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LAND USE CONFLICTS BETWEEN RELIGIOUS INSTITUTIONS AND PEOPLE WHO LIVE NEARBY IS A GROWING NATIONAL ISSUE

Varied Communities Fight to Limit Impact Of Houses of Worship on Residential Neighborhoods

Religious buildings can be difficult neighbors in residential communities zoned for single-family homes because the intensity of the use is inconsistent with the character of residential neighborhoods. These buildings can generate negative secondary effects in the form of increased traffic, parking problems, noise, pollution and sanitation issues. The impact can be intensified when congregations seek to expand facilities or add uses beyond weekly religious services, such as day care, schools, homeless shelters, weddings and even motion picture theaters. As a result, land-use conflicts have arisen in residential communities across the country.

Abington, PA – Contact Marci Hamilton (215) 493-1973

In the residential community of Abington, Pennsylvania, a Jewish congregation purchased a 10-acre land parcel that previously housed a convent and a monastery. These prior uses entailed little traffic and negligible environmental impact. Now the Congregation Kol Ami has an option to purchase the land, where it is projected 450 families would worship. Plans include a catering hall for weddings and bar mitvahs. The township denied the application to expand use of the property because of the intense, negative impact on the neighborhood. The City's Constitutional challenge is pending.

Austin, TX – Contact Susan Moffat (512) 453-4280

The Hyde Park neighborhood is a national historic district in Austin, Texas. Some 25 years ago, the Hyde Park Baptist Church (HPBC) began a growth campaign to transform itself from a neighborhood congregation into a commuter church. In spite of neighborhood protests, over the years HPBC acquired and demolished 38 homes. Its main sanctuary block currently includes more than 274,000 square feet of building space, including a private school and day care center with combined enrollment of approximately 1,200 students. The complex includes a five-story, 500-car parking structure. The impact of traffic and noise on the neighborhood is considerable. Now, HBPC wants to build a second five-story parking structure on a neighborhood street facing single-family homes. Residential neighbors have offered to work with HPBC to design a five-story parking structure that would minimize negative impact on the community, but HBPC is committed to a design in which the garage rises directly from the sidewalk to a height of five stories. The city rejected the plans, but now HBPC is suing the city in state district court for the right to build the new parking structure.

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Boyle Heights, CA – Contact Pat Lucero (323) 227-4164

Boyle Heights is a residential neighborhood in the East Los Angeles area. For years, a local congregation of the Seventh-Day Adventist Church has been expanding. One element of the expansion included creating a daycare center and closing down a residential street, in part to use the street for basketball and other recreational activities. Recently, the congregation converted a residential home into a community center with food bank services, in violation of local zoning laws. LRNA has begun working with local residents to encourage the City of Los Angeles to enforce its zoning ordinances.

Castle Hills, TX – Contact Terry Carter (210) 375-1527

The Castle Hills First Baptist Mega-Church (CHFBC) is located in the Castle Hills residential neighborhood in Texas. CHFBC acquired several neighboring homes and, in 1998, CHFBC demolished the homes and applied for a special use permit (SUP) to build a new parking lot in an area zoned A-Single Family Residence. Plans call for a 536-car parking lot complete with shuttle kiosks. Concerned about the impact of the proposed parking lot, local residents gathered petitions and challenged the plans. Ultimately, CHFBC sued the city in an effort to push through the SUP and, later, re-filed in federal court as a “freedom of religion” claim. The case is pending in the Fifth District in San Antonio, Texas, with a trial scheduled for October 2003.

Cheyenne, WY – Contact Stephen Kline (307) 778-7056

Grace United Methodist Church is located in the heart of a residential neighborhood in the City of Cheyenne, Wyoming. The neighborhood is zoned LR-1 (low density residential), under which daycare centers with more than 15 children are not permitted. In March of 2001, the congregation filed an application for a variance with the City seeking approval to establish and operate a 100-child daycare center at the site. The Methodist bishop characterized the planned use as “commercial.” The center was to operate from 6 a.m. until midnight five days a week. The City denied the application for a variance, finding that it had no authority under the City ordinances to grant the variance. The congregation subsequently brought an action against the City in U.S. District Court, asserting claims under RLUIPA. Local residents intervened in the case to protect their neighborhood from increased traffic and noise. On June 17, 2003, the jury found that the City’s ordinance did not impose a substantial burden on the Church’s exercise of religion, and that the proposed daycare center violated the existing covenants. The Court entered judgment on the verdict on June 25, 2003.

Granada Hills, CA – Susan Tipton (818) 366-3042

Granada Hills is a residential suburb of Los Angeles. There, the Hillcrest Christian Church has conducted religious services and operated a school for many years in a residential neighborhood. Recently, the congregation sought a Conditional Use Permit (CUP) for expansion of the school. Plans called for additional school structures across the street from existing facilities and a 600-student increase. Local residents voiced their concerns about the expansion at a standard Conditional Use Permit (CUP) hearing and the permit was denied because the planned use was too intense for the neighborhood.



New Berlin, WI – Mayor Ted Wysocki (262) 797-2441

In a residential neighborhood in New Berlin, Wisconsin, a Greek Orthodox Church congregation sought permission to build in a residential zone. The City denied the original permit request and recommended a different permitting process to the congregation. Rather than pursue the alternate permitting process, the congregation sued the City in federal court on an RLUIPA claim. The City’s Constitutional challenge is pending.

New Milford, CT – Steve Byrne (860) 677-7355

A resident of New Milford, Connecticut, hosted large faith meetings in his home on a weekly basis. When neighbors in the community expressed concerns about the impact, including traffic and street parking, the resident paved a portion of his lawn for use as a parking lot. A parking lot is a violation of local zoning laws and the number of attendees exceeded occupancy limits. Local residents are working to try to return the property to residential use. The City’s Constitutional challenge is pending.

Note: contacts in the neighborhoods listed above are available for comment.

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