

# KMK | Law

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Hon. Wade Kapszukiewicz  
Law Director Dale R. Emch  
City of Toledo, Ohio  
One Government Center, Suite 2250  
640 Jackson Street  
Toledo, Ohio 43604

Dear Mayor Kapszukiewicz and Mr Emch:

I serve as Vice Chairman of Citizens for Community Values, Ohio's Family Policy Council. It is my understanding that Black Diamonds (22 New Towne Square Dr. 43612) is a currently operating as a non-conforming "sexually-oriented business"<sup>1</sup> featuring "semi-nudity."<sup>2</sup> Black Diamonds opened earlier this year subsequent to the establishment<sup>3</sup> of Play Zone Toledo family fun center (130 New Towne Dr. 43612) in 2017 and CityLight Church (140 New Towne Square Dr. 43612) in 2013, each located "within 500 feet"<sup>4</sup> of Black Diamonds. Play Zone Toledo and CityLight each operate as a "use established specifically for the use of minors"<sup>5</sup> and a "religious institution," respectively.<sup>6</sup> Since Black Diamonds is a sexually oriented business operating within 500 feet of a pre-existing church and family fun center, this constitutes a non-conforming use.

There are few elected leaders in Ohio with the track record of Mayor Kapszukiewicz for standing up for safe communities, and opposing the harmful effects that sexually-oriented businesses have on women, children, and neighborhoods. This is why we urge you to take swift action to address this clear violation of Toledo zoning law. The situation in this case is not only illegal, inappropriate, and offensive, but dangerous—the violence that has blighted Toledo strip clubs includes a stabbing in 2013 and a shooting in 2016. Whereas the owners of the Black Diamond business and building once operated properly within the zoning requirements as a

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<sup>1</sup> As defined by ORC §§767.02, 767.06

<sup>2</sup> As defined by ORC §2907.39

<sup>3</sup> See ORC §1104.1503, where nonconforming use arises when a sexually-oriented business is established within 500 feet and subsequent to already-existing religious institutions or use established specifically for minors.

<sup>4</sup> ORC §1104.1501

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

licensed operation under the name Truth Lounge, they now are running an illegal and nonconforming sexually oriented business within 500 feet of a family fun center and a flourishing church community.

We request prompt attention in this matter as the safety and integrity of Toledo's ordinance and residents are at stake, requiring your intervention and enforcement. We look forward to hearing from you soon.

Thank you,  
KEATING MUETHING & KLEKAMP PLL

By: 

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