

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

HUNT VALLEY PRESBYTERIAN CHURCH,  
INC.,

Plaintiff,

vs.

BOARD OF APPEALS OF BALTIMORE  
COUNTY, and BALTIMORE COUNTY,  
MARYLAND,

Defendants.

Civil No. \_\_\_\_\_

COMPLAINT

**COMPLAINT**

Plaintiff HUNT VALLEY PRESBYTERIAN CHURCH, INC. (“Hunt Valley Church” or the “Church”), by its attorneys, Storzer & Associates, P.C., hereby complains of Defendant BOARD OF APPEALS OF BALTIMORE COUNTY, and BALTIMORE COUNTY, MARYLAND (collectively, the “County Defendants”) as follows:

**NATURE OF ACTION**

1. This action is commenced by the Plaintiff to redress violations of its civil rights, as protected by the Free Exercise and Equal Protection Clauses of the United States Constitution, 42 U.S.C. § 1983, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc *et seq.* (“RLUIPA”), and the Maryland Constitution’s Declaration of Rights, Article 36, caused by the County Defendants’ burdensome and discriminatory land use regulation that has required the Church to limit its ministry in ways that restrict the free exercise of its religious beliefs and practices, as a condition of it being able to build a facility that is adequate for its congregation

and religious exercise on real property located at 13105 Beaver Dam Road in Cockeysville, Maryland (the “Subject Property”).

2. Specifically, the Board of Appeals, in approving an amendment to the Church’s “Final Development Plan,” has (1) required the Church to provide two days’ notice to local residents (who oppose its expansion) of any unscheduled activities, which prevents the Church from engaging in any unplanned religious exercise, including holding services such as funerals or other unscheduled prayer and other religious events as the need may arise; (2) required the Church to inform such opponents of any and all of its scheduled services and events and required 48 hours notice to such opponents in order to alter the schedule of such events; (3) forced the Church to space out its two Sunday services so that there is one hour and fifteen minutes to one and a half hours between the end of one service and the beginning of the next, which was requested by no-one and which will cause religious hardship for the Church as explained below; and (4) imposed another condition regarding water runoff that is essentially impossible to comply with.

3. These unreasonable conditions imposed by the Board of Appeals substantially burden the Church’s religious exercise without being the least restrictive means of achieving any compelling governmental interest.

### **PARTIES**

4. Plaintiff HUNT VALLEY PRESBYTERIAN CHURCH, INC. is a Domestic Not-for-Profit Corporation formed under the laws of the State of Maryland.

5. Defendant BOARD OF APPEALS OF BALTIMORE COUNTY is a board of appeals duly appointed pursuant to the Charter of Baltimore County, Maryland, Article VI, §§ 601-602 to consider appeals from orders relating to zoning.

6. Defendant BALTIMORE COUNTY, MARYLAND is a chartered county of the State of Maryland, having offices at 400 Washington Avenue, Towson, Maryland, which, through the governing body, adopted the land use regulations in question in this matter.

### **JURISDICTION AND VENUE**

7. The subject matter jurisdiction of this Court is founded upon 28 U.S.C. § 1331 (federal question jurisdiction) in that this action is brought under 42 U.S.C. § 2000cc *et seq.* and 42 U.S.C. § 1983. This Court also has supplemental jurisdiction over Counts III and IV under 28 U.S.C. § 1367(a).

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) in that all of the events giving rise to the claims herein occurred in this District, and the County Defendants are subject to personal jurisdiction in this District as of the commencement of this action.

### **FACTUAL ALLEGATIONS**

#### Plaintiff's Religious Exercise

9. Hunt Valley Church is a member church of the Presbyterian Church in America denomination, commonly referred to as the "PCA."

10. The PCA is a Christian denomination focused on spiritual salvation attained by following the teachings of Jesus Christ as set forth in the Bible.

11. When the PCA was founded in 1788, it adopted the Westminster Confession of Faith (the "Westminster Confession"), which traces its origins to 1647 as one of the earliest statements of the Reformed Christian faith.

12. The Westminster Confession sets forth the beliefs of PCA churches including Hunt Valley Church.

13. The public worship of God, spreading their faith through evangelism, fellowship with other Christians, and good works including acts of charity are of the utmost importance to Presbyterians and to Hunt Valley Church

14. The Westminster Confession affirms the Bible as the “Word of God.”

15. Chapter 26 of the Westminster Confession provides that Christians are “bound to maintain an holy fellowship and communion in the worship of God, and in performing such other spiritual services as tend to their mutual edification.”

16. Chapter 26 of the Westminster Confession elaborates even further on the importance of fellowship within the Presbyterian Faith. Specifically, the Westminster Confession provides, “Our Confession mentions three things in which professed saints are bound to hold fellowship and communion with one another: First, They ought to assemble together for joining in the public worship of God. . . . Secondly, [they] ought to perform such other spiritual services as tend to their mutual edification. . . . Thirdly, [they] ought to relieve each other in outward things, according to their several abilities and opportunities.”

17. By engaging with one another in communion and fellowship, Presbyterians, according to the Westminster Confession, may “tend to mutual edification” through “mutual prayer; spiritual conference; admonishing, exhorting, and provoking one another to love and good works . . . .”

18. The importance of Christians to meet together and spur each other to greater faith is rooted in the Bible, specifically, “And let us consider how we may spur one another on toward

love and good deeds, not giving up meeting together, as some are in the habit of doing, but encouraging one another—and all the more as you see the Day approaching.” Hebrews 10:24-25.

19. In addition to the Bible and the Westminster Confession, PCA churches follow the Book of Church Order (“BCO”).

20. The Book of Church Order provides that, “[t]he Church, with its ordinances, officers and courts, is the agency which Christ has ordained for the edification and government of His people, for the propagation of the faith, and for the evangelization of the world.” BCO 3-5.

21. The Book of Church Order places a value on public worship, through which Church members become united as one “Body of Christ.”

22. Specifically, the Book of Church Order provides that,

Public worship has as its aim the building of Christ’s Church by the perfecting of the saints and the addition to its membership of such as are being saved -- all to the glory of God. Through public worship on the Lord’s day Christians should learn to serve God all the days of the week in their every activity, remembering, whether they eat or drink, or whatever they do, to do all to the glory of God (1 Corinthians 10:31).

BCO 47-3.

23. In line with this teaching, Hunt Valley Church strives to make the worship service begin the moment that congregants arrive at the Church.

24. On Sunday mornings, the Church holds two worship services.

25. At its worship services, volunteers direct traffic and greet congregants. Volunteer ushers help to direct congregants to their seats and provide them with church bulletins.

26. In order to facilitate this important volunteer work and encourage church members to volunteer while also allowing for time spent worshipping, Hunt Valley Church encourages members to “sit one, serve one” on Sunday mornings, meaning that members sit for one worship service and volunteer for one worship service.

27. In order to facilitate its religious exercise and Christian fellowship among its entire congregation, the Church's services are currently spaced approximately 40 to 45 minutes apart.

28. This permits members to engage in fellowship with members attending the other Sunday services, and permits members to engage in the Church's "sit one, serve one" program.

29. It also permits services to be timed in a manner that allows greatest participation by the Church's members and visitors.

30. Hunt Valley Church follows a formal membership process as set forth in Chapter 6 of the Book of Order, which includes taking an oath of membership in the Church.

31. Thus, many who regularly attend Hunt Valley Church are not official Church members.

32. The Church strongly believes in the importance of ministering to children and providing a space for children to have their own fellowship within the Church.

33. The Church maintains ministries for children from birth through the high school years.

34. The Church offers a free Vacation Bible School each summer for children ages 8-12, which serves approximately 450 children and is put on by 200 volunteers.

35. The Church also maintains ministries in order to do the "good works" that are central to their Christian faith.

36. In order to facilitate the fellowship that is so important to the Church's religious beliefs, the Church helps congregants form "small groups" that help to create a smaller community for couples and families within the larger Church community.

37. The Church offers an in-depth Bible study each Sunday, which allows congregants to further their religious understanding.

38. The Church also offers special holiday events throughout the year, including for Christmas and Easter.

The Church's Land Use and the Subject Property

39. Hunt Valley Church was founded in 1991, with Church members renting space in other locations for worship.

40. At that time, Hunt Valley Church also sought land to build a church.

41. Hunt Valley Church contracted to purchase the Subject Property in 1992.

42. The Subject Property is a 23-acre parcel bounded by Interstate 83 on one side, Beaver Dam Road on one side, and Old Mill Road on the other two sides.

43. The area surrounding the Subject Property is residential and industrial.

44. The Subject Property is located 0.3 miles away from the national headquarters of the McCormick Spice Company and from the Gilroy Road Light Rail station.

45. It is located 0.2 miles away from a large warehouse space which includes a NAPA Auto Parts Store, a powder coating service, a landscaping company, and a video production company.

46. Since 1997, Hunt Valley Church has rented space in that warehouse to operate a satellite campus called "The Point."

47. The Church's offices are located in The Point, with most employees of the Church sharing office space.

48. The Church's middle school and high school ministries are also housed at the Point.

49. The Church's workshop, which volunteers use to create props for worship services and other events such as the Vacation Bible School, is also located at the Point.

50. The Church simulcasts the worship service from the main Church to the Point each Sunday, where it is viewed by approximately 150 congregants.

51. The Church's current facilities are not adequate to meet its needs.

52. The Church's ability to worship as a church community is hindered by the lack of space. The Church must run three services each Sunday, and has even started a satellite service at the Point in order to accommodate those who wish to worship.

53. The services at the Point are inadequate because the Church, in accordance with PCA doctrine, must have a teaching elder that is ordained by the PCA to bless communion, and he cannot be in two places at once.

54. Having to split the Church's activities between the Point and the main church is extremely burdensome to the Church's religious exercise.

55. Church personnel must split their time between the two locations, making frequent trips back and forth.

56. The Church is forced to locate its youth services at the Point due to lack of space, meaning that families must drop off their children at one location before heading to services at the main Church.

57. This burdens the Church because some families are uncomfortable leaving their children at a separate location.

58. The Church also seeks to teach its high school students to attend Church with adults, and to encourage them to develop a habit of Church attendance. The Church cannot do this now, as there is insufficient space.

59. On Christmas and Easter, the Church holds five services throughout the day.

60. On Easter Sunday 2017, the Church held services at 6:30 a.m., 8:00 a.m., 9:30 a.m., 9:35 a.m. satellite service at the Point, and 11:00 a.m.

61. Dozens of attendees were forced to stand along the walls at the main Church as well as at the Point. Many families could not worship together.

62. The Church was forced to turn attendees away from the 9:30 a.m. service, sending them to the 9:35 a.m. satellite service, which ended up also over capacity.

63. The 11:00 a.m. service was also at full capacity.

64. The Church therefore needs to expand its house of worship to accommodate its religious exercise.

The County's Relevant Land Use Regulations and  
the Church's Zoning History

65. The County regulates land use within its jurisdiction in part through its Zoning Ordinance.

66. The Subject Property was part of a 63.5-acre property that was subdivided in 1991 into three lots known as "Bishops Pond."

67. A County Review Group ("CRG") Plan and a corresponding Final Development Plan ("FDP") were approved for Bishops Pond.

68. The Church contracted to purchase Lot 1 of Bishops Pond (the Subject Property) in 1991.

69. At the time that the Church purchased the Subject Property, it was zoned RC-4.

70. In an RC-4 Zone, churches are permitted only by special exception.

71. As a condition to its purchase of the Subject Property, the Church petitioned for, and obtained a special exception in Case No. 91-466-X that permitted it to construct the church building that now sits on the Subject Property.

72. The Church also petitioned for and obtained relief to amend the FDP for Bishops Pond to show the use of the Subject Property as a church.

73. Although the Board of Appeals granted the special exception, it placed conditions on the Church's use of the Subject Property.

74. The Church was not able to construct the large building that it had originally proposed.

75. The Church's sanctuary was limited to 500 seats and the Church's activities at the site were constrained.

76. The Church, anxious to have a home, agreed to proceed in spite of the imposed restrictions.

77. Opponents to the church filed a series of appeals that were all decided in favor of the Church.

78. The Church filed an amendment to the CRG Plan and the FDP for Bishops Pond reflecting the facility that was approved through the zoning petition.

79. As a result of the filing of the amendment to the FDP, subsequent purchasers of land near the Subject Property were on notice that either a large church was planned or, in fact, had been built at the time of their respective purchases.

80. After the appeals were all decided in favor of the Church, construction proceeded, and the Church opened its doors in 1998.

81. The Subject Property has eleven to twelve acres of essentially undeveloped land.

82. In 2012, as part of the County's quadrennial Comprehensive Zoning Map Process ("CZMP"), the Subject Property was rezoned from RC-4 to RC-3.

83. Churches are a by-right use within the RC-3 district.

84. The RC-3 district also removed certain restrictions on development that are present in the RC-4 zone, including impervious surface and stormwater management restrictions.

85. With the new zoning, in 2014 the Church filed a request to amend the prior approved CRG Plan and FDP for Bishops Pond.

86. Baltimore County denied the requested amendment and required the Church to file a new Development Plan and to proceed through the entire development process as if they were proposing a new facility on the Subject Property.

87. In the County's 2016 CZMP, certain surrounding neighbors opposed to the Church's use attempted to downzone the Subject Property to RC-4 in order to restrict the expansion of the Church facility.

88. The Subject Property was not rezoned in the 2016 CZMP.

89. The Church was therefore forced to proceed through the entire development process, including attending a Concept Plan Conference, holding a Community Input Meeting, submitting a Development Plan, attending a Development Plan Conference, and appearing at multiple Hearing Officer's Hearings.

90. The Church was not allowed to expedite the development process by simply amending their CRG Plan, and it was forced to file a zoning petition to amend the corresponding FDP for Bishop's Pond as part of their Development Plan case.

91. A number of local residents opposed the Church's application (the "Opponents").

92. On March 15, 2016, the Administrative Law Judge hearing the Church's application issued a Combined Development Plan and Zoning Opinion.

93. The Opponents appealed the Combined Development Plan and Zoning Opinion to the Board of Appeals.

94. The Board of Appeals bifurcated the Development Plan approval, which is reviewed on the record by the Board, and the petition to amend the FDP for Bishop's Pond, which is reviewed *de novo* by the Board.

95. The Board of Appeals held a hearing with respect to the Development Plan on July 18, 2016.

96. On August 25, 2016, the Board issued an order affirming the decision of the Administrative Law Judge approving the Development Plan for the Church.

97. The Opponents appealed the Development Plan approval to the Circuit Court for Baltimore County.

98. The decision was subsequently affirmed by the Circuit Court of Baltimore County on July 18, 2017.

99. The Opponents appealed the Circuit Court's decision to the Maryland Court of Special Appeals, where it is currently pending.

100. With respect to the petition to amend the FDP for Bishop's Pond, the Church filed a preliminary motion with the Board of Appeals arguing that it did not need to formally amend the Final Development Plan and that no approval from the Board of Appeals was needed.

101. On October 19, 2016, the Board denied the Motion to Dismiss.

102. The Board held that while the Church was not permitted to amend the CRG Plan for Bishop's Pond, it was required to amend the FDP for Bishop's Pond as part of its proposed expansion.

103. The Board of Appeals held hearings on the Church's petition to amend the FDP on April 19, April 20, April 26, and April 27, 2017.

104. At the conclusion of the hearings, the Church renewed its Motion to Dismiss the petition.

105. Under Maryland law, the Board of Appeals is required to deliberate and make decisions "openly and publicly."

106. The Board deliberated on June 27, 2017 and approved the proposed amendment to the FDP, but stated that it would impose conditions as part of the approval; however, it did not decide on such conditions at the public deliberations.

107. The Minutes of Deliberation of the June 27, 2017 public deliberation state in part: "The conditions will be fully outlined in the final Opinion and Order."

108. The conditions that were to be "fully outlined" later were stated to be "conditions on the church with regard to notice of services and events to residents, prioritizing the egress of residents from their homes, staggering services, providing people to direct traffic, minimizing light pollution, and stormwater management."

109. The June 27, 2017 Minutes of Deliberation specify that, "After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to APPROVE the Petition for Special Hearing to allow the third amendment to the Final Development Plan for Bishops Pond with conditions to be delineated in the final Opinion and Order."

110. The Board added additional conditions in private, in violation of the Maryland Open Meetings Act.

111. On December 8, 2017, the Board of Appeals issued a written Opinion and Order (the “BOA Order”), in which it applied conditions beyond those discussed at the public deliberation.

112. The final list of conditions applied to the approval is:

- a. Petitioner shall provide in writing to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. its monthly calendar, including identification of scheduled services and events, upon publication and in any event 30-days prior to the following month. The church may, upon written agreement with protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd., provide a weekly calendar in lieu of a monthly calendar at least one week prior to the scheduled events on the weekly calendar. The purpose is to provide reasonable notice to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. to minimize conflicts in scheduling their matters.
- b. Petitioner shall provide advance written notice, with a minimum of 48-hour notice, to Protestants, lots owners of FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. of any special events not otherwise on the calendar, including Bible Camp, ceremonies and parties other than church services (such as weddings) and any other event where it is reasonably expected to have 50+ attendees. Notice shall include the beginning and end time for the events. This notice shall also be applicable to any changes in time, size, scope and/or description to scheduled events identified in the monthly calendar. The purpose, like conditions No. 1, is to provide reasonable notice to Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. to minimize conflicts in scheduling their matters.
- c. To the greatest extent possible, the church shall prioritize the ingress and egress of the Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. The church, at all times, shall take all reasonable steps to minimize delays in exiting the site and entering the site. In the event,

any Protestant(s), lot owner(s) of properties within the FDP, and/or any resident(s) residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. seek to exit Old Mill Road at the same time traffic is entering or exiting from the church property, church personnel, employees and/or workers, including all traffic flaggers, shall stop vehicles entering or exiting Old Mill road and prioritize the exit of Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. above other vehicles. The purpose is to prevent and/or mitigate traffic delays on Old Mill Road for Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 12021 and 12027 Beaver Dam Rd.

- d. If water runoff, water collection, pooling, drainage and/or flooding or leaking becomes an issue on Old Mill Road and/or for any property within the FDP because of or fairly attributable, whether solely or in combination with any other condition or event, to any change to Petitioner's property as a result of the proposed amendment and/or construction, Petitioner shall take any and all immediate and reasonable measures to address and eliminate the issue.
- e. Mr. Cook's Traffic Recommendations, with modifications, are imposed as follows:
  - i. Access for the church is to be widened to provide two outbound lanes, an exclusive left turn lane, and an exclusive right turn lane along the entire length of the drive aisle.
  - ii. Advanced warning signs are to be provided along westbound Beaver Dam Road alerting motorist of the intersection of Old Mill Road. The first sign is to be located approximately 100' east of intersection.
  - iii. The church shall secure the services of one or more police officers (on-duty or other uniformed secondary employer) be available [sic] at the Beaver Dam Road access for a 30 minute period before, after and during Sunday services, holiday services, and any events where 350 or more attendees or other heavy traffic are expected in order to help direct traffic out of sight and minimize disruptions.
  - iv. Petitioner shall make sure that Protestants, lot owners of properties within the FDP, and/or any and all residents residing at 13023, 13025, 13021 and 13027 Beaver Dam Rd. have the ability on Sunday to come and go from their respective properties. Therefore, Sunday services are to be staggered so that the end of a service provides ample time to clear vehicles from the church parking lot (estimated at 30 minutes) and prevent overlap with incoming vehicle

for the next service (estimated to begin 30 minutes prior), as well as provide some window of time as best as possible for Protestants, etc., to avoid regular and unreasonable delays that result in a functional denial of access to and from Old Mill Road. As such, Petitioner is required to stagger services so that there is an hour and fifteen minutes to 1 ½ hours between the end of one service and the beginning of the next, rather than the 45 minutes to an hour suggested by Petitioner via Mr. Cook.

- f. To the greatest extent possible, the Petitioners shall employ best practices in lighting design to prevent light spillage from the church parking lot onto surrounding properties and to minimize the the amount of lighting used when the church is not in use.

113. The Board then specified that, “[i]f any one or more of these conditions require adjustment or modification, Petitioner and Protestants/lot owners of 13023, 13025, 13021 and 13027 Beaver Dam Rd. may adjust or modify any of these conditions; however, any adjustment or modification shall be unanimous, in writing, and signed by Petitions and all Protestants/lot owners of 13032, 13025, 13021 and 13027 Beaver Dam Rd., with the agreement filed accordingly and as necessary.”

114. The Board also denied the Church’s renewed Motion to Dismiss in its Opinion and Order.

115. The conditions set forth by the Board in the BOA Order burden the Church’s religious exercise and prevent it from constructing and utilizing a Church that will meet its needs.

116. Under the “staggered service” condition (condition “e(iv)”), the Church’s religious services and fellowship will be greatly impacted and burdened if the Church is forced to schedule its services an hour and fifteen minutes to an hour and a half apart.

117. Forcing the Church to schedule its services so far apart--beyond that suggested by the Church and even as agreed to by the Opponents--will prevent the Church from engaging in fellowship amongst its congregation. The overlap of services times at the Church is conducive to

a connected Church community, which is itself part of the Church's religious mission. Scheduling the services so far apart will prevent Church members who attend different services from engaging in Christian fellowship with each other.

118. The "staggered service" condition will also prevent the Church from being able to hold the number of services that are required to meet the needs of its congregation on Christmas and Easter.

119. The condition will also impede the Church's "sit one/serve one" program for volunteers.

120. The condition will force the Church to schedule Sunday services at times that fewer congregants and visitors will attend.

121. There was no testimony or other evidence before the Board that supported the "staggered service" condition.

122. The Church is aware, through years of experience ministering to its congregation and visitors, of the key service times that attract attendees.

123. The latest key service time for the Church is at 11:00 a.m.

124. Forcing the Church to schedule its services so far apart will burden the Church by preventing it from scheduling two services at key service times. This will impede the Church's ability to offer communion to its members and to welcome visitors to the Church.

125. Nor is there any legitimate basis to force the Church to stagger its services so far apart.

126. The Church and the Opponents both presented expert testimony from traffic engineers who agreed that the parking lot would take less than 30 minutes to clear after a service.

127. Spacing the services one hour and fifteen to one and one half hours apart will irreparably harm the Church without serving any benefit to the Church or the Opponents.

128. The 45-minute lapse between services proposed by the Church is long enough for orderly ingress and egress of traffic, while also allowing for the Church to hold a sufficient number of services at the times required, and for Church members to engage in fellowship and volunteer for Church services.

129. The 48-hour notice provision (condition “b”) imposed by the Board is also highly burdensome to the Church’s religious exercise.

130. This provision will prevent the Church from the immediate scheduling of funerals or other impromptu prayer events held by the Church.

131. The Church has had to schedule funerals within a 48-hour period of notification.

132. As a matter of its religious exercise, the Church needs to be able to host support groups or prayer vigils, sometimes within the 48-hour notification period.

133. For example, the Church opened its doors to members on September 11, 2001 after the terrorist attacks in New York City and Washington, D.C.

134. The Board’s “48-hour notification” condition will prevent the Church from hosting any religious events not already on its regular calendar where more than 50 people are expected to attend if a religious need arises within the 48-hour period.

135. The “48-hour notification” condition also prevents the Church from making any changes in time, size, scope and/or description to scheduled events identified in the monthly calendar, regardless of the size of such events.

136. Therefore, a Bible study class or prayer group, even for ten people or less, cannot be changed within the 48-hour period prior to the event’s scheduled time.

137. Such events may need to be rescheduled or otherwise altered; however, under the Board's condition, the Church will be forced to cancel such event if a change is required.

138. There is no legitimate reason justifying the imposition of the "48-hour notification" condition.

139. Other conditions, not objected to by the Church, sufficiently meet the Defendants' goal of preventing undue traffic impacts. These include widening the access lanes and hiring of police officers to direct traffic to larger events, as well as spacing church services apart by 45 minutes.

140. Further, providing such notice of any and all events (condition "a") implicates the Church's privacy interests. Some of the Church's events include biblical counseling of individuals and couples including marital, family, and personal crisis or conflicts, crisis support gatherings, funeral coordination and execution, addiction and recovery ministries, and prayer vigils.

141. Informing third parties about such events would compromise the confidentiality of the church-counselee privacy relationship and potentially target certain groups to outside scrutiny or persecution.

142. There is no legitimate reason justifying condition "a."

143. The Church already provides its immediate neighbors with at least one week's voluntary notice of its large (full parking lot or multiple service) events that might impact the neighbors in the form of traffic, and intends to continue to do so in the future.

144. The condition with respect to stormwater management (condition "d") is also unduly burdensome and wholly unjustified by the record before the Board.

145. Runoff, pooling and drainage are existing issues on the access road and properties of the Opponents.

146. It will be impossible to prove whether flooding, pooling, and runoff onto the Opponents' properties is caused by an existing condition or by the "proposed amendment and/or construction."

147. The condition requires "immediate" measures to be taken by the Church, which is entirely unreasonable.

148. If the Church does not meet the conditions imposed in the Board of Appeals' Opinion and Order, it will not be able to build its much-needed facility, which will severely burden its religious exercise.

149. If the conditions are violated, Baltimore County can pursue fines and other remedies against the Church.

150. The County Defendants' actions severely impede and prevent the Church's exercise of religion.

151. Upon information and belief, the County has not imposed such conditions upon other religious institutions.

152. The County Defendants' actions targeting the Church took place within a system of formal procedures that permitted the County Defendants to make individualized assessments for the uses for the property involved.

153. The Church has spent more than \$1,000,000 in direct cash payments for lease payments, taxes, building insurance, legal, engineering and traffic expert fees during the time spent pursuing the expansion.

154. The construction of "Phase 1" by the Church would affect interstate commerce by or through, amongst other things, serving as a site for ongoing fundraising; its receipt of charitable donations from persons working or living outside of the State of Maryland; the use of means of

interstate communication to facilitate the Church's construction and ongoing operations; the use of interstate travel related to the Church's ongoing operations; and the purchase of goods and services related to the Church's ongoing operations, maintenance, and construction.

155. The County Defendants' actions described above all took place under color of state law.

156. The County Defendants were informed of the applicability of RLUIPA to their actions.

157. Upon information and belief, the County Defendants knew or should have known that their actions were contrary to the Church's statutory or constitutional rights.

158. The harm to the Church caused by the Defendants' laws and actions, which restrict its use of the Property to accommodate its religious needs, is immediate and severe.

159. The County Defendants' laws and actions imminently threaten to substantially burden the Church's free exercise of religion.

160. The Defendants did not use the least restrictive means of achieving any governmental interest purportedly threatened by the Church's proposed use.

161. There are no quick, reliable, and viable alternative options for the Church's operations.

162. The Church has no adequate remedy at law for the harm and damage caused by the County Defendants' wrongful laws and actions.

163. Plaintiff has also suffered significant financial damages as a result of the County Defendants' laws and their application to the Church.

COUNT I

Violation of Religious Land Use and Institutionalized  
Persons Act of 2000 – “Substantial Burdens”  
42 U.S.C. § 2000cc(a)

164. Paragraphs 1 through 163 are incorporated by reference as if set forth fully herein.

165. Defendants have deprived and continue to deprive the Plaintiff of its right to the free exercise of religion, as secured by RLUIPA, by imposing and implementing land use regulations both on their face and as applied in a manner that places a substantial burden on the Plaintiff’s religious exercise without using the least restrictive means of achieving a compelling governmental interest.

COUNT II

United States Constitution  
Violation of 42 U.S.C. § 1983: First Amendment  
Free Exercise of Religion

166. Paragraphs 1 through 165 are incorporated by reference as if set forth fully herein.

167. Defendants have deprived and continue to deprive the Plaintiff of its right to free exercise of religion, as secured by the First Amendment to the United States Constitution and made applicable to the States by the Fourteenth Amendment, by burdening its religious exercise without using the least restrictive means of achieving a compelling governmental interest.

COUNT III

Maryland Constitution  
Declaration of Rights, Article 36  
Free Exercise of Religion

168. Paragraphs 1 through 167 are incorporated by reference as if set forth fully herein.

169. Defendants have interfered with the Church's duty to worship God in such manner as they think most acceptable, denied the Church the protection of the religious liberty to which it is entitled, and have molested the Church in their person and their estate, on account of its religious persuasion, profession, and religious practice, without justification.

#### COUNT IV

##### Judicial Review of Administrative Agency Decision

170. Paragraphs 1 through 169 are incorporated by reference as if set forth fully herein.

171. The Church requests judicial review of the BOA Order dated December 8, 2017 in case number 16-099-SPH.

172. The Church was a party to the proceedings before the Board of Appeals, which culminated with the Board's imposition of conditions on the FDP case that substantially burden the Church's religious exercise and prevent it from constructing and utilizing a Church that will meet its needs.

173. The flaws in the Board's Opinion, as described herein above, and its incorrect application of the BCZR § 502.1 special exception standards to the proposed use at issue, are arbitrary and capricious and constitutes legal error as a matter of law.

#### PRAYER FOR RELIEF

WHEREFORE, HUNT VALLEY PRESBYTERIAN CHURCH, INC., respectfully request that this Court grant the following relief:

1. A declaration that the imposition of conditions upon Plaintiff's religious exercise through the Board of Appeals' Opinion and Order is void, invalid, and unconstitutional on its face and as applied to the Plaintiff on the ground that it violates the Free Exercise Clause of the First Amendment to the United States

Constitution, the Religious Land Use and Institutionalized Persons Act, and the Maryland Constitution;

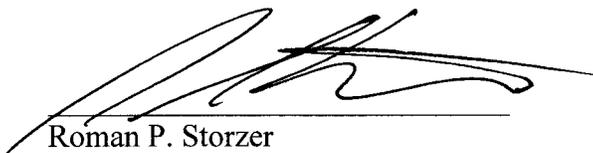
2. Preliminary and permanent orders enjoining the Defendants, their officers, employees, agents, successors, and all others acting in concert with them from applying their laws to the Center in a manner that violates the Free Exercise Clause of the First Amendment to the United States Constitution, the Religious Land Use and Institutionalized Persons Act, and the Maryland Constitution, or undertaking any and all action in furtherance of these acts;
3. An award of compensatory damages against the Defendants in favor of the Plaintiff, in an amount to be determined at trial for the loss of its rights under the First Amendments to the United States Constitution, the Religious Land Use and Institutionalized Persons Act, and the Maryland Constitution, incurred by the Plaintiff and caused by the Defendants' laws and actions;
4. An award to the Plaintiff of full costs and attorneys' fees arising out of Defendants' actions and land use decisions and out of this litigation; and
5. An order granting such other and further relief to the Plaintiff as this Court may deem just and appropriate.

#### **DEMAND FOR JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demand a trial by jury in this action on all issues so triable.

Respectfully submitted by the Plaintiff this 13th day of December, 2017.

STORZER & ASSOCIATES, P.C.



Roman P. Storzer  
Sieglinde K. Rath  
Blair Lazarus Storzer  
1025 Connecticut Ave., N.W. Suite 1000  
Washington, D.C. 20036  
Tel: 202.857.9766  
Fax: 202.315.3996

*Attorneys for Plaintiff*