

6th District Court of Appeals
Oral Argument Outline

This case is not about religion or homelessness. It is about public safety and more specifically fire safety.

The issue is whether a church should be relieved from complying with neutral and general applied provisions of the Ohio Fire Code.

There are two fire code issues- Change of use occupancy and installing a sprinkler system.

All businesses, including houses of worship have a designated use occupancy.

Dad's Place is mercantile and assembly use but they are using it for residential purposes. That is a change of use under the Ohio Fire Code.

Dad's Place, like any other business and house of worship must apply to the Ohio Board of Building Standards for a change of use.
Chief Pool cannot grant a change of use.

The Ohio Board of Building Standards is a client of AG Yost.

Dad's Place knows this is a requirement and agreed to take this step in February 2024 but has not followed through.

Dad's Place could have raised this issue in an appeal from the fire citation issued in April 2024 but they decided not to appeal to the Ohio Board of Building Standards.

Sprinkler requirement is based on the current residential use at Dad's Place.
Chief Pool can't grant an exception.

104.8 of the Ohio Fire Code gives the State Fire Marshal, a client of AG Yost, the authority to consider and potentially grant a variance from the sprinkler requirement.
Dad's Place has never pursued this option.

If Dad's Place has a sincerely held religious belief as they claim, it is surprising that they have not pursued the state administrative remedies to potentially get the remedy they are seeking.

Instead, Dad's Place simply argues they don't have to follow the Ohio Fire Code.
That position has a potentially dangerous outcome for visitors to Dad's Place, the residents in the apartments on the second floor, nearby businesses, and first responders.

Ohio Constitution analysis.

Fire safety is a compelling government interest.

CONFIDENTIAL- ATTORNEY/CLIENT PRIVILEGE

Enforcing the change of use and sprinkler system requirement in this case is the least restrictive means of furthering the compelling government interest.

Chief Pool is enforcing the Ohio Fire Code. He does not have the discretion to allow deviations from it.

101.3 of the Ohio Fire Code states that the code represents the minimum requirements consistent with national standards to protect from fire hazards and protect first responders.

Dad's Place and Chief Pool don't get to select the most convenient or least expensive way to meet fire safety requirements.

There are no other comparable uses of property in Bryan that are told they don't need a sprinkler system.

Dad's Place is congregate living. No fire protection. Doesn't have fire walls. An unlimited number of people are allowed to live at the church. Sleep on the floor or chairs and create a fire hazard.

None of the other examples cited by Dad's Place are congregate living. They are apartments or personal homes. They are not the same as Dad's Place.

The alternatives to a sprinkler system proposed by Dad's Place do not provide fire protection like a sprinkler system.

A fire at Dad's Place would have devastating results for downtown Bryan. Chief Pool is merely seeking to treat Dad's Place the same as anyone else using this location as a residence.

***As a side note from Chief Pool - There are no other comparable uses of property in Bryan that are told they don't need a sprinkler system. All other properties are in compliance with minimum Ohio Fire Code requirements for sprinklers.