



Aaron L. Underhill
8000 Walton Parkway, Ste 120
New Albany, Ohio 43054

P: 614.335.9321
F: 614.335.9329
aaron@uhlawfirm.com

October 17, 2025

Sarah Holt
Senior Planner, City of Dublin
5200 Emerald Parkway
Dublin, OH 43017

RE: Radiant Life Church Soccer Fields – 7100 Post Road

Dear Sarah:

Thank you for your continued efforts regarding the above-referenced matter and the related pending conditional use application (24-036CU). The applicant, Radiant Life Church (RLC), appreciates your continued efforts in facilitating dialogue and the exchange of information between it and interested neighbors, as well as the Post Preserve HOA. Despite meetings and communications with those neighbors and the HOA, which have resulted in good faith efforts by RLC to reasonably address concerns and make major adjustments to its plans, it has become apparent that they will not be satisfied with anything less than a denial of the conditional use request.

However, such a position is not defensible given applicable law and places the City in an unenviable position. On the one hand, it is difficult for the Planning and Zoning Commission (PZC) to look a group of people in the eyes who are opposing a project at a hearing and not be sympathetic to their position or persuaded by their arguments. But a conditional use application is different from a policy decision such as a rezoning request, in that the property owner has underlying rights to the conditional use subject to it demonstrating the use's compliance with several considerations per City Code. Those considerations have been addressed by RLC in a separate writing in support of Case Number 24-036CU. The PZC should be guided by an analysis of those items.

The HOA's position and the PZC's consideration of it are further complicated from a legal standpoint by a federal law and Ohio case law which are of direct relevance to the application at hand. As pointed out on page 3 of the City staff report for this case that was prepared for the March 6, 2025 hearing at the Planning and Zoning Commission (PZC):

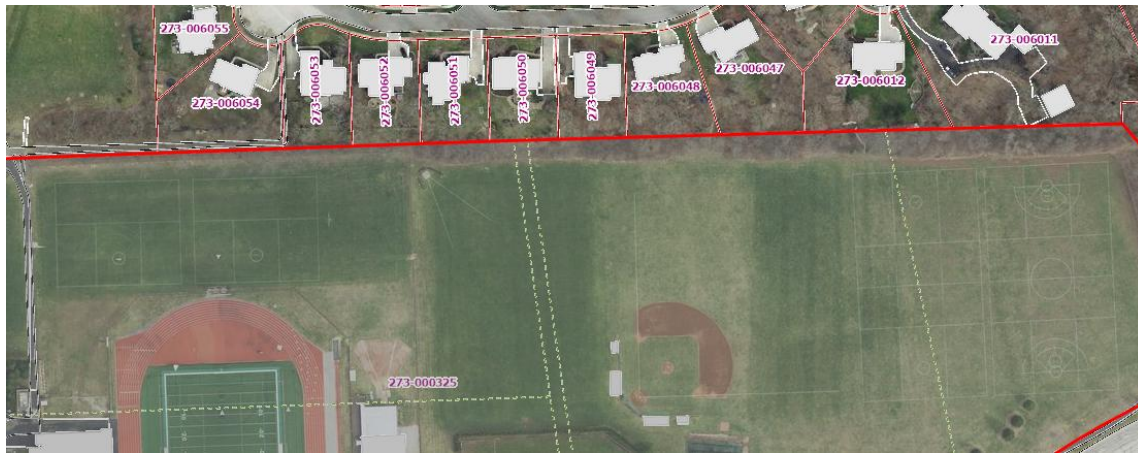
“The Civil Rights Division of the U.S. Department of Justice notes that Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 is a Federal law that protects religious institutions and individuals from discrimination in zoning and landmarking laws. Specifically, churches cannot be treated on less than equal terms with nonreligious uses,

meaning that any religious application shall be handled and enforced in exactly the same manner as nonreligious uses.”

Therefore, federal law requires that the proposed soccer field uses on RLC’s property cannot be treated differently or with stricter requirements than other outdoor sports facilities on sites owned by those unaffiliated with religious uses. Soccer fields and other sports fields can be found throughout Dublin on properties adjacent to residences, and without the requirement for commitments to operational plans or extraordinary zoning commitments. For example, there are no limitations on whether or not tournaments or games can be held. There are no specific limitations on numbers of participants or specific practice or game times. The other sites are merely required to adhere to the underlying zoning rules relating to setbacks from perimeter boundary lines, and nothing more. Yet, RLC is being required to go above and beyond all of those typical requirements in an effort to gain the PZC’s approval of its conditional use, driven in the most part by neighborhood pressure.

RLC respectfully requests that the PZC take into account that neighbors near to RLC’s campus (and the HOA) are getting much more than similarly situated property owners in the City as it relates to operational requirements. Based on the RLUIPA, RLC should not be required to go so far as it has in its commitments but is doing so in an effort to obtain approval through the most efficient means possible. Some examples of similarly situated properties which are not subject to these limitations include:

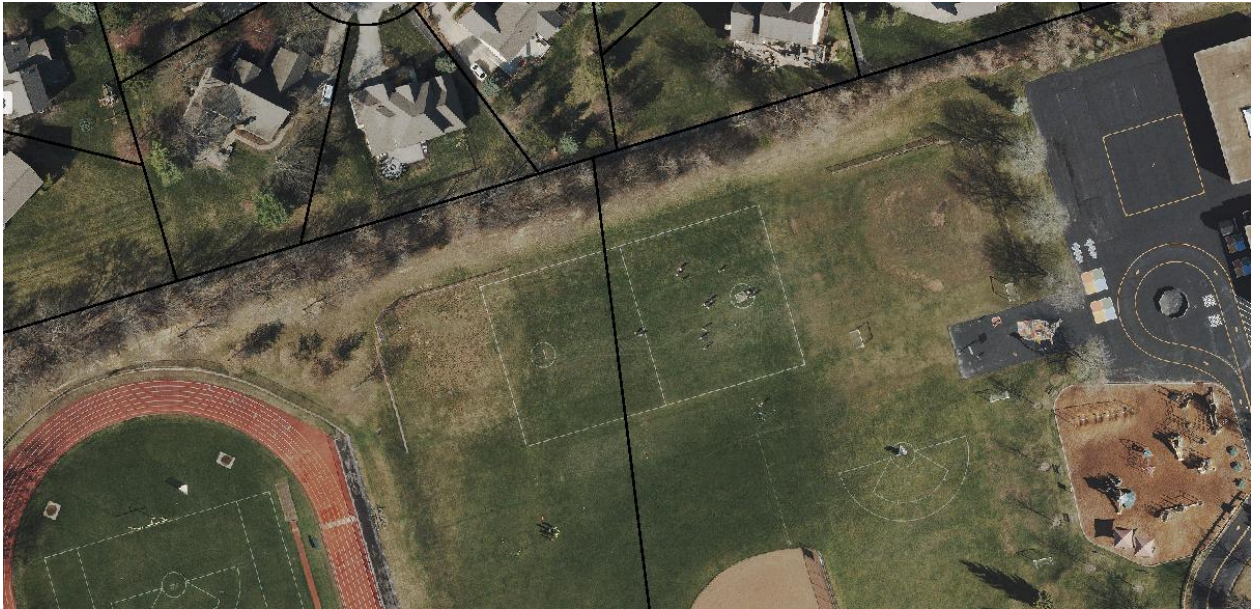
Dublin Coffman High School (6780 Coffman Road)



Dublin Jerome High School (8300 Hyland-Croy Road)



Dear Run Elementary School (8815 Avery Road)



Avery Park (7401 Avery Road)



Wyandot Elementary School (5620 Dublinshire Drive)



The neighbors' position on the proposed soccer fields also directly conflicts with a case with a similar fact pattern. In *Cash v. Brookshire United Methodist Church* (1988), 61 Ohio App.3d 576, decided by the Ohio Tenth Appellate District Court of Appeals (which has jurisdiction over Franklin County and therefore much of the City of Dublin), a neighboring property owner filed suit against Brookshire United Methodist Church seeking an injunction to stop Little League baseball games from being played on a baseball diamond found on the church's property. The court's opinion stated that on average, four games per week were played on the field from 6:00 to 8:00 P.M. on weekdays and on Saturday mornings. Practices were also held on the field. When not in use for baseball, the area was "used by the general public for

playing ball, practicing golf, and was used by the church for picnics, football games and basketball.”

The court ruled that “[s]ince zoning ordinances are to be construed in favor of the property owner, and in favor of the free use of property, we find that activities such as sponsoring a Little League baseball program on land owned by, and adjacent to, the Brookshire United Methodist Church are incidental to, and form a part of, the public worship program of appellant, and are permitted under the city zoning ordinances as a church use.” Page 582 of opinion. In reaching the conclusion that the baseball diamond, Little League activities, and other recreational uses by the general public were permitted by applicable zoning as being part of a permitted church use and was accessory thereto, the Court of Appeals adopted the reasoning of other cases:

- ***“A church is more than merely an edifice affording people the opportunity to worship God. Strictly religious uses and activities are more than prayer and sacrifice and all churches recognize that the area of their responsibility is broader than leading the congregation in prayer. Churches have always developed social groups for adults and youth where the fellowship of the congregation is strengthened with the result that the parent church is strengthened. * * * To limit a church to being merely a house of prayer and sacrifice would, in a large degree, be depriving the church of the opportunity of enlarging, perpetuating and strengthening itself and the congregation. * * ** Community Synagogue v. Bates (1956), 1 N.Y.2d 445, 453.”**
- ***“In Corp. of Presiding Bishop v. Ashton (1968), 92 Idaho 571, 575, 448, the court held that a lighted recreational field for softball games was a church use, since ‘[t]he testimony in the record is uncontradicted that the Church conducts recreational activities as an official part of its program of worship. * * * It is our opinion that the reasonable use of a recreation field in connection with the activities of a church located on the property is not objectionable under Ordinance 852. * * *’”***

It is hard to imagine a case that is more directly in line with the facts of the pending conditional use application. In the *Brookshire* case, the church allowed use of its baseball field by an unaffiliated Little League. The only difference between that fact pattern and the case at hand is that soccer is to be played rather than baseball. The soccer program that will utilize RLC’s site (DSX) is unaffiliated with RLC, but the church’s leaders have stated in hearings before the PZC that this program is part of the church’s community outreach efforts. The March 6, 2025 staff report even recognizes, in Section 1, that “Radiant Life Church’s mission is to engage with and enhance the community.” Likewise, RLC’s proposed soccer use is mostly indistinguishable from the case cited in the *Brookshire* opinion recognizing that a lighted softball field on church property

was part of a church use. The *Brookfield* case's holding is directly applicable to Dublin, given that court's jurisdiction over significant portions of the City.

In closing, RLC desires to reiterate that it has worked in good faith to address neighbors' concerns, which is in line with its mission of engaging with the community. However, the force and application of the RLUIPA and the *Brookshire* case to RLC's proposed use would indicate that the operational requirements being proposed by RLC in an effort to reach a compromise position with surrounding neighbors are not legally required and, without RLC's voluntary commitment to them, in the end would not be legally enforceable. RLC encourages the approval of the conditional use as submitted, which will result in more limitations and protections than may otherwise be required if RLUIPA and the *Brookshire* case were to come into play. Therefore, RLC requests that the City view the matters at hand through the prism of applicable legal requirements.

Sincerely,

A handwritten signature in purple ink that reads "Aaron L. Underhill". The signature is written in a cursive, flowing style.

Aaron L. Underhill

Cc: Thaddeus Boggs, Esq.