

Church's lawsuit against MontCo revived in appeals court

By Kate Jacobson
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A legal battle between Montgomery County and a local church is back on after an appeals court revived the case.

The U.S. Fourth Circuit Court of Appeals ruled that a land dispute between the county and megachurch Bethel World Outreach Ministries will go to trial. The church sued the county in 2008, saying the county was intentionally blocking the church from building a site in Gaithersburg.

The appeals court is partially reversing the ruling of a district court judge from 2011 that backed the county's decision.

The argument stems from a land purchase the church based in downtown Silver Spring made in 2004 to build a church.

The county denied the church's request to build after it passed a law banning construction of religious facilities on land zoned for agriculture.

The church said it was being discriminated against based on the Religious Land Use and Institutionalized Persons Act, which gives religious institutions a way to avoid burdensome zoning law restrictions on their property use. It also said the county was interfering with its right to worship.

Court of Appeals Judge Diana G. Motz wrote that while the county didn't discriminate against Bethel based on religion, it did interfere with the church's ability to worship, as current facilities were over capacity.

Attorney Roman Storzer, who represents the church, said when the organization purchased the property, it was zoned to allow a church. After the purchase was made, however, the county passed a law prohibiting worship on those grounds. Storzer said a jury will now decide the fate of the new campus planned for Brink Road.

"They're bursting at the seams," Storzer said of the church in Silver Spring. "They don't have enough room to engage the number of people who attend. The church should be able to build its place of worship and finally have a home."

County Attorney Marc Hansen said he couldn't comment on pending litigation but said his office is reviewing the opinion and will consult with County Executive Ike Leggett and the County Council on how to move forward.

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