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Published March 9, 2008  
[ From Lansing State Journal ]

**Higher power: Okemos church case heads to top U.S. court**

Kathleen Lavey  
Lansing State Journal

*CORRECTION: Okemos Christian Center's board and members have not yet voted to finalize a move from their church's Bennett Road campus in Meridian Township to Bath Township. The information was incorrect in a story on Page 1A of Sunday's edition of the Lansing State Journal.*

After a dozen years on Bennett Road, Okemos Christian Center is moving from Meridian Township to Bath Township.

It has bought Lakeside Christian School and its 13-acre campus.

Members have tested the school gym as worship space and pronounced it workable.



Okemos Christian Center says Meridian impeded its ability to minister because the township limited the total size of buildings on its property to 25,000 square feet. It had asked for more than 40,000 square feet, including the worship building and a new school and gymnasium.

But church leaders still blame Meridian for the fact that their dream of a school on the 6-acre Bennett Road property was never realized.

On Monday, church lawyers plan to submit their long-running land-use case to the U.S. Supreme Court.

"I am surprised they are going to go that far," said Meridian Township Supervisor Susan McGillicuddy. "I don't see why in the world (the Supreme Court) would take it up. I thought the appeals court ruling was very thorough."

But Craig Dumont, pastor of Okemos Christian Center, doesn't see any other path. "We feel this is important not only for our church but for other churches," he said.

Dumont sees it as a matter of government interfering with religion - a clear violation of the First Amendment.

Okemos Christian Center's case is one of two in Michigan bound for the Supreme Court in hopes of clarifying a 2000 federal law that prohibits municipalities from using land-use laws to limit the free exercise of religion.

Across the country, hundreds of faith communities say their land-use applications have been denied or limited in violation of their civil rights.

In Jackson, for example, Greater Bible Way Temple claims the city of Jackson limited its ability to conduct ministries by denying its request to build apartments for homeless and lower-income people across the street from its campus. That case, which the church lost in the Michigan Supreme Court, was sent to the U.S. Supreme Court in February.

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(Photo by Robert Killips/Lansing State Journal) Moving on: Worshipers at Okemos Christian Center soon will have new space in Bath Township to hold services. Lawyers plan to submit its dispute with Meridian Township to the U.S. Supreme Court on Monday.

**Timeline**

- October 2003: Meridian Township denies Okemos Christian Center's request to add a 35,000-square-foot school for up to 125 boys to its nearly 6-acre property on Bennett Road. The township board also limits total size to 25,000 square feet. The church already had an 11,000-square-foot building on the property.
- December 2003: Okemos Christian Center - known in court documents as Living Water Church of God - sues Meridian Township in Ingham County Circuit Court. It claims the township is violating the federal Religious Land Use and Institutionalized Persons Act of 2000, which limits a municipality's power to restrict zoning and land use for religious organizations.
- May 2004: The U.S. Department of Justice requests documents and information from both the church and the township to prepare a brief on the case.
- August 2005: U.S. District Judge Robert Bell in Grand Rapids rules that Meridian Township broke the law when it denied Okemos Christian Center's request to add the school on its Bennett Road property.
- February 2005: Okemos Christian Center closes its child care center, saying it cannot accommodate the children and still schedule church activities in its 11,000-square-foot space.

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The church won its case in federal district court, but the U.S. Sixth Circuit Court of Appeals in Cincinnati sided with the township in December.

"The only court that can resolve this is the Supreme Court," said Eric Rassbach, an attorney with the Washington D.C.-based Becket Fund for Religious Liberty, a firm that specializes in religion cases. It's handling Okemos Christian Center's case and the Jackson case.

The Supreme Court takes only a fraction of cases submitted to it, and neither Michigan case may ever be chosen for consideration.

But experts agree the court ought to consider the law.

#### **New land-use law**

The law is known as the Religious Land Use and Institutionalized Persons Act, known in legal circles as RLUIPA. Passed by Congress in 2000 and signed by President Clinton, it prohibits municipalities from employing land-use laws to place a "substantial burden" on the free exercise of religion unless the government illustrates it furthers a compelling governmental interest and is the least restrictive means of doing so.

#### **'Substantial burden'**

But what constitutes a "substantial burden" is up for debate, said Roman Storzer, a Washington D.C.-based lawyer with his own firm that represents religious groups across the country.

"Churches and mosques and synagogues occupy a special place in our society," he said. "When you have disasters or there is a need, they open their doors. They provide social services to the needy, and they are a great benefit to society. In return, for many, many decades, municipalities have reciprocated by granting them leeway in regard to zoning issues."

But the climate regarding development has changed.

Today, "people are opposed to development of any kind near them," Storzer said.

The law, he said, gives religious communities an opportunity to challenge zoning decisions and requires municipalities to "give a real reason for the denial."

But the law offers religious groups too much leeway for expansion and leads to the possibility of trampling residential neighbors' rights, said Marci Hamilton, a professor at the Benjamin N. Cardozo School of Law at Yeshiva University in New York. She has written a book on the issue and often advises municipalities on the law.

"Religious organizations have this club to use against local governments and taxpayers," she said. "They come into a residential neighborhood and are able to buy the land at a less expensive price than if it has been in a commercial area. And then when the zoning is not changed as they request, they file a federal lawsuit."

She'd love to see a case make it to the Supreme Court docket.

"I would like to see the Supreme Court say it is unconstitutional for the federal government to micromanage land use," she said.

Storzer said many of the faith communities he represents are minorities such as Muslims, Hindus and Buddhists who may not be represented on local planning boards or city councils.

"You're talking about when you can worship, who you can worship with, how you can educate your children," he said. "I've seen municipalities regulate all of these aspects of religious exercise."

#### **Years in court**

Affiliated with the Cleveland, Tenn.-based Church of God, Okemos Christian Center has just over 100 active members and draws its annual budget of just under \$300,000 from tithes and donations.

In 2000, Meridian granted a special use permit to allow it to build a 28,000-square-foot school on the site next to its nearly 11,000-square-foot church. The township denied an extension of that special-use permit. After months of wrangling and revised plans, the township agreed to grant a permit for the church to build, but only up to a total of 25,000 square feet.

The restriction sparked the church's lawsuit. In court documents, Okemos Christian Center claimed the township restricted its religious freedom by:

- Causing it to shut down its day care because there was not enough room for it and other church ministries in the existing building.
- Limiting the church's ability to recruit students for its all-boys school, Dominion

- February 2006: The Becket Fund for Religious Liberty, a Washington, D.C.-based legal group, files a brief supporting the Okemos Christian Center's bid to expand.

- March 2006: The U.S. Department of Justice files a brief supporting the church.

- December 2007: The U.S. Sixth Circuit Court of Appeals overturns the lower court ruling, siding with Meridian.

- Monday: With help from the Becket Fund, Okemos Christian Center plans to submit its case for consideration to the U.S. Supreme Court.

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Academy, because of the uncertainty over whether a school would be built. That, the church says, limited its opportunity to minister to students.

- Denying the church's staff on-site office space to run its ministries, including the school, which was housed off-site and had about 12 students.

Meridian Township Manager Jerry Richards said the township's insurance company has paid about \$124,000 for legal fees involved in the case.

Dumont said the church has spent \$50,000 or more on legal fees and related expenses. The Becket Fund now is working on the case on a pro bono basis.

McGillicuddy said the building restrictions are due to the residential character of the area, which has several subdivisions as well as a public school, another church and a church currently under construction.

"It was mainly size issues in the residential area," she said. "It's like they never even considered staying within the limits and trying it out and seeing if that would have even worked for them."

#### Neighbor's concerns

Lisa Dersch lives on Hulett Road in a house that backs up to the Okemos Christian Center. She said her family is friendly with the church but that a large school building seemed like too much for the property.

"The size of the building would directly affect our home," she said. "We would be looking out our bedroom window at a brick wall."

Terry Applegate of Haslett, a longtime church member who is on its board, said he thinks it is appropriate to continue the court fight despite the church's move to Bath.

"We're asking the legal system to judge on this, and it's a tough call, obviously, because we've had two federal courts go different ways," he said.

He fully supports the move to Bath Township.

"We'll be able to have the facilities that we've been trying to obtain for several years now," Applegate said.

"And we'll be able to do what we want to do, which is Christian education. It's been real tough. It's been awful. But hopefully, we're at the final stage here."

Contact Kathleen Lavey at 377-1251 or [klavey@lsj.com](mailto:klavey@lsj.com).

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**Reader Comment** Mon Mar 10, 2008 12:34 pm

Hahahaha! I love it! Computer demons!

Of all the stupid, indescribably retarded things to accuse computers of...

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**Reader Comment** Mon Mar 10, 2008 12:29 pm

<http://www.csua.berkeley.edu/~reaser/demons.html>

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**Reader Comment** Mon Mar 10, 2008 12:14 pm

You're not taking into account the higher percentage of people who hold Christian religions beliefs in the South versus the much fewer amount of people who hold these fervent beliefs here.

I'd much rather live in a city where I can choose to go to the Baha'is temple, Buddhist temple, at least three different Jewish temples, any Christian denomination you can think of, Mormon temple, Jehovah's Witness services, dozens of Catholic congregations, Wiccan sabbats, or NOTHING AT ALL without being told repeatedly and often that I'm a sinner and that I'm not good enough to serve on the school board, the PTA, as a volunteer firefighter, or anything else related with public service. I also wouldn't like being fired in a right-to-work state because I don't attend the right church, don't have Confederate great-grandfathers, or fly the racist Confed flag in front of my house. I also like not being ridiculed for having gay, black, Jewish, and Mexican friends.

Sorry Southern States, you're still about 20 years behind us in acceptance--even in a hick state like this one.

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**MR. dumont** Mon Mar 10, 2008 12:14 pm

WOW. craig dumont still preaching huh? to those going to that church you should just give up on life right now cuz if you keep being led by that man well your giving up too but it just might take a little longer. hey i have a question for you dumont. are you still going out getting drunk on the weekends and then preaching at church that "oh its ok to drink" just to make yourself feel better about yourself. what a hypocrite you are and to be leading people. thats a joke. yes it doesnt say in the bible that its wrong to drink however it says do not become a lover of wine and be drunk. but go ahead and preach other wise. oh and i'll remember our tattoo conversations about that it says not to have tattoos. but maybe if you studied a little more you might know that leviticus was written to the levites and those who were going to be preachers. one thing i love is that fact that also if we did follow those laws like you say we should, well it that same book it says not to cut our hair or trim our beard, and your response was great " well we changed that over the years" im glad you feel you have the power to change something in the Bible, good job dumont keep up the good work.

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**Reader Comment** Sun Mar 09, 2008 11:25 pm

Following church leaders is a good way to delude ones self that it is possible to purchase a

ticket to heaven.

But like Joel Osteen said, 'not everyone can be wealthy'.  
Of course, he can to the tune of \$43 million last year...thanks to his followers.

[http://en.wikipedia.org/wiki/Christian\\_televangelist\\_scandals](http://en.wikipedia.org/wiki/Christian_televangelist_scandals)

Church. Just another scam to fleece the sheep in the name of the 'lode'.



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