



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

November 13, 2023

Samuel Twene  
The Apostles' Continuation Church International MD Assembly  
12818 Claxton Dr.  
Laurel, MD 20708  
Via email: [stwene02@gmail.com](mailto:stwene02@gmail.com)

RE: WP-22-087 The Apostles' Continuation Church

Dear Mr. Twene:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On November 9, 2023, and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations to impact the 50-foot stream bank buffer for the development of a religious facility and associated parking. Please see the attached Final Decision Action Report for more information.

On November 9, 2023, and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 1209(b)(1)** of the Subdivision and Land Development Regulations to reduce the width of a stream bank buffer within a forest conservation easement from 75 feet to a minimum of 40 feet. Please see the attached Final Decision Action Report for more information.

Approval of this Alternative Compliance is subject to the following conditions:

1. Disturbance within the buffer area is limited to what is proposed on the alternative compliance exhibit.
2. All disturbed area within the stream bank buffer shall be stabilized and seeded or planted with native vegetation after construction is complete, in accordance with the alternative compliance plan exhibit.
3. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses, and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers with regulated environmental features. Reference the applicable MDE or USACOE permits or tracking numbers on all associated permits.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance

approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Anne Gilbert - DNR [anne.gilbert@maryland.gov](mailto:anne.gilbert@maryland.gov)  
GLW, Todd Reddan [treddan@glwpa.com](mailto:treddan@glwpa.com)



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Lynda D. Eisenberg, AICP, Director

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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-22-087 Apostles' Continuation Church (SDP-23-037)**  
*Request for a variance to Section 16.116(a)(2)(iv) and Section 16.1209(b)(1) of the Howard County Code.*

**Applicant:** **Samuel Twene**  
The Apostles' Continuation Church International MD Assembly  
12818 Claxton Dr.  
Laurel, MD 20708  
Email: [stwene02@gmail.com](mailto:stwene02@gmail.com)

### Subtitle 1, Article II, Section 16.116(a)(2)(iv)

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works, and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations. The purpose is to encroach into the 50-foot stream bank buffer. The Directors deliberated the application in a meeting on November 2, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The proposed site is an unimproved lot within a business park development near Route 1. The applicant is proposing to develop the site with a religious facility and associated parking. The lot is encumbered by steep slopes, floodplain, a stream and its associated buffer, and forested area. This leaves a narrow area of the site for development. Strict conformance with the regulations would make any development of this site impracticable as the 50-foot stream bank buffer takes up a majority of the site. The buffer combined with the use and building setback requirements impacts a large portion of the developable area of the site. The applicant has limited the encroachment to only what is necessary for grading for the building and parking, tying into existing grades and installing a short retaining wall. Development of a site in a manner consistent with the permitted uses of the Zoning Ordinance is a right commonly enjoyed by others in similar areas.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;**

The site of the proposed development was subdivided in 1971, before most environmental regulations were adopted into County code. The development created multiple lots that were substantially encumbered with environmental features. Reasonable use of the site would not be possible without relief from strict adherence of the regulations. The area encumbered by environmental features leaves little area for reasonable development of the site. The applicant has proposed to develop along the southeast portion of the property to limit impacts to the stream bank buffer. However, for the applicant to locate a reasonably sized building, parking lot, internal drives, and stormwater management features onsite the applicant is asking for relief to impact a small portion of this environmental feature. The uniqueness of the property and its topographical conditions result in practical difficulty if strict adherence to the regulations is required.

**3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**

Approval of the applicant's request will not confer onto them a special privilege that would be denied to other applicants. The applicant has provided justification demonstrating the constraints of the site that create a practical difficulty to permit reasonable development of the site for the allowed use.

**4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**

Approval of the alternative compliance request will not be detrimental to the public health, safety or welfare, or injurious to other properties. The proposed disturbance is minimal and limited to the area needed for the development. The area of disturbed stream bank buffer will be stabilized, and a majority of the stream bank buffer will be protected within the onsite forest conservation easement.

**5. Disturbance is returned to its natural condition to the greatest extent possible:**

The area of disturbed stream bank buffer will be returned to its natural condition to the greatest extent possible. The area will also be protected with a forest conservation easement.

**6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and**

The area of stream bank buffer to be disturbed will be appropriately stabilized and revegetated once construction is complete. The development of the property will meet all requirements for stormwater management, and sediment and erosion control measures will be used during construction, including the use of silt fencing as necessary. As a result of the proposed mitigation efforts, any adverse impacts to water quality, fish, wildlife, and vegetative habitat will be minimized.

**7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The proposed grading, removal of vegetative cover and trees, and construction is the minimum necessary for the development and required improvements. The applicant has utilized the least intrusive design while meeting the

required setback and includes all required infrastructure for the proposed development. Environmental remediation to replant the area of disturbance within the stream bank buffer and utilizing best management practices will help reduce the impacts of the proposed development.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2)(iv) is subject to the following conditions:

1. Disturbance within the buffer area is limited to what is proposed on the alternative compliance exhibit.
2. All disturbed area within the stream bank buffer shall be stabilized and seeded or planted with native vegetation after construction is complete, in accordance with the alternative compliance plan exhibit.
3. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses, and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers with regulated environmental features. Reference the applicable MDE or USACOE permits or tracking numbers on all associated permits.

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*Lynda Eisenberg*

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Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

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*Yosef Kebede*

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Yosef Kebede, Director  
Department of Public Works

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*Timothy Lattimer*

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Timothy Lattimer, Administrator  
Office of Community Sustainability

### **Subtitle 12, Forest Conservation Act, Section 16.1209(b)(1)**

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1209(b)(1)** of the Forest Conservation Regulations. The purpose is to reduce the required width of a stream bank buffer within a Forest Conservation Easement from 75-feet to a minimum of 40-feet. The Directors deliberated the application in a meeting on November 2, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. **Describe the special conditions peculiar to the property which would cause the unwarranted hardship;**

The property's unique topographical and environmental characteristics reduce the developable area of the site. Although the stream buffer onsite is 50', Howard County Forest Conservation Code requires of a 75-foot stream buffer within the onsite forest conservation easement, which greatly reduces the developable area of the site. When accounting for the stream bank buffer, the 20-foot use setback, and the minimum width of parking lot and drive aisles a very narrow area for development remains. This would prohibit the applicant from development of a reasonably sized building, associated parking, and stormwater management facilities. The applicant is proposing to provide a 40-foot to 50-foot stream bank buffer, with 50-foot being the required setback for a stream bank buffer within nonresidential zoning districts. The site of the proposed development was subdivided in 1971, before most environmental regulations were adopted into County code. Requiring the applicant to meet the 75-foot stream bank buffer would result in unwarranted hardship.

**2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;**

Strict enforcement of the regulations would deprive the landowner the right to reasonable development of an approved use on their property, which is a right commonly enjoyed by other property owners in similar areas. The specific conditions described above make reasonable development of the property difficult. The applicant is proposing to meet the required width of a stream bank buffer for their zoning district and the buffer will be protected within the forest conservation easement. Without relief of the strict overlapping Forest Conservation width regulations, any development of this site would be impactable based on the narrow window of developable area that remains.

**3. Verify that the granting of a variance will not adversely affect water quality;**

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

**4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;**

Approval of this request would not grant the applicant a special privilege that would be denied to other applicants. The developable area of the site is constrained due to the size, shape, and environmental features and regulatory requirements which apply to this lot created in 1971, which creates a practical difficulty when trying to have reasonable development of the site.

**5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;**

The condition and circumstances for this request are not the result of actions by the applicant. The conditions are based on naturally occurring environmental features onsite and the narrow shape of the property.

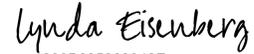
**6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and**

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

**7. Provide any other information appropriate to support the request.**

The applicant has submitted a project and worked within the constraints of the narrow shape of the property and environmental features. The remaining buffer area, which will have a varying width of 40-feet to 50-feet, will further be protected by the proposed onsite forest conservation easement. The applicant has also proposed a pervious pavement which will allow the ground immediately under the parking area to absorb a portion of the runoff, further reducing impacts to the stream.

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Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

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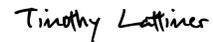


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Nicholas Mooneyhan, Director  
Department of Recreation and Parks

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Timothy Lattimer, Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DRP  
GLW, Todd Reddan [treddan@glwpa.com](mailto:treddan@glwpa.com)



**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Apostle's Continuation Church

**Subdivision Name/Property Identification:** Maier Industrial Park

**Location of property:** 9140 Bursa Road, Laurel MD

**Existing Use:** Vacant      **Proposed Use:** Church/Worship center

**Tax Map:** 47      **Grid:** 23      **Parcel No.:** B-5      **Election District:** NO. 6

**Zoning District:** CE-CLI      **Total site area:** 1.49 Ac

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

Environmental Concept Plan (ECP) ECP-22-049

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Section 16.116(a)(2)(iv)	Practical difficulties and unnecessary hardships resulting from strict compliance with Section 16-116(a)(2)(iv). The Applicant is requesting an Alternative Compliance to grade within 50-feet of a perennial stream bank in a non-residential zoning district.
Section 16.1209(b)(1)	Practical difficulties and unnecessary hardships resulting from strict compliance with Section 16.1209(b)(1). The Applicant is requesting an Alternative Compliance for relief of the specified 75-foot forest conservation easement from the bank of a perennial stream bank in a non-residential zoning district. Forest conservation obligations will be met.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

*[Handwritten Signature]*

Date:

February 14, 2022

Signature of Petitioner Preparer:

*[Handwritten Signature]*

Date:

2/14/22

Name of Property Owner:

The Apostles Continuation Church  
International MD Assembly

Name of Petition Preparer:

Gutschick, Little and Weber

Address:

12818 Claxton Drive

Address:

3909 National Drive

City, State, Zip:

Laurel MD 20708

City, State, Zip:

Burtonsville MD 20866

E-Mail:

stwene02@gmail.com

E-Mail:

treddan@glwpa.com

Phone No.:

301 675-0754

Phone No.:

410-880-1820

Contact Person:

Samuel Twene

Contact Person:

Todd Reddan



Owner's Authorization Attached

3/12/22  
106-55-2-19