

Ohio City Blocks Christian School's Property Rights

When the Tree of Life Christian Schools purchased the former American Online/Time-Warner building in Upper Arlington, Ohio, the organization had big plans to consolidate four overcrowded campuses housing its 660 students.

Those plans came to a screeching halt when the city refused to grant the school access to its new building. A problematic zoning code is blocking the Christian school from using the facility to educate students.

Alliance Defense Fund attorneys filed a federal lawsuit on Tuesday on behalf of Tree of Life Christian Schools against city of Upper Arlington. The lawsuit challenges a zoning regulation that prohibits schools within the zone but permits daycare facilities and many other similar uses.

"No city should use its zoning code to keep a Christian school's students in inferior and overcrowded facilities. A city's zoning code cannot give preferential treatment to non-religious institutions that function similarly to a Christian school," says ADF Senior Legal Counsel Erik Stanley. "Upper Arlington will allow a daycare facility of any size to occupy a building in this zone, but it won't allow this school. Federal law specifically prohibits zoning officials from subjecting religious organizations to this type of unequal treatment."

The new building would allow the school to grow to 1,300 students, but city officials refused to allow the school to apply for zoning approval even though the city's zoning law would allow daycare facilities and other similar uses of equal size. If approved, the school would provide more than 150 new jobs to the city as well as tax revenue greater than what has

been realized from the vacant site in many years.

Under the Religious Land Use and Institutionalized Persons Act, government officials are barred from subjecting religious ministries to unequal treatment in zoning laws.

The lawsuit Tree of Life Christian Schools v. City of Upper Arlington was filed with the U.S. District Court for the Southern District of Ohio, Eastern Division.