

## Church Wins Six-year Planning Battle

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The Calvert County Planning Commission Wednesday evening resolved a six-year-long issue marked by charges and counter charges, suits and counter claims and considerable angst on the part of all parties involved. The planners ruled that the former planning administrator acted incorrectly in denying a site plan for Chesapeake Christian Counseling Center and Chesapeake Pantry in Huntingtown. The planners then approved a site plan for the operation which is subject to approval by the Maryland Highway Administration for the combined entrance/exit for the property.

The counseling center and food pantry were established by Chesapeake Church in leased space in Dunkirk in 1996. It outgrew that location. The church in 2005 leased a house on Routes 2/4 just south of the split in Sunderland and relocated the operation. The land and building were purchased in 2006. According to planning commission staff, the operation was set up there without required permits and an order was issued June 11, 2007 for the operation to shut down until they acquired the necessary permits.

The church voluntarily closed the counseling center and food pantry in 2007 shortly after that order and filed a discrimination suit under the federal Religious Land Use and Institutional Persons Act (RLUIPA) of 2000 which prohibits using different criteria for planning decisions for religious and non-religious entities. A federal judge gave the church approval to reinstitute the operations several months later; they have remained open ever since.

But the administrative and legal battles persisted, mostly over the entrances to the two separate parcels, one for the church and the other for the counseling center and food pantry. The planning administrator and planning commission approved one site plan that involved consolidating entrances with a private neighbor to the south, but the church was unable to secure an easement. Then the administrator denied and the commission upheld the denial of a new site plan with a separate entrance each for the church and the counseling/center/pantry.

What finally changed the planning commission was an argument from the church's attorney Mark Davis that the denial by the planning commission administrator was based on a flawed reading of the zoning ordinance that failed to take into consideration that the church and the counseling center/food pantry were on separate parcels and thus were allowed separate entrances by right.

Chesapeake Church had been insistent on separate entrances for two reasons. It was believed that clients of the counseling center, who may have belong to different churches or no church at all, would feel uncomfortable entering through church property. The church had also had promised other churches who participate in the counseling center that there would be separate entrances so as to not confuse their church members.

Chesapeake Church Pastor Rev. Robert Hahn praised the new board of Calvert County Commissioners with turning things around for them. "I credit the change in the county commissioners that has brought a whole new level of leadership at the top," he said.

Planning Commission member Yolanda Cumberland assured the church at the meeting Wednesday that what had happened previ