

# Zoning can be a weapon against churches

by Randy Bright <http://www.tulsabeacon.com/?p=1005#more-1005>

In some of my earlier articles regarding zoning codes, I have stated that they can be used as a weapon against churches if the people who administrate the code are anti-church.

Here's a sad case that finally ended with a happy ending.

Castle Hills First Baptist Church is a megachurch of 17,000 members in the small community of Castle Hills, population 4,200, that lies landlocked in the center of the San Antonio, Texas.

In the late 90s, the church made an application to install a parking lot on a 5.5-acre vacant lot adjacent to its facilities.

The new parking was badly needed to address safety concerns for its growing congregation, many of whom had to cross a busy highway on foot to reach the church.

The city rejected that application as well as two other applications, and also rejected a mediated settlement between the church and the city that would have allowed the parking lot to be built.

In the process, the city required the church to produce expensive reports "related to the aesthetics, drainage, air quality and traffic impact" of the parking lot, and the city's own traffic engineer's report that it would improve traffic conditions. All were ignored.

The city also imposed parking regulations that prohibited parking near the church on Sunday mornings, and refused to accept an application to finish the vacant fourth floor of its existing building.

After the church filed a lawsuit against the city, the Becket Fund for Religious Liberty joined the suit, stating that the city of Castle Hills had "waged a campaign against places of worship over a period of many years" and telling a federal court that "The City of Castle Hills has declared war on Castle Hills First Baptist Church."

The brief they filed also said that "excuses provided by the city for its illegal actions range from the deceptive to the phony to the surreal," that "the city is virulently anti-church" and that its actions (were) "part of the city's broader campaign to drive this church out of Castle Hills, just as it has driven others out in the past..."

According to the Becket Fund, in the 1970s the city had forced the Cornerstone Church out by refusing to allow it to expand, and in the 90s it forced Castle Hills Pentacostal Church out, then took the church building to use as its city hall.

The brief continued, "The very text of the city's motion for summary judgment makes plain its 'irrational fear of the church' comparing it to 'a cancer, feeding on homes in much the same way

as a cancerous tumor feeds on healthy cells' and argues that unless the city stops the incremental growth of the church, it can devour all of Castle Hills, one bite at a time."

According to the report, efforts against the church had been led by former mayor Bob Anderson, who after becoming disruptive had to be forcibly removed by Sheriff's deputies from a city council meeting in which the case was being heard. Not long after that, current Mayor Dave Seyfarth resigned, stating that there was "a small group of political malcontents who seek to disrupt and hijack every meeting for their own personal political agenda," accusing them of "fomenting extreme disharmony."

The case had nearly been settled during the summer of 2002 after the city and the church negotiated an agreement that the City Council would accept. Instead, a month later the city filed a motion for partial summary judgment, comparing the church to a cancer, and challenging the constitutionality of the RLUIPA (Religious Land Use and Institutionalized Persons Act).

At that point, the city's insurance company said that it would no longer pay for legal counsel for the city in the case.

Finally, in June of 2008, the church won their seven-year old fight in federal court.

At the conclusion of the case, the judge said that "The court takes this opportunity to encourage Castle Hills and all other similarly situated communities to engage in thorough and positive debate and negotiation on the issues of zoning of religious organizations and places of worship, recognizing that in the arena of religion, all parties need tread lightly, out of respect for the beliefs of the adherents and out of respect for the importance of religion to our larger American culture.

"Cities must govern the health, safety and welfare for the communities, but in so doing, should consider carefully the positive and supportive role that a place of worship will play in doing so."

I don't know if the judge in this case was a Christian or not, but the question that remains is, how would this case have ended had the judge not been at least sympathetic to the church?

The fact that a city would be brazen enough to do what they did should serve as a warning of things to come.

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