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**CALVERT COUNTY**  
**Judge Rejects Attempt to Close Huntington Church Pantry, Center**

By [Christy Goodman](#)  
Washington Post Staff Writer  
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In a test of wills, church vs. state, the church wins the first round.

Chesapeake Church in [Huntingtown](#), a congregation of about 275 members, has been locked in a heated, three-year battle with [Calvert County](#) over zoning violations that has progressed to state and federal courts.

Last week, Circuit Court Judge Marjorie L. Clagett ruled that the church's counseling center and food pantry can stay open pending the federal litigation, marking the first blow to the county's case.

Calvert County's request for a preliminary injunction to shutter the Chesapeake Counseling Center and Chesapeake Cares Food Pantry for failing to obtain the proper permits and site plans since the center opened in 2005 was denied by Clagett because closing the ministry would cause more harm to county residents, the decision said.

"The main thing is we want to feed the hungry, care for the needy and just be a resource to this county like we have been for the past 15 years," Robert Hahn, senior pastor at the church, said after learning of Clagett's decision.

The legal dispute began in April 2007, when county officials, unsatisfied with the church's failure to obtain a site plan and operating permit -- a requirement of all businesses in the county -- formally served notice of the zoning violations and ordered the center and pantry to close.

Officials from the church and county had gone back and forth over details of the center, which operates out of a small house adjacent to the church sanctuary. At the crux of the argument is a driveway that connects the house to heavily traveled Route 2/4.

Planning commissioners rejected the center's site plan in November and refused to reconsider their decision a month later because they wanted the driveway closed as a safety precaution. The commissioners recommended clients use a dirt road that led to the house from a separate driveway to the sanctuary off Route 2/4. Church officials would not comply, stating that many clients do not want to be affiliated with the church or be seen entering the property.

"The county clearly has discretion to keep that access point. The county has done it in the past and offered no reason why they won't do it for us. That is the point we made," said [Eric Nestor](#), an attorney representing the church and a member.

During closing statements in the Feb. 14 injunction case, Associate County Attorney Pamela R. Lucas, said two years was "certainly plenty of time" for the church to meet county requirements and that county staff "were being very generous." Lucas suggested that the church did not meet county laws within that time because they did not like the changes that the Planning and Zoning Department was asking them to make.

However, Clagett's decision said the county failed to prove the merits of closing the driveway.

Several county officials declined to comment, citing the upcoming lawsuit in [U.S. District Court](#) in Greenbelt. The church filed the parallel lawsuit last summer, alleging Calvert County was violating its right to practice religion under the Religious Land Use and Institutionalized Persons Act of 2000. The law states a government must make a compelling case for land-use decisions that put a burden on religious uses.

"The government needs a very good reason to shut down a church," said Roman P. Storzer, a

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District lawyer who represents religious organizations in religious land-use cases. He said that if a church and its ministries have been operating for several years, it is much more difficult for a county to shut them down.

Both sides are due in federal court March 21, Good Friday.

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