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Historic building constraints prompt church to sue city



Written by

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Religious liberty is being pitted against historic preservation in a federal lawsuit filed this month against the city of Indianapolis.

Leaders of St. John United Church of Christ on the Far Eastside claim city officials have meddled in the functions of the church by forcing a historic designation on the congregation's 96-year-old building and surrounding 5-acre property on the northeast corner of Washington Street and German Church Road.

That designation has effectively killed the church's plans to sell its property and left it with a building it can no longer afford to maintain, according to the lawsuit filed Sept. 10 in U.S. District Court in Indianapolis.

Structures designated by the city as historic cannot be demolished or significantly altered without the permission of the Indianapolis Historic Preservation Commission.

"They've really done a number on us by blocking everything," said church member Larry Miller, 73, New Palestine. "We're concerned with the deteriorating of the building. We can't afford to maintain it, and without the sale of the property, we can't afford to build a new building."

The Metropolitan Development Commission approved the historic designation on Feb. 3, after city officials learned late last year that church leaders were negotiating to sell the property to a developer.

Gershman-Brown Developers wanted the property for a planned CVS store, the lawsuit claims, and intended to demolish the existing structure. The church planned to move to another site a few miles away.

The deal was a win-win, said Tim Armstrong, president of the church congregation. The building, completed in 1914, needs nearly \$1 million in repairs and renovations, Armstrong said, and most congregation members think the church's money would be better spent on a new

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The church's annual revenue has been about \$150,000 in recent years, church officials said.

In its lawsuit, the church is asking that the city remove the historic designation and pay the church's legal fees. Representing the church, local attorney Thomas Landwerlen has enlisted the help of two Washington, D.C., lawyers, Roman Storzer and Robert Greene, who specialize in cases involving religious freedom.

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Greene contends that Indianapolis officials have violated the federal Religious Land Use and Institutionalized Persons Act, passed in 2000 as a means of affirming special protection for churches, synagogues, mosques and other facilities with religious uses.

"The effect of the present designation is that they can't really function as they should as a church," Greene said. "They don't have appropriate handicap access, and they have a very elderly congregation at this point.

"They can't really effectively run programs for younger people, which is probably one of the reasons the congregations is shrinking. They just can't do what they want to do as a church, and they can't afford to make all the repairs to fix the place."

The church's current membership is about 365, according to church leaders, with 178

considered "active members." The number that contributes financially to the church is 114, and average Sunday attendance is 95 people.

Greene said the church's roof, kitchen, elevators and heating/cooling units are in need of immediate repair.

Two previous church buildings stood at the same site, with the first constructed in 1855.

Officials with the Indianapolis Historic Preservation Commission, which first recommended the historic designation, are not commenting on the matter since the filing of the lawsuit, said John Bartholomew, a city spokesman.

Earlier this year, commission administrator David Baker called the building "an excellent example of Tudor Gothic revival architecture."

The church was founded by German settlers and inspired the naming of German

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Church Road.

Church members love the old building, Miller said, and had planned to remove its stained-glass windows and other features to be incorporated into a new building on donated land at the intersection of Prospect Street and Carroll Road.

"There's just so much commercial development on that corner," Miller said. "There's a Walgreens and Sam's Club and Marsh and all the other businesses. We're just kind of trapped right there."

An attorney representing the city declined to comment on the substance of the lawsuit.

"We've received a complaint, and we will be reviewing it," said attorney Samantha Karn. "We will be responding to it as we would be required to (within) the 30-day rule, though sometimes there are extensions granted."

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