never seen such a structure before. T.R. Venkataraman, one of the temple's board members, made a practical suggestion. He recalls, "Finally, I got them all in the car and drove down to New York so they could see the temple in Flushing. Then they knew what we were talking about."

A similar story was told by a woman who lived across the small alleyway from a Hindu *ashram* in Pomona, California. When the *ashram* moved, the facility was purchased by another Hindu group who wanted to expand and build a new Vedic Temple on an adjacent tract of land. "At first, when we heard they wanted to build a temple on the back property we were very upset," she said. "They hadn't said anything about it. We were really opposed because any temple would have this little street as its access. It is not even a street, but a driveway between our properties. There would be too much traffic for such a little street. But our main problem was, 'Why didn't you talk to us about this?'"

"After the hearings at city hall, they talked to us a lot," she went on. "They took us to the new Hindu temple in Malibu so that we would know something of what to expect. I was so moved. I had never seen anything like it. I tell you, my hair stood on end. The worship was so beautiful. I grew up Lutheran and I had never experienced anything like this. So now we are really excited about the temple. In fact, we had been planning to move—not because of the temple, but just because of our work. After that trip to the Malibu temple, we decided to stay here. We really want to stay. We want our kids to experience this. We want to be a part of this. After all, we are all here now."