



Written by [Raven Clabough](#) on September 21, 2011

## Cross in Front Yard Brings Clash with City

When a woman in a Los Angeles, California neighborhood placed a two-story cross in her front yard, neighbors grew frustrated and called in city officials. Homeowner Laly Dobener said she put the religious symbol in her yard to express devotion to her Catholic faith. But according to neighbors' complaints, the cross is an eyesore which attracts unwanted attention to their cul-de-sac and hurts their property values.



Laurie Beiner, a resident in the West Hills neighborhood, complained, "When you turn down our cul-de-sac, it looks like there is a church on our street."

Others bemoan what they have called the "graphic nature" of the cross, as it is adorned with a crown of thorns and features drops of blood on each of its ends, where the hands and feet of Jesus would have been nailed. Atop the cross is a sign reading, "Jesus, I trust in you."

City officials are now investigating to determine whether the cross is in violation of zoning rules, and if so, they will ask that it be removed.

Dobener, 72, told local newspapers, "I don't understand what my neighbors are so upset about. The cross isn't hurting anyone. It is my way of expressing my love to God and to the world ... to bring God's love to everyone." She hopes that her First Amendment rights will be protected in the end.

Just recently, New Jersey resident Patrick Racaniello experienced a similar [ordeale](#) when he displayed a cross in his front yard.

Neighbors immediately complained. One man, Toni Tremarco, told local media, "I live three houses up and I don't like having the cross staring right at me."

New Jersey officials ordered that the man remove the cross he had placed on his tree because it allegedly violated a littering ordinance which prohibits citizens from posting anything on structures, including trees. The ordinance is said to be breached if anything posted is "calculated to attract the attention of the public."

Racaniello complied and removed the cross from his tree, but then erected a six-by-four-foot replacement and put it near the front of his property. Officials once again mandated that he remove the cross, this time on charges that it was placed in an off-limits "right of way" area. City attorney Sharon Weiner defended the "right of way" regulation, explaining that it is for the protection of the general populace, as items placed in that area could be "a distraction to the traveling public."

Racaniello then moved the cross back behind the appropriate line, so as not to be in violation of any of the ordinances. Still frustrated by his dealings with city officials, however, Racaniello took his issues to the Arizona-based Alliance Defense Fund, a coalition of Christian lawyers which advocates on behalf of "the spread of the gospel."



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The ADF immediately contacted the township and informed officials that they would take the case to court if Racaniello was not permitted to put the cross anywhere he wanted on his own property. ADF lawyer Jonathan Scruggs declared, “We believe this is private property, and therefore he has a right to engage in this expression. We believe that either [of the two crosses] is protected by the First Amendment.”

Unwilling to engage in a protracted legal battle over First Amendment rights, city officials [backed down](#) and amended the township code. NJ.com [reports](#):

The change, approved unanimously by the township council Tuesday night, means the Sterling Drive resident who helped bring about the amended ordinance [may] now display a cross on a tree in his front yard — as long as the tree is not in the municipal right-of-way.

According to the amended ordinance, residents are no longer prohibited to put up notices or other postings on a structure as long as those structures are not within public right-of-ways, including 10-foot buffers that extend from curb lines onto private property.

The case in New Jersey should provide some solace for Dobener, who may eventually find herself in a full-fledged legal battle as well.

According to Charles C. Haynes, a First Amendment scholar, federal law virtually inhibits townships from imposing a land-use regulation which burdens a person’s free exercise of religion unless there is a “compelling governmental interest.” The Religious Land Use and Institutionalized Persons Act, enacted by Congress a decade ago, indicates that any regulation imposed by municipal governments must be the least restrictive to religious practice.

Those terms could protect Dobener from being compelled by the city or her neighbors to remove her cross.

The Blaze posted a poll on its website where visitors can vote on whether they believe Dobener is well within her rights. As of 10:00 this morning, 93 percent of voters said yes, while a mere 4 percent voted no, with 3 percent undecided.



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