

PERMIT

SEWAGE DISPOSAL SYSTEM

MARYLAND STATE DEPARTMENT OF HEALTH*

HOWARD COUNTY

BUREAU OF ENVIRONMENTAL HEALTH

992-2330

05-365325

INDEXED

ELLICOTT CITY

DISTRICT

5th

DATE 7/16/84

Donald Parlette

IS PERMITTED TO INSTALL ALTER X

ADDRESS 6575 Route 32, Clarksville, Maryland PHONE 296-2140

SUBDIVISION ROAD 5038 Ten Oaks Road LOT

PROPERTY OWNER Alan Magan PHONE: 531-3058

ADDRESS 5038 Ten Oaks Road
Clarksville, Maryland 21029

IF GARBAGE GRINDER IS USED INCREASE SEPTIC TANK CAPACITY BY 50% AND ABSORPTION AREA BY 22%.

GARBAGE GRINDER? YES NO

SEPTIC TANK CAPACITY GALLONS NUMBER OF BEDROOMS

REPAIR - CALL FOR INSPECTION WHEN GROUND IS OPENED UP SO SANITARIAN CAN RECOMMEND

REPAIR.

PLANS APPROVED BY Frank Skinner DATE 7/16/84

COVER NO WORK UNTIL INSPECTED AND APPROVED.

NEITHER THE HOWARD COUNTY COUNCIL NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE SUCCESSFUL OPERATION OF ANY SYSTEM.

NOTE: IF TRENCH IS USED CALL FOR INSPECTION BEFORE AND AFTER PLACING GRAVEL IN TRENCH.

NOTE: NO DRY WELL SHALL EXCEED 15 FOOT IN DIAMETER. NO ABSORPTION TRENCH TO EXCEED 100 FEET IN LENGTH.

NOTE: ALL PIPE FROM HOUSE TO SEPTIC TANK MUST BE CAST IRON OR SCHEDULE 40 PVC OR ABS.

PERMIT VOID AFTER THREE YEARS.

NOTE: INSTALL STAND PIPE ON SEPTIC TANK AND DRY WELL. STAND PIPES MUST BE 6 INCHES IN DIAMETER. CAST IRON, CONCRETE OR TERRA COTTA; OR PVC OR ABS ACCEPTED. IF TOP OF SEPTIC TANK IS DEEPER THAN 3 FEET MANHOLE TO GRADE REQUIRED.

*INSTALLER IS RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT

*CALL 992-2330 FOR INSPECTION OF SEPTIC SYSTEMS.

EH - 2-1082

Approved 10/18/84

Sealed

P 34124
33480
A REPAIR

10/8/84

ASAP

10/9/84

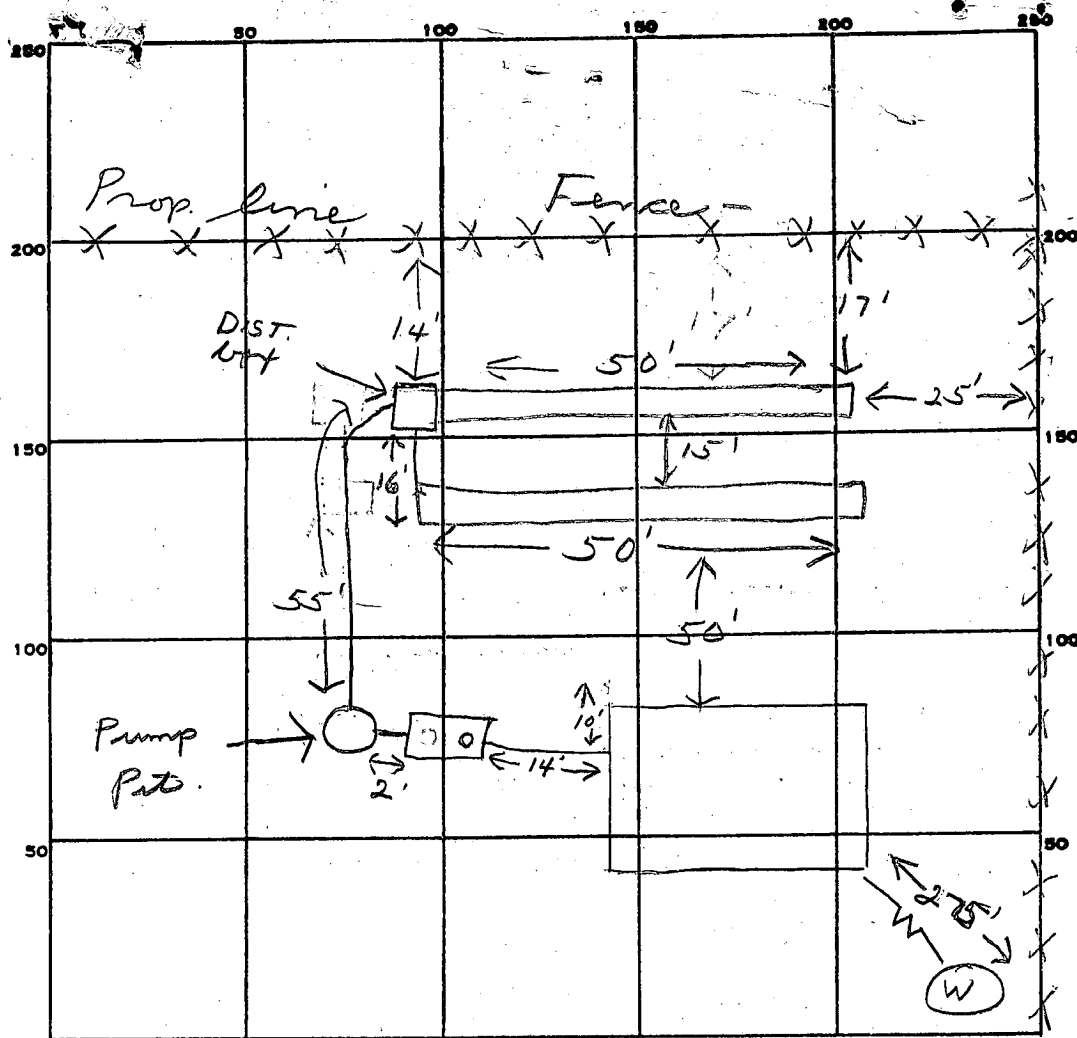
AM - ASAP pump inapt.

BLDG. PERMIT SIGNED

AND RETURNED 7/19/84

Seal # 44487
2 story addition

A 33480



PERMIT CARD

SEPTIC TANK, LEVEL

✓ 1000 gal.

CLEANOUTS

✓ 57

DISTRIBUTION BOX, LEVEL

TILE FIELD, DEPTH

7

FT.

TRENCH WIDTH

2

FT.

GRAVEL DEPTH

4 1/2

IN.

TOTAL LENGTH

100

FT.

NUMBER OF TRENCHES

2

TOTAL BOTTOM AREA

450

SEEPAGE PITS, INSIDE DIAMETER

FT.

DEPTH BELOW INLET

FT.

ABSORBENT AREA

450

SQ. FT.

REMARKS

10/8/84 OK to add stone in trenches if

10/8/84 OK to cover all work if

at this time the pump has not been installed

in pump pit, the plumber is working on well line.

the owner has everything to finish septic pump, with

two (2) types of alarms. Work will be completed end of week if

Raymond Cook - Plumber
DATE SYSTEM APPROVED 10/8/84

INSPECTOR

Stayer

APPLICATION

SEWAGE DISPOSAL TESTING

STATE OF MARYLAND - DEPARTMENT OF HEALTH AND MENTAL HYGIENE

HOWARD COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

P. O. BOX 476 ELLICOTT CITY, MARYLAND 21043
TELEPHONE: 992-2330

A 33480

P _____

DISTRICT

5TL

DATE

1/30/84

TO: THE COUNTY HEALTH OFFICER
ELLICOTT CITY, MARYLAND

I, HEREBY, APPLY FOR THE NECESSARY TEST IN ORDER TO CONSTRUCT (OR RECONSTRUCT) A SEWAGE DISPOSAL SYSTEM.

PROPERTY OWNER

Alan B. Magan

ADDRESS

5038 Ten Oaks Road

PHONE

531-3058

PROPERTY LOCATION:

SUBDIVISION

Map No. 28 parcel 139

LOT NO.

ROAD AND DESCRIPTION

move house on same lot to new

location & new foundation (5038 Ten Oaks Road)

SIZE OF LOT

5 acres

TYPE BLDG.

existing house on property
Resid. 3 bedrooms

(NUMBER OF BEDROOMS)

THE SYSTEM INSTALLED UNDER THIS APPLICATION IS ACCEPTABLE ONLY UNTIL PUBLIC FACILITIES BECOME AVAILABLE. I FULLY UNDERSTAND THE

FEE CONNECTED WITH THE FILING OF THIS PERC TEST APPLICATION IS NON-REFUNDABLE UNDER ANY CIRCUMSTANCES. I ALSO AGREE TO COMPLY

WITH ALL M.O.S.H.A. REQUIREMENTS IN TESTING THIS LOT.

Alan B. Magan

(SIGNATURE OF APPLICANT)

APPROVED BY

C. Williams

FOR

REPAIR ONLY

DATE

4/23/84

REJECTED BY

C. Williams

FOR

NOX

DATE

12/27/84

HOLD PENDING FURTHER TESTS

DATE

REASONS FOR REJECTION OR HOLDING

not right permit not right no house state house CW

BLDG. PERMIT SIGNED

AND RETURNED

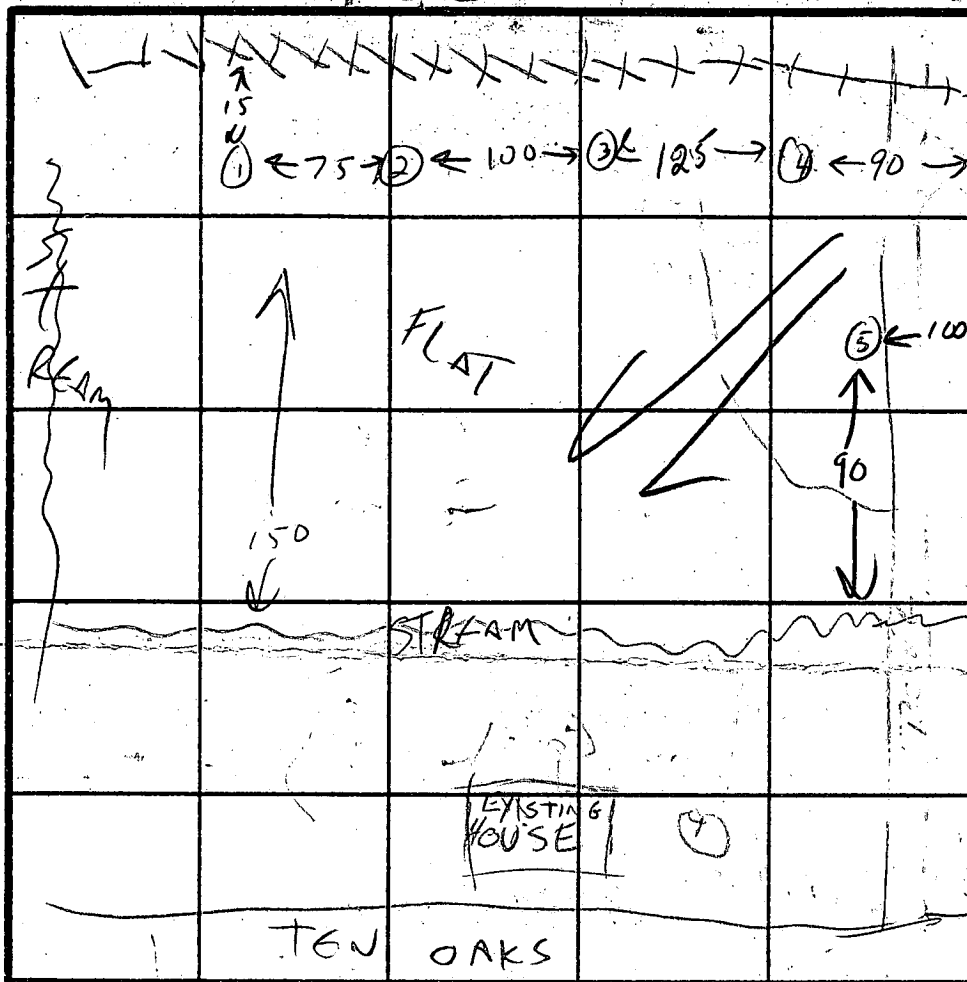
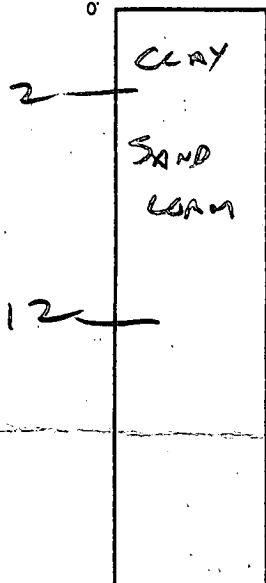
4/13/84

Serial # 59400 SFD.

THIS IS NOT A PERMIT

Holes 4 & 7

SOIL PROFILE



INDICATE NORTH - NAME ADJOINING ROADWAY AS BASE LINE.

Holes 1, 2, 3, 5, 6

DATE	TEST NO.	DEPTH	PRE-WET		TEST - 1" DROP		TIME
			START	STOP	START	STOP	
2-27-84	1	8	WHITE CLAY				X
			8" TRAPPED WATER				
2-27-84	2	12	SURFACE WET, STREAM AT 11'				X
			WHITE & YELLOW CLAY TO 8"		TRAPPED WATER		
2-27-84	3	6	TAN CLAY OVER WHITE & GRAY CLAY				X
			WATER AT 6'				
2-27-84	4	2 1/2'	10:13	10:17	10:17	10:21	PMW ✓
		12	2' CLAY THEN ALL SAND LOAM				
			STREAM AT 12'				
2-27-84	5	8'	SAND LOAM - WATER AT 7'				
2-27-84	6	9'	ALL CLAY & TRAPPED WATER, STREAM AT 7'				
HIGH HOLE 7	7	12	SAND LOAM TOP TO BOTTOM - GOOD HOLE				✓

REMARKS

TYPE OF SOIL: CLAY LOWLANDS; SAND LOAM ON HIGH GROUND

INSUFFICIENT AREA FOR SYSTEM

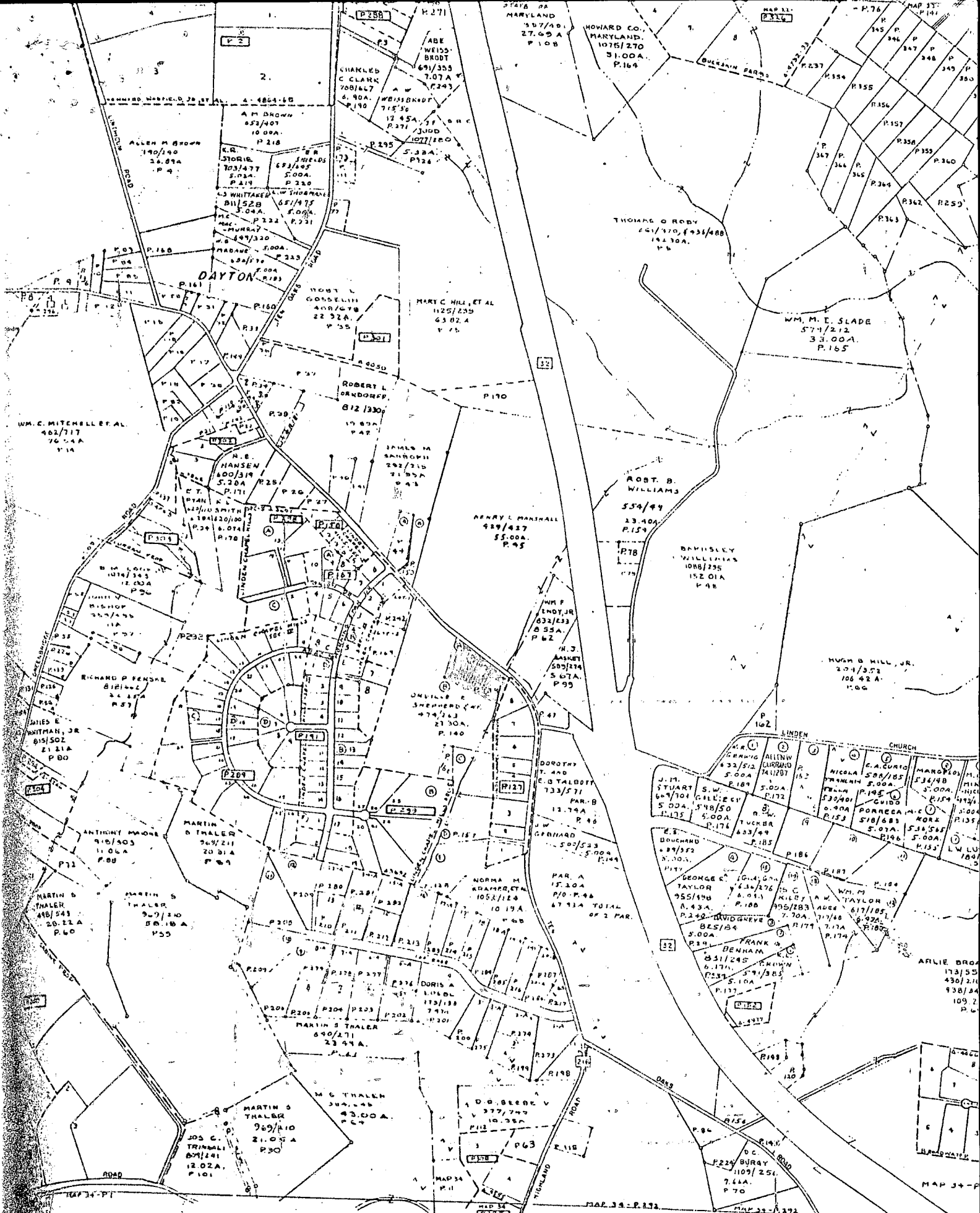
TESTED BY

ALSO PRESENT

PARLSTE
ALAN MAGAN

EH-12-1079

CLAY & WATER RUN-OUT



ADDITION-1957
TAX.

803

806

809

COMPILED BY
DEPT. OF ASSESSMENTS & TAXATION
PROPERTY MAP DIVISION
THE INFORMATION SHOWN HEREON HAS BEEN COMPILED
FROM BEST AVAILABLE SOURCES AND IS NOT AN ACTUAL SURVEY
IT SHOULD NOT BE USED FOR LEGAL DETERMINATIONS. USUAL
NOTING ERRORS ARE LISTED TO THE RIGHT OF THE MAP.
REVISOR'S NAME, ADDRESS, PHONE NO., AND DATE OF
REVISIONS ARE LISTED TO THE RIGHT OF THE MAP.

REVISED TO: MAR. 1, 1953

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
COUNTY HEALTH OFFICER



BUREAU OF ENVIRONMENTAL HEALTH
TIGER PLACE
63088 FORREST STREET
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2330

March 29, 1984

Mr. Alan Magan
5039 Ten Oaks Road
Dayton, Maryland 21036

RE: Percolation Test of 2/27/84 at
5038 Ten Oaks Road

Dear Mr. Magan:

This is to inform you that this office has tentatively approved the repair area established by the above referenced percolation test subject to the following conditions.

- (1) This area can be used as a repair area for the existing house whether on its present foundation or relocated on a new foundation.
- (2) The area will be considered acceptable only when we have received from you a complete grading study showing the proposed house relocation including a site for the septic tank that is out of the water table. Additionally, you must show that the tested area provides room for three trench disposal systems. These trench systems must each consist of 90 linear feet of trench, each 7 feet deep and in a location that keeps the bottom of each trench at least 4 feet above the known wet season water table. All trenches must be separated from one another by a distance of 10 feet center-to-center and all parts of said trenches must be at least 100 feet distant from any water wells on this or any adjoining property. This area must also be at least 20 feet removed from the foundation.

If you have any questions regarding this matter please call me at 992-2330.

Very truly yours,

Frank A. Skinner

Frank A. Skinner, Director
Water and Sewerage Program

FAS/CW:hs

5038 Ten Oaks Road
Clarksville, MD 21029
April 16, 1984

Frank A. Skinner, Director
Water and Sewerage Program
Howard County Health Department
8306 B Forrest St.
Ellicott City, MD 21043

RE: House moving and septic tank repair at 5038 Ten Oaks Road

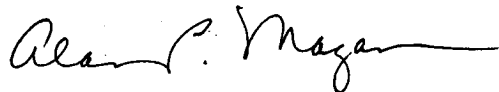
Dear Mr. Skinner,

Attached is a topographical map showing the proposed location of
1) our house, to be moved to the new location July-August 1984),
2) the septic tank , 3) the pump tank, 4) the drainage field, and
5) two additional repair areas.

I would like to install the drainage field in May and after the house is situated (in August) set in the tanks and pumps. While I am having the drainage field constructed in May, I will have the contractor, Mr. Don Parlette, excavate the tank site to be sure the tank will be out of the water table. Your inspector can verify this. I cannot have the tanks installed before the house is moved, as the weight of the moving equipment might crush the tank.

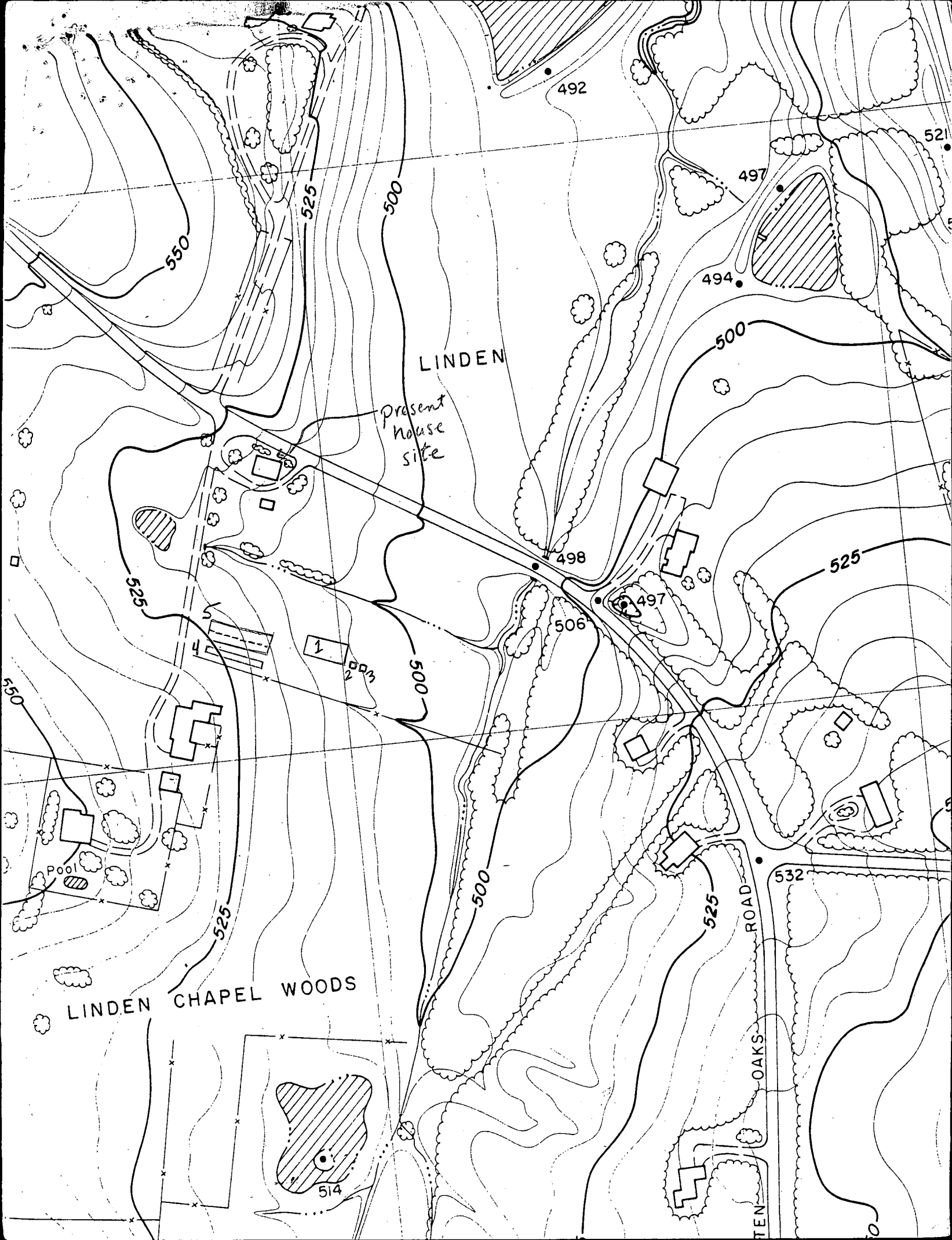
I will have Mr. Parlette schedule the drainage field work with your inspector. Please let me know if you have any problem with my proposed plan.

Sincerely,



Alan P. Magan

Phone # 531-3058 home
796-8850 work



LINDEN

present house site

LINDEN CHAPEL WOODS

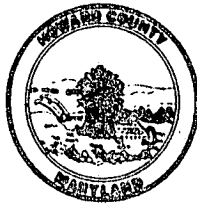
ROAD
OAKS

Pool

1
2
3
4

HOWARD COUNTY HEALTH DEPARTMENT

JOYCE M. BOYD, M.D., M.P.H.
COUNTY HEALTH OFFICER



BUREAU OF ENVIRONMENTAL HEALTH
TIBER PLACE
8308B FORREST STREET
ELLCOTT CITY, MARYLAND 21043
TELEPHONE: 992-2330

May 9, 1984

Mr. Alan Magan
5038 Ten Oaks Road
Clarksville, Maryland 21029

RE: Relocation of Residence
5638 Ten Oaks Road

Dear Mr. Magan:

In response to your letter of April 16, 1984, your plan to relocate your house and septic system on the above referenced property is basically acceptable to the Health Department. Formal approval is contingent upon receipt of an acceptable site plan detailing location and elevations of all components of your proposed replacement septic system.

The only difficulty I foresee is the proposed location of the septic tank in an area known to have a high water table from recent perc tests. I would advise you to plan to place tank at the highest elevation possible. A higher water table can effect a septic tank negatively by causing problems related to pressure, flotation and seepage. The higher the elevation you choose, the less likely you are to experience these problems.

When ready to proceed, please supply this office with a detail site plan. If I can be of further assistance, please do not hesitate to contact me in writing at this address, or by calling 992-2330.

Very truly yours,

Craig Williams / S.S.

Craig Williams, Sanitarian
Water and Sewerage Program

CW:jr

5038 Ten Oaks Road
Clarksville, Md. 21029
June 5, 1984

Craig Williams
Howard County Health Department
8306B Forrest Street
Ellicott, City, Md. 21043

Dear Mr. Williams:

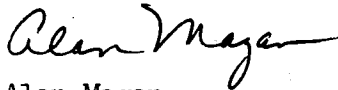
I appreciated your advice on moving the septic tank to higher ground. The attached plans show a new location for the house and tank so that the tank will be out of the water.

I have attached:

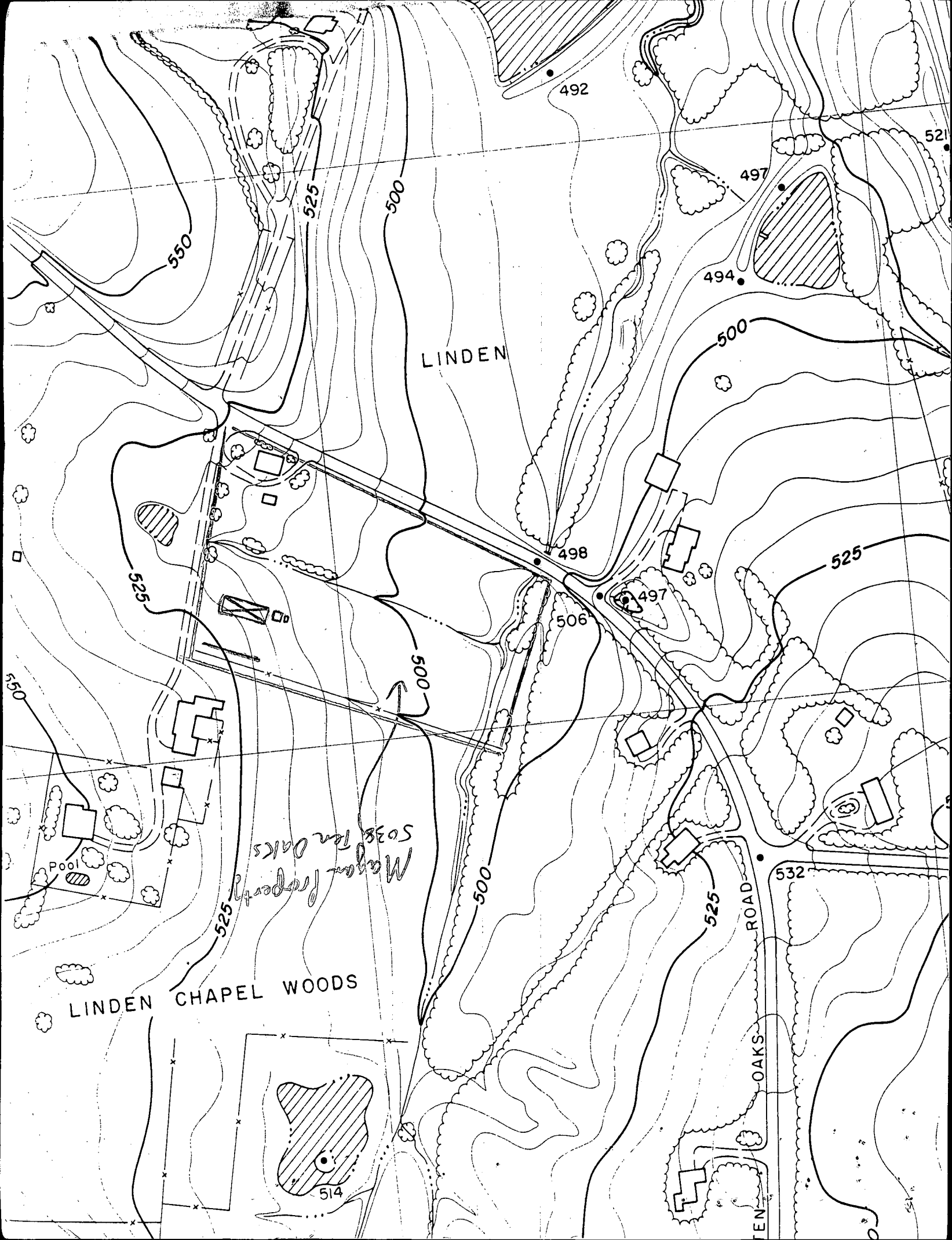
- 1) general topographic map showing house location;
- 2) site plan;
- 3) cross-sectional view of drainage field; and
- 4) cross-sectional view of septic tank site.

Please call me (day 796-8850 or 531-3058) if you have any questions.

Sincerely,



Alan Magan



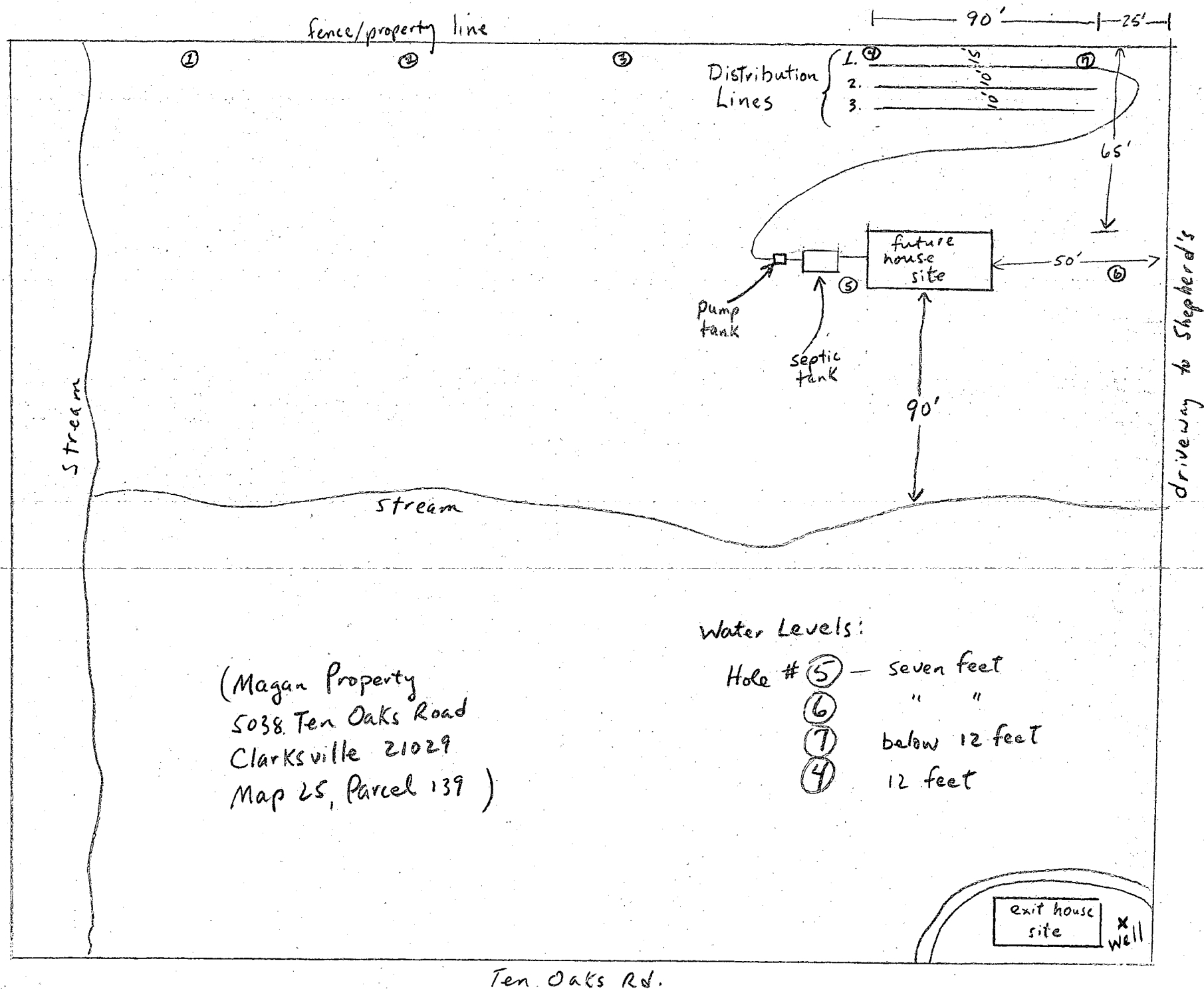
LINDEN

LINDEN CHAPEL WOODS

Mayer Property
5038 Ten Oaks

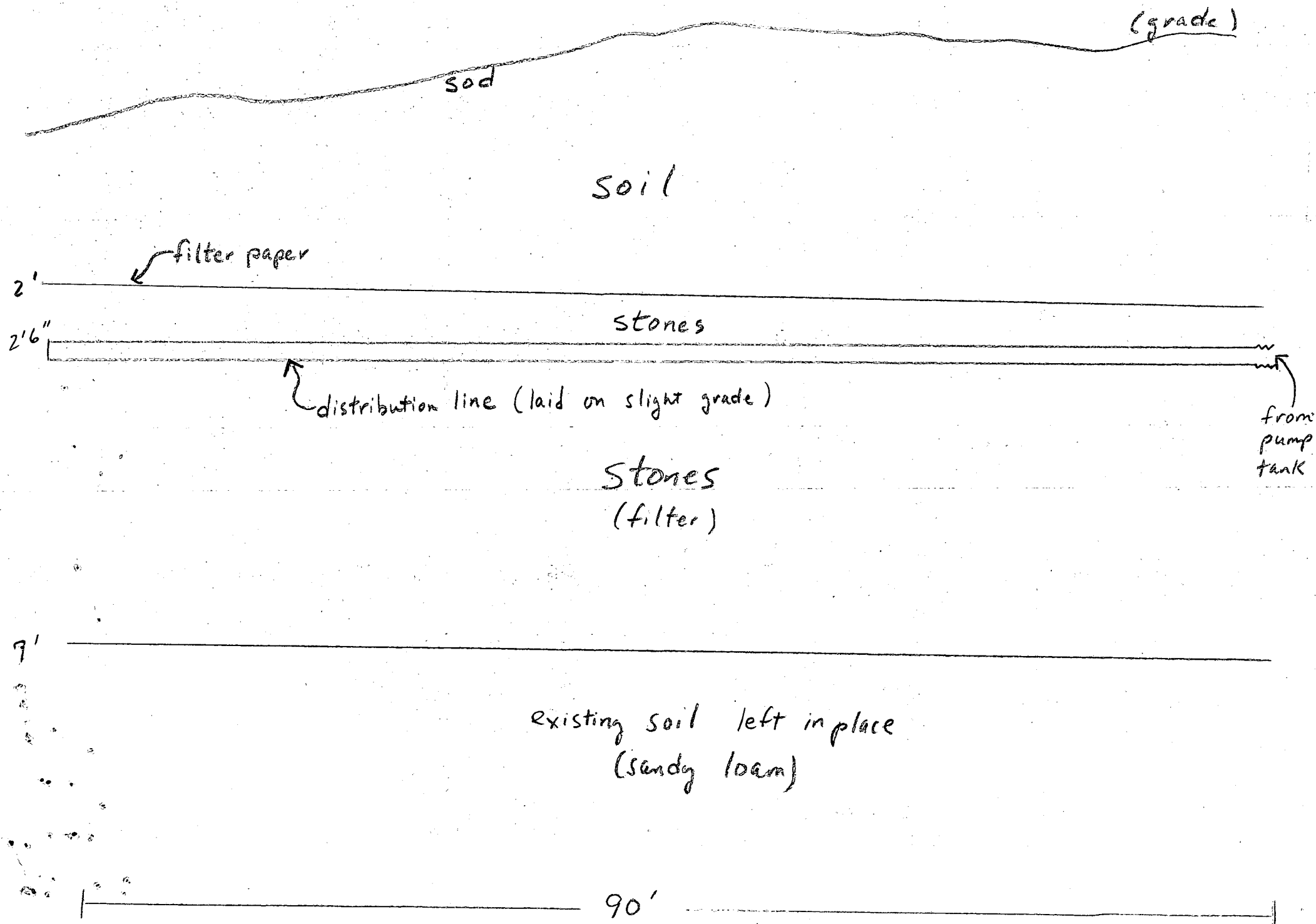
Pool

ROAD
OAKS

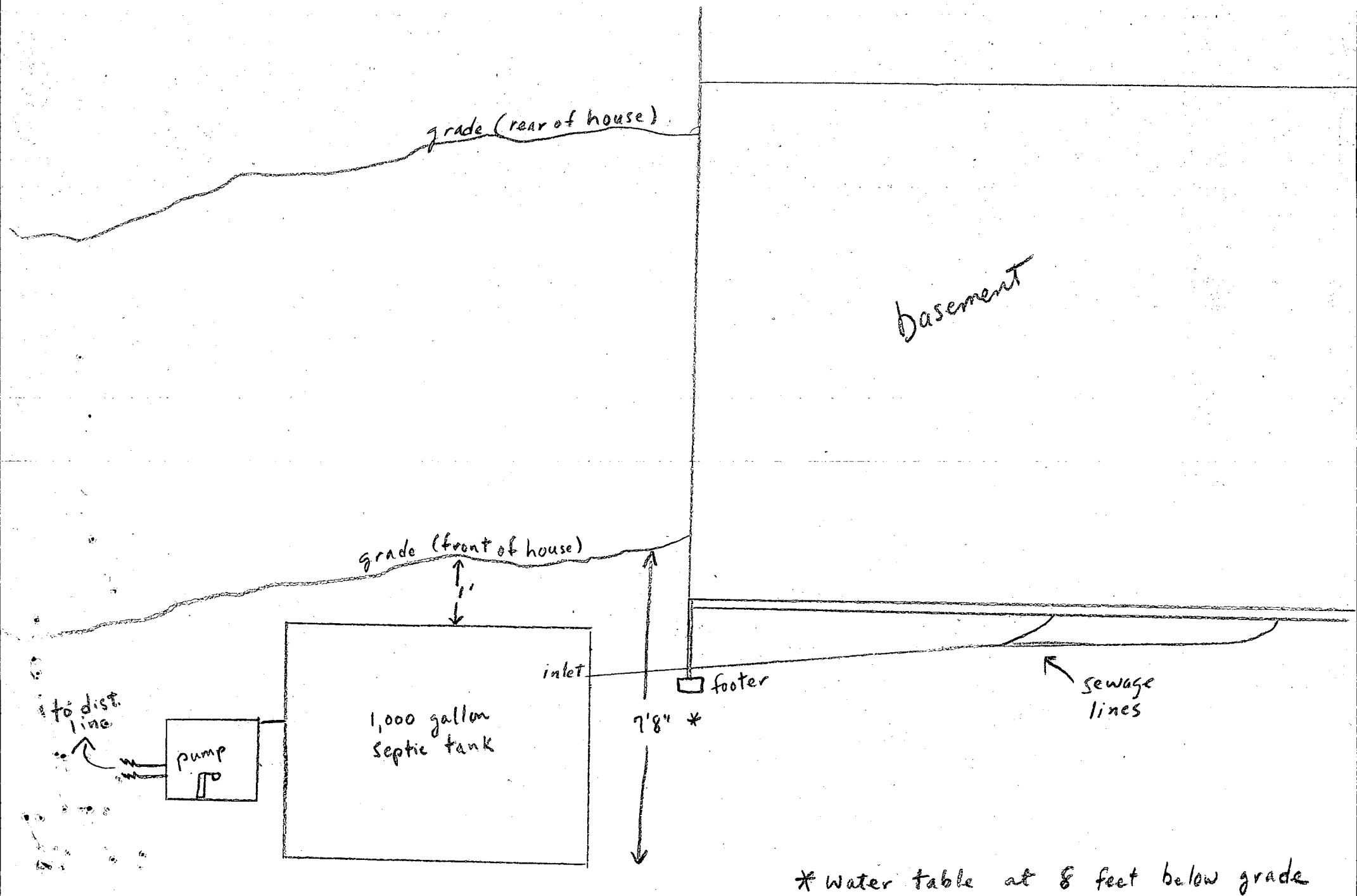


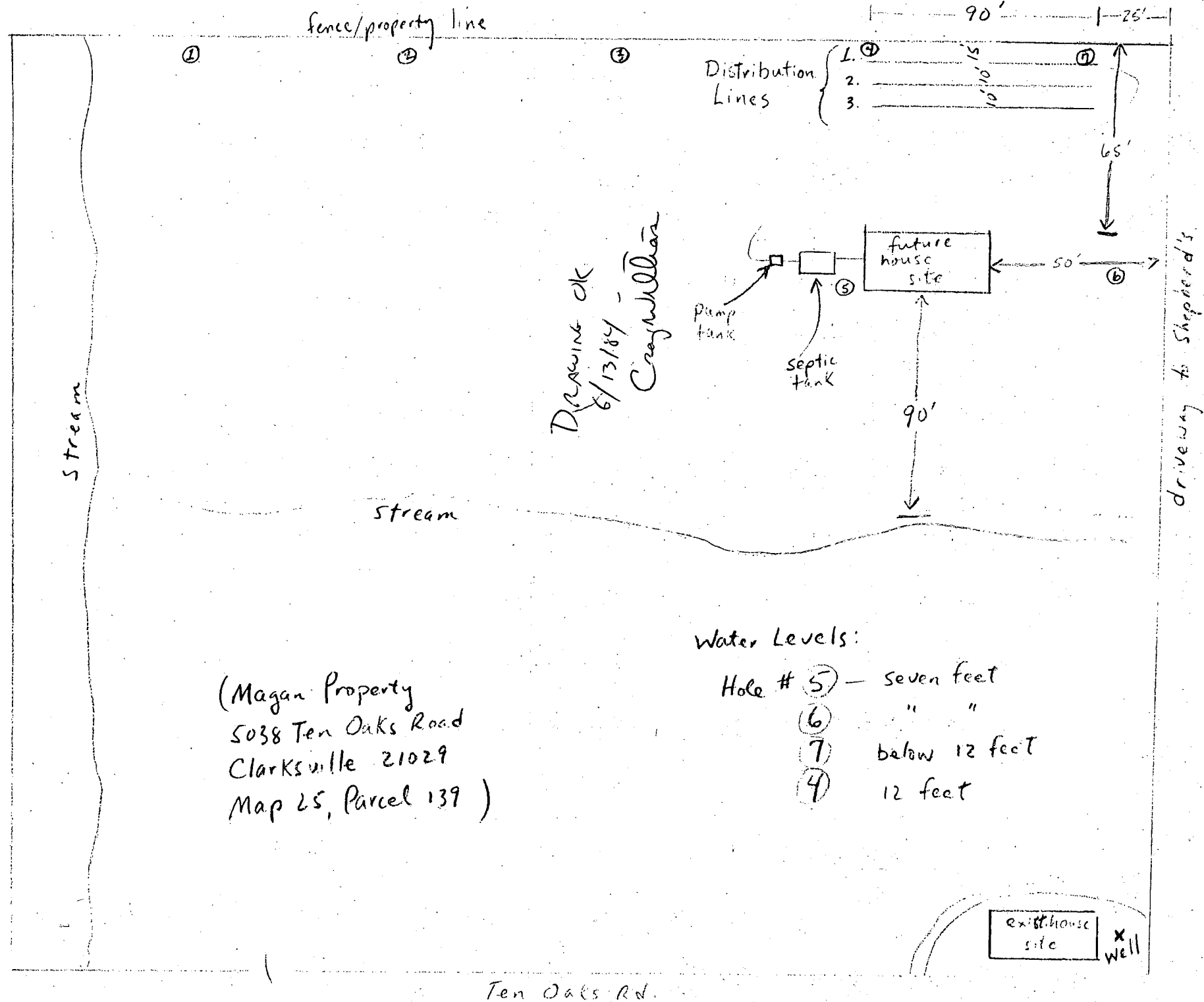
DRAINAGE FIELD
(cross section)

to driveway
→



SEPTIC TANK LOCATION (cross-section)





(Magan Property
5038 Ten Oaks Road
Clarksville 21029
Map 25, Parcel 139)

Water Levels:

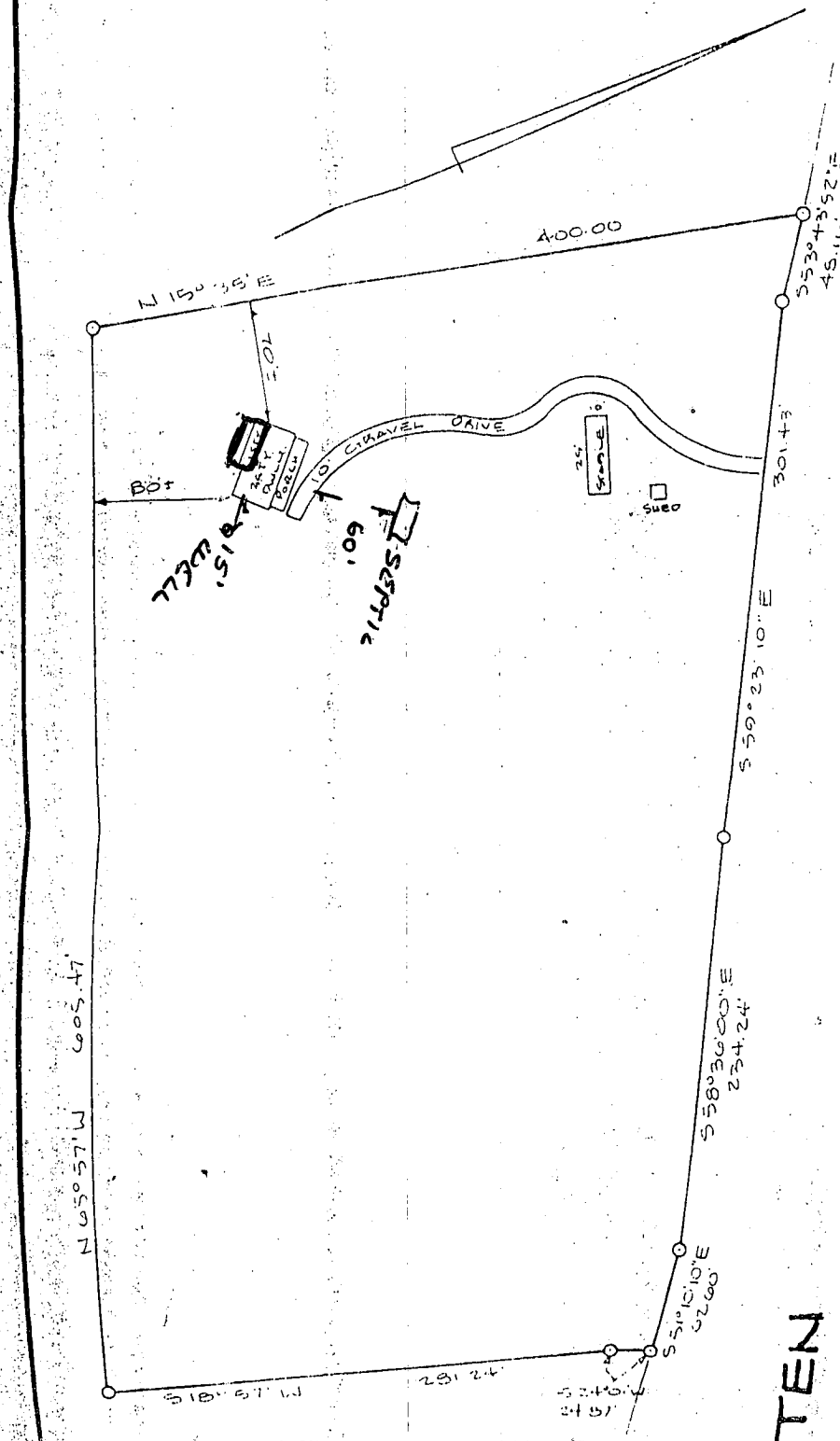
- Hole # 5 - seven feet
- 6 " "
- 7 below 12 feet
- 4 12 feet

Ten Oaks Rd.

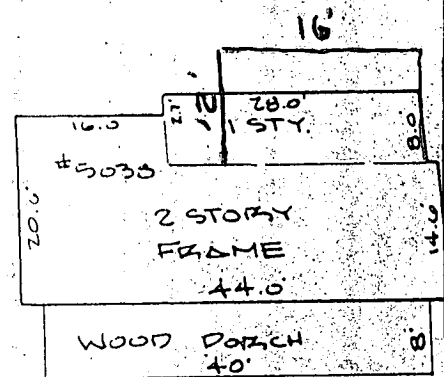
Property known as:

5038 TEN OAKS ROAD
5TH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND
DEED REF: 970/165

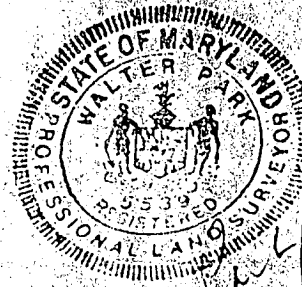
THIS PLAT CAN NOT BE USED TO ESTABLISH
LINES OR CORNERS.



OAKS ROAD
14 JULY 92
PLANS OF TOSKER
BP 44487
R/H



SCALE: 1" = 20'



LOCATION SURVEY PLAT

CERTIFICATION	SEAL	SCALE 1" = 100'	DATE
<p>This is to certify that I have surveyed the property known as: <u>5038 TEN OAKS ROAD</u></p> <p>for the purpose of locating the improvements thereon, and the improvements are located as shown.</p>	<p>Walter Park</p>	<p>PHONE 328-9060 TOWSON 730-9060 COLUMBIA</p> <p>HUDKINS ASSOCIATES Surveyors and Subdivisions</p> <p>SUITE 23 5485 HARRIS COLUMBIA</p> <p># 5539</p>	



Faxed to PP2
this date
MR

HOWARD COUNTY HEALTH DEPARTMENT

Diane L. Matuszak, M.D., M.P.H., County Health Officer

January 19, 2000

TO: Bob Lalush, Acting Chief
Public Service and Zoning Administration

FROM: Mark Rifkin *MR*
Water and Sewerage Program

RE: Magan Property, 5038 Ten Oaks Road
BA 99-50E&V

The Health Dept. has no objection to the requested variance. The requested special exception, however, presents some concerns. According to Howard County Plumbing Code, the proposed facility would be required to include permanent sanitary facilities for employee use. The Health Dept. has not received any application to conduct percolation testing on the front of the property (vicinity of the proposed nursery). Moreover, topography and test history on the rear portion of the property suggest that satisfactory soils on much of the front portion will be extremely limited, if not absent.

Any proposal to allow employees to use facilities in the existing single family dwelling would require Health Dept. review for the potential increase in flow to the existing septic system. Given that only limited satisfactory soils in the vicinity of the dwelling have been encountered in previous testing, the request to allow an increase in flow may not be approved.

If the applicant wishes to pursue the proposal, a review conference with the Health Dept. should be arranged.

MR

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 12/22/99

Planning Board 2/10/00 Board of Appeals 4/18/00 Zoning Board _____

Petition No. BA 99-50ESV Map No. 28 Block 14 Parcel 139 Lot _____

Return comments by 1/17/00 to Comprehensive Planning and Zoning
Administration

Location of Property: Southwest of Ten Oaks Rd, approx. 1000' south of Morning Star Drive

Applicant: Alan Magan

Applicant's Address: 5038 Ten Oaks Road, Clarksville, MD 21029

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: Special exception for a retail greenhouse/nursery; farm and garden supply store, and
landscapt contractor; variance to reduce setback from Ten Oaks Road from 75' to 50'.

TO: _____ Department of Education
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ MD Depart. of Human Resources, Janice Burris
_____ (child day care)
_____ Office on Aging, Barbara Harris (senior assisted living)
_____ Police Dept., Animal Control, Brenda Purvis, (kennels)

COMMENTS: _____

(Signature)

99 AUG -3 PM 3:12

SPECIAL EXCEPTION PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS

For DPZ office use only:
CASE NO. BA99-50EIV
DATE FILED _____
DATE ACCEPTED _____
FOR SCHEDULING _____

1. PETITIONER'S NAME Alan Magan
TRADING AS (IF APPLICABLE) _____
ADDRESS 5038 Ten Oaks Rd. , Clarksville, MD 21029
PHONE NO. (W) 410-531-0197 (H) 410-531-3058

2. COUNSEL FOR PETITIONER _____
COUNSEL'S ADDRESS _____
COUNSEL'S PHONE NO. _____

3. PROPERTY IDENTIFICATION:
ADDRESS OF SUBJECT PROPERTY 5038 Ten Oaks Road,
Clarksville, MD. 21029
TOTAL ACREAGE OF PROPERTY 5.0 acres
PROPERTY LOCATION: Ten Oaks Rd. between Linden Church & Morningstar
ELECTION DISTRICT: 5th ZONING DISTRICT: RR-DEO
TAX MAP # 28 ^{Grid} BLOCK # 14 PARCEL/LOT # 139
SUBDIVISION NAME (if applicable): _____

4. PETITIONER'S INTEREST IN SUBJECT PROPERTY:
☒ OWNER (including joint ownership) ☐ OTHER (describe and
give name and address of owner)

If the Petitioner is not the owner of the subject property,
documentation from the owner authorizing the petition must
accompany this petition.

Go to page 2.

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. SPECIAL EXCEPTION PLAN:

If the petition is approved, the special exception plan, subject to modifications and conditions required by the Board of Appeals, will be made a part of the Board's Decision and Order. The special exception plan must be drawn to scale and must include the items listed below:

- ☒ (a) Courses and distances of outline boundary lines and the size of the property
- ☒ (b) North arrow.
- ☒ (c) Zoning of subject property and adjoining property.
- ☒ (d) Scale of plan.
- ☒ (e) Existing and proposed uses, structures, natural features and landscaping.
- ☒ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- ☐ (g) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition.
- ☒ (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- ☒ (i) Election District in which the subject property is located.
- ☒ (j) Tax Map and parcel number on which the subject property is located.
- ☒ (k) Name of local community in which the subject property is located or name of nearby community.
- ☒ (l) Name and mailing address of the petitioner.
- ☐ (m) Name and mailing address of attorney, if any.
- ☒ (n) Name and mailing address of property owner.
- ☒ (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- ☒ (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- ☒ (q) Ownership of effected roads.
- ☒ (r) A detailed description of all exterior building materials for all proposed structures.
- ☒ (s) Any other information as may be necessary for full and proper consideration of the petition.

Go to page 3.

6. SPECIAL EXCEPTION REQUEST.

The undersigned hereby petition the Board of Appeals for approval of a special exception under section(s) 131.N. 48 of the Zoning Regulations for the following use: Retail greenhouse, retail nursery, farm & garden supply store, landscape Contractor.

7. DESCRIPTION OF PROPOSED USE: (See attached response)

The following items are intended to be answered by summary statements; the answers may be given below or attached to this petition form if additional space is needed:

A) The present use of the subject property: _____

B) The specific proposed use of the subject property: _____

C) A detailed description of the proposed use, including, where applicable: types of activities; hours of operation; number of employees, occupants, and customers; quantity and types of vehicles: _____

D) Additional information which will be needed to determine whether the special exception complies with the specific requirements of the applicable subsection within section 131.N. of the Zoning Regulations: _____

Go to page 4.

E) How will the special exception affect the adjacent and vicinal properties? _____

F) Any other factors which the Petitioner desires the Board to consider: _____

8. PRIOR PETITIONS:

Has any petition for the same, or substantially the same, special exception as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals within twenty four (24) months of the date of this petition?

() YES (X) NO If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

ADDITIONAL MATERIAL, FEES, POSTING AND ADVERTISING.

A) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:

28 copies if the subject property adjoins a State road.
24 copies if the subject property adjoins a County road.

B) The undersigned agrees to furnish such additional plats, plans, reports, or other materials as may be required by the Department of Planning and Zoning and/or the Board of Appeals in connection with the filing of this petition.

The undersigned agrees to pay all costs in accordance with the current schedule of fees.

Go to page 5.

The undersigned also agrees to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the property posters as required and submit an affidavit of posting at, or before the time of the hearing. The undersigned also agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

9. SIGNATURES.

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

Signature of Attorney

Alan Magan
Signature of Petitioner

For DPZ office use only: (Filing fee is \$650.00 plus \$15.00 per poster)

Hearing fee: \$ _____
Poster fee: \$ _____
TOTAL: \$ _____
Receipt No. _____

(Make checks payable to "Director of Finance")

Go to page 6.

10. PETITIONERS MUST INITIAL ONE OF THE FOLLOWING:

✓ I wish to have a hearing date set by the Board of Appeals as soon as possible. I understand that the scheduled hearing date may be several months from now. I also understand that once a hearing date has been set, I cannot request a postponement or continuance, absent any extraordinary circumstances as determined by the Board.

I wish to have the Board of Appeals wait until after receiving the Planning Board recommendation before scheduling a hearing date for my case. By so doing, I may be allowed a postponement or continuance in order to amend and resubmit my petition if the petition receives an unfavorable recommendation. This resubmission would be made to the Department of Planning and Zoning and to the Planning Board. Postponement or continuance of the Planning Board meeting will allow consideration of an amended petition by the Planning Board and other County agencies.

11. GENERAL STANDARDS:

Petitioner must note that in addition to the specific requirements of the appropriate subsection within section 131.N of the Zoning Regulations, that special exceptions within residential developments in the R-ED, R-SC, R-SA-8, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in section 131.C. All requests for special exceptions must meet the following general standards set forth in section 131.B. of the Zoning Regulations for approval:

1. The location and size of the use, the nature and intensity of the operation involved in (or conducted in connection with) the use, the size of the site in relation to the use, and the location of the site with respect to the streets giving access to the site are such that the use will be in harmony with the land uses and policies indicated in the Howard County General Plan for Howard County for the district in which it is located.

2. The use will not adversely affect vicinal properties.

3. The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures.

4. Parking areas will be of adequate size for the particular use and will be properly located and suitably screened from adjoining residential uses, and the ingress and egress drives will be laid out so as to achieve even maximum safety.

5. If a special exception use is combined with other special exception uses or permitted uses on a site, the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks and the land uses indicated in the General Plan for the site and surrounding properties.

ZB or BA CASE # _____

PETITIONER Alan Magan

ADDRESS 5038 Ten Oaks Road, Clarksville, MD. 21029

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Witness

Alan Magan 8/2/99
Signature Date

Witness

Signature Date

Witness

Signature Date

Special Exception Petition

Submitted by Alan Magan, 5038 Ten Oaks Road, Clarksville, MD 21029
(Howard County requirements printed in **bold type**)

7. Description of Proposed Use:

A) **The present use of the subject property:** residence and farm.

B) **The specific proposed use of the subject property:** 1) retail greenhouses; 2) retail nursery; 3) farm and garden supply store; 4) landscape contractor.

C) **A detailed description of the proposed use:**

1) **Types of activities:** sale of farm and gardening supplies including fertilizer, mulch, compost, seeds and plants (some of the plants will be grown on the property and some purchased from other growers); storage of equipment used in landscape contractor service including trucks, trailers, mowers and tools.

2) **Hours of operation:** 7 a.m. to 6 p.m.

3) **Number of employees:** two full-time and two to five part-time in retail including family members; up to five full-time in landscape contracting.

4) **Occupants and customers:** occupants will be Alan Magan and family; customers will primarily be local residents from Clarksville, Dayton, Glenelg and surrounding western Howard County.

5) **Quantity and type of vehicles:** Four pick-up trucks; two stake body trucks; three trailers.

D) Additional information which will be needed to determine whether the special exception complies with the specific requirements of section 131.N.48 of the zoning regulations:

a. All structures and uses which are part of the special exception use, including parking, storage, and areas open to retail customers, shall be at least 50 feet from lot lines, unless the Board of Appeals finds that a lesser setback is more appropriate and will not adversely affect neighboring properties due to visual impact, activity, noise, dust, fumes or other cause. Attached plan shows special exception petition complies with this section. However, the zoning regulations for Rural Residential zone at section 105 E.4.a.(1) requires that structures be set back 75 feet from a collector road such as Ten Oaks Road. Because of the intermittent stream bisecting the property, the petitioner is also asking for a variance to keep the setback at 50 feet not 75 feet from the road (see attached variance petition which accompanies the special exception petition).

b. The sale of plants, seeds fertilizers, plant food, firewood, hand tools, hand spraying and watering equipment, and other equipment directly related to farming, residential gardening or lawn care, shall be permitted. This petition requests a special exception for these uses.

c. Tools and equipment used in whole or in part for the special exception operation shall not be stored outdoors. All tools and equipment (except for trucks and trailers) shall be stored in the proposed shop.

d. For landscape contractors an area shall be designated to be used solely for the storage of tools, equipment and supplies used in the contracting business. As noted above, all tools and equipment (except for trucks and trailers) shall be stored in the proposed shop. Trucks and trailers will be parked next to the shop in a screened area not visible from the road or neighboring properties.

e. The minimum lot size for florists and farm and garden supply stores shall be two acres. The subject property is 5.0 acres.

f. The minimum lot size for landscape contractors, retail nurseries and retail greenhouses shall be five acres. The subject property is 5.0 acres.

g. Adequate landscaping shall be provided to screen all structures, parking, storage, and other activity areas related to the special exception use from residential properties. The special exception plan shows landscaping along the road, around the retail building, the shop and the greenhouses.

h. Safe road access with adequate sight distance shall be available. The proposed entrance to the special exception area is from Ten Oaks Road, as shown in the plan. The entrance is midway on a straight road section of over 850 feet which provides safe access and sight distance.

i. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes. The special exception petition area is 0.72 acre of the owner's 5.0 acres. The proposed use is bounded on three sides by the owner's property, and fronts on Ten Oaks Road. Across Ten Oaks Road the neighboring property is in farm use, with the field bordering Ten Oaks Road currently in field crop (corn). The proposed use will emit minimal dust from mulch and compost loading, and minimal noise and fumes from motorized machinery used in loading. All other uses such as sale of plants and supplies should pose no nuisance to neighboring properties.

E) How will the special exception affect the adjacent and vicinal properties? As noted above, the proposed uses will not pose a nuisance to neighboring properties. The only effect of note will be an increase in traffic on Ten Oaks Road from customers who reside elsewhere. However, many of the customers will be residents who already use Ten Oaks Road.

F) Any other factors which the petitioner desires the Board to consider: The proposed use is in harmony with the rural residential nature of the neighborhood and offers services in demand by homeowners in the area.

RESIDENTIAL DISTRICT VARIANCE PETITION
TO THE HOWARD COUNTY BOARD OF APPEALS

For DPZ office use only:

CASE NO. _____

DATE FILED _____

DATE ACCEPTED _____

FOR SCHEDULING _____

1. PETITIONER'S NAME Alan Magan
TRADING AS (IF APPLICABLE) _____
ADDRESS 5038 Ten Oaks Road, Clarksville, MD. 21029
PHONE NO. (W) 410-531-0197 (H) 410-531-3058

2. COUNSEL FOR PETITIONER _____
COUNSEL'S ADDRESS _____
COUNSEL'S PHONE NO. _____

3. PROPERTY IDENTIFICATION:

ADDRESS OF SUBJECT PROPERTY 5038 Ten Oaks Road,
Clarksville, MD. 21029

TOTAL ACREAGE OF PROPERTY 5.0 acres

PROPERTY LOCATION: Ten Oaks Rd. between Linden Church & Morningstar

ELECTION DISTRICT: 5th ZONING DISTRICT: RR-DEO

TAX MAP # 28 ^{Grid} BLOCK # 14 PARCEL/LOT # 139

SUBDIVISION NAME (if applicable): _____

4. PETITIONER'S INTEREST IN SUBJECT PROPERTY:

☒ OWNER (including joint ownership) ☐ OTHER (describe and
give name and address of owner)

If the Petitioner is not the owner of the subject property,
documentation from the owner authorizing the petition must
accompany this petition.

NOTE: Completed petition forms must be submitted before the
first day of the month in order to be heard on the last Tuesday
of the Month. Incomplete petitions may result in postponement.

The Board of Appeals may, at its discretion, refer a
variance petition in a residential district to the Planning Board
for review and a recommendation.

PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION:

5. VARIANCE PLAN.

No application for a variance shall be considered complete unless the plan indicates the required setback or other requirement, and the requested variance from the subject setback or other requirement. The submitted plans shall be folded to approximately 8 1/2 x 14 inches.

The plan must be drawn to scale and must include the items listed below:

- ☒ (a) Courses and distances of outline boundary lines and the size of the property
- ☒ (b) North arrow.
- ☒ (c) Zoning of subject property and adjoining property.
- ☒ (d) Scale of plan.
- ☒ (e) Existing and proposed uses, structures, natural features and landscaping.
- ☒ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces.
- ☐ (g) Same as (e) and (f) above, of any adjoining property as necessary for proper examination of the petition.
- ☒ (h) Location of well and private sewerage easement area, if property is to be served by private water and sewer.
- ☒ (i) Election District in which the subject property is located.
- ☒ (j) Tax Map and parcel number on which the subject property is located.
- ☒ (k) Name of local community in which the subject property is located or name of nearby community.
- ☒ (l) Name and mailing address of the petitioner.
- ☐ (m) Name and mailing address of attorney, if any.
- ☒ (n) Name and mailing address of property owner.
- ☒ (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition.
- ☒ (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads.
- ☒ (q) Ownership of affected roads.
- ☒ (r) A detailed description of all exterior building materials for all proposed structures.
- ☒ (s) Any other information as may be necessary for full and proper consideration of the petition.

Go to page 3.

6. OTHER DATA TO ACCOMPANY PETITION.

The Petitioner must also submit with the petition an area location map (tax map) of the subject property, indicating the street address of the site, the zoning district of the site and the zoning district of all adjacent properties.

7. VARIANCE REQUEST.

The undersigned hereby petition the Board of Appeals for a variance from the requirement(s) of section 105.E.4a.(1) of the Zoning Regulations to: (describe) Reduce setback from Ten Oaks Road from 75 feet to 50 feet.

A) Describe why the Zoning Regulations in question would result in practical difficulties or unnecessary hardships in complying strictly with the bulk requirements:

() narrowness, (X) shallowness, () shape, () topography,
() other; explain: Because of intermittent stream bisecting property, a setback of 75 feet would hamper circulation on the property (see plan).

B) If exceptional narrowness, shallowness or shape of the property is claimed, give the date of the recording of the plat of present subdivision, if any: _____; or if property is not subdivided, give the date on which a deed conveying the identically bounded tract was first recorded:

1899

C) The intended use of the property, in the event the petition is granted: Retail greenhouse, retail nursery, farm & garden supply store, landscape contractor.

D) Any other factors which the Petitioner desires to have considered: The depth of the special exception area (from Ten Oaks Road to bisecting stream) is less than 200'. We need to setback from stream to protect it.

Go to page 4.

E) Explain why the requested variance is the minimum necessary to afford relief: Section 131. N. 48 calls for a 50' setback which is shown in petitioner's plan.

F) Is the property connected to: public water?: Y___ N ☒
public sewer?: Y___ N ☒

G) If the requested variance is granted, would it impact the water and/or septic/sewer on the site? Y___ N ☒

H) If the requested variance is granted, would it increase the intensity of uses on the site? Y___ N ☒; if yes, explain: _____

I) If the requested variance is granted, would it increase traffic to or from the site? Y___ N ☒; if yes, explain: _____

J) Describe in detail (i.e. width, type of paving, etc.) all means of vehicular access onto the site: one exit/entrance to Ten Oaks Road, 15' wide; gravel surface.

K) Describe the topography of the site: gently sloping.

L) Will the existing or proposed structure be visible from adjacent properties? Y ☒ N___; if yes, describe any proposed buffering or landscaping: Plan shows landscaping and screening features for all structures.

Go to Page 5

M) Describe any existing buffering or landscaping: _____

Fence along road; shade trees.

8. PRIOR PETITIONS. Has any petition for the same, or substantially the same, variance as contained herein for the same property as the subject of this petition been disapproved by the Board of Appeals within twenty four (24) months of the date of this petition?

() YES (X) NO If yes, and six (6) months have elapsed since the last hearing, an affidavit setting forth new and different grounds on which re-submittal is based must be attached.

8. ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING:

A) If desired, supplemental pages may be attached to the petition. The following number of petitions, plans and supplemental pages must be submitted:

23 copies if the subject property adjoins a State road.
19 copies if the subject property adjoins a County road.

B) The undersigned agrees to furnish such additional plats, plans, reports or other material as may be required by the Department of Planning and Zoning and/or the Board of Appeals in connection with the filing of this petition.

The undersigned agrees to pay all costs in accordance with the current schedule of fees.

The undersigned also agrees to properly post the property at least fifteen (15) days prior to the hearing and to maintain the property posters as required and submit an affidavit of posting at, or before the time of the hearing. The undersigned also agrees to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least fifteen (15) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

Go to page 5.

9. SIGNATURES.

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

Alan Mayan
Signature of Petitioner

Signature of Attorney

For DPZ office use only: (Filing fee is \$450.00 plus \$15.00 per poster.)

Hearing fee: \$ _____

Poster fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(Make checks payable to "Director of Finance")

Go to page 7

GENERAL REQUIREMENTS:

The Petitioner shall note that all requests for variances must meet the following requirements of section 130.B.2.a.(1) through (5) of the Howard County Zoning Regulations in order to be approved:

(1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.

2. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

3. That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

4. That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.

5. That no variance be granted to the minimum criteria established in Section 131 for special exception uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

ZB OR BA CASE # _____
PETITIONER Alan Magan
ADDRESS 5038 Ten Oaks Rd., Clarksville MD 21029

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN ZB OR BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

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Witness

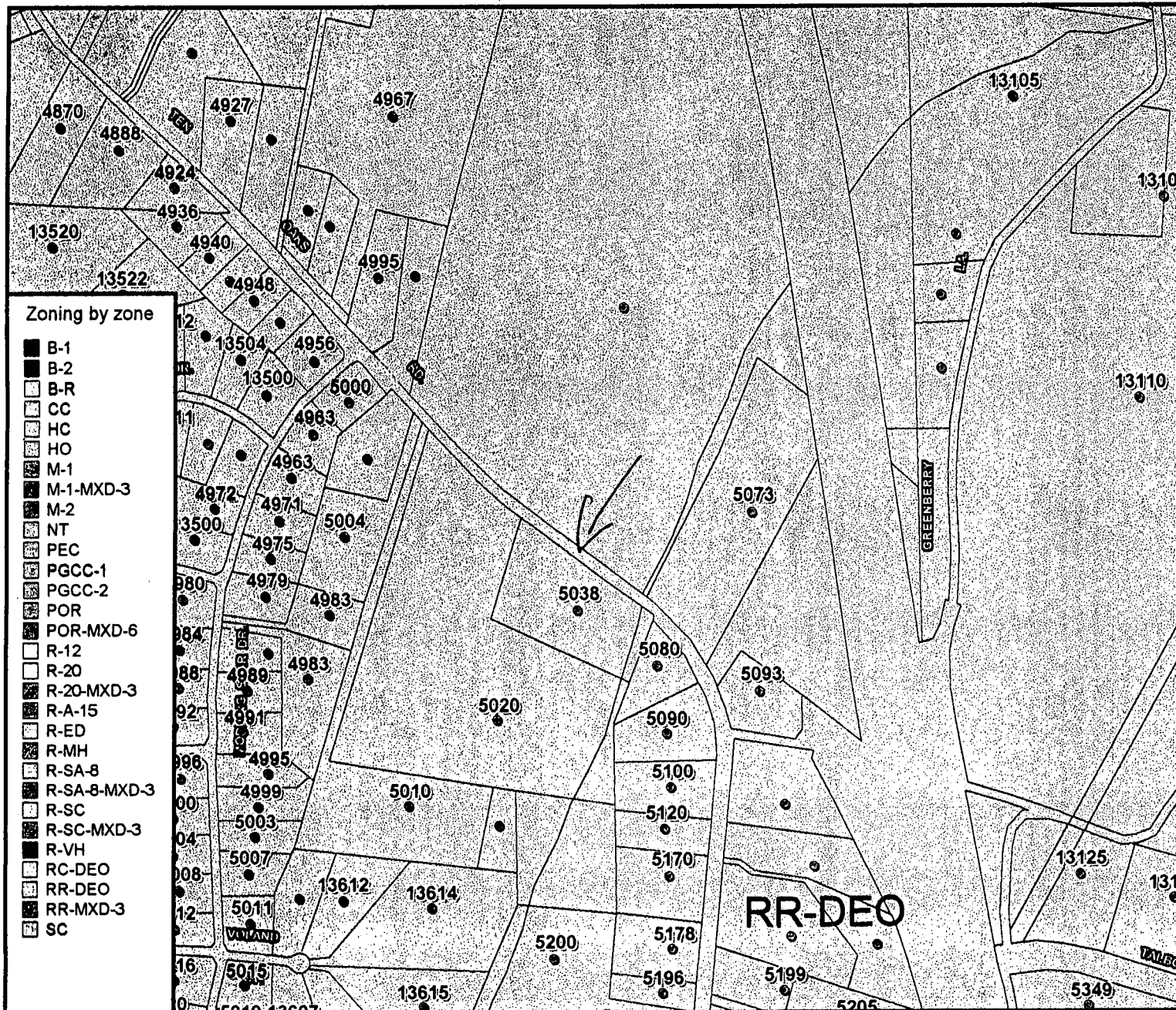
Alan Magan 5/2/99
Signature Date

Witness

Signature Date

Witness

Signature Date



Parcel Information

No record.

Zoning by zone

- B-1
- B-2
- B-R
- CC
- HC
- HO
- M-1
- M-1-MXD-3
- M-2
- NT
- PEC
- PGCC-1
- PGCC-2
- POR
- POR-MXD-6
- R-12
- R-20
- R-20-MXD-3
- R-A-15
- R-ED
- R-MH
- R-SA-8
- R-SA-8-MXD-3
- R-SC
- R-SC-MXD-3
- R-VH
- RC-DEO
- RR-DEO
- RR-MXD-3
- SC



NOTE: HOWARD COUNTY, MARYLAND ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THIS MAP OR THE INFORMATION CONTAINED HEREIN OR DERIVED THEREFROM. THE BUYER AND/OR USER ASSUMES ALL RISKS AND LIABILITIES WHATSOEVER RESULTING FROM OR ARISING OUT OF THE USE OF THIS MAP. THERE ARE NO ORAL AGREEMENTS OR WARRANTIES RELATING TO THIS SALE AND/OR USE OF THIS MAP.



Find My Parcel

Geographical Information Systems
Howard County, Maryland

Date : 07/30/1999

By : G.I.S.

Scale : 1 in. = 600 ft.

Special Exception
Petition (Detail)
for

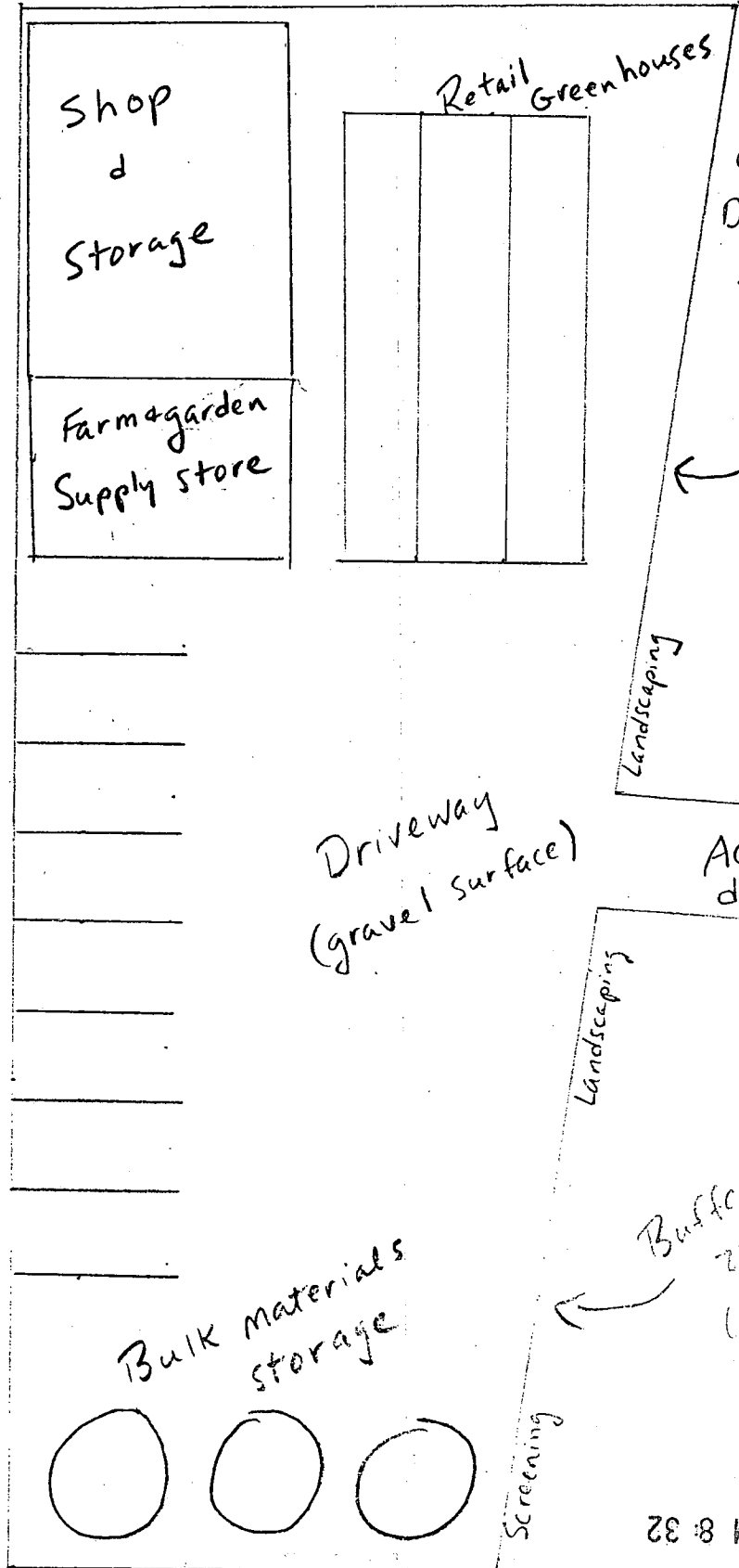
5038 Ten Oaks Rd.
Clarksville, md 21029

Owner: Alan Magan

Date prepared: 11/15/99

Scale: 1" = 20'

North
Setback
to
stream
(50')



99 NOV 18 AM 8:32

Property known as:

5038 TEN OAKS ROAD
5TH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND
DEED REF: 970/105

THIS PLAT CAN NOT BE USED TO ESTABLISH PROPERTY
LINES OR CORNERS.

LEGEND

--- Boundary of
Special exception areas

xxx Landscaping areas

*** Screening

① Farm & garden supply store
(30'x20', 20' high, wood exterior)

② Shop & storage of equipment,
supplies & tools (40'x30', 20' high,
wood)

③ Retail greenhouses &
display area (1,800 sq. ft.)

④ Customer parking (8 spaces)

⑤ Storage of bulk compost,
topsoil, mulch

⑥ Driveway, gravel surface

⑦ Access to Ten Oaks Road

⑧ 50' buffer zone

⑨ 50' setback to stream

⑩ Storage of trucks & trailers

⑪ 50' setback from property
line.

Special Exception Petition *

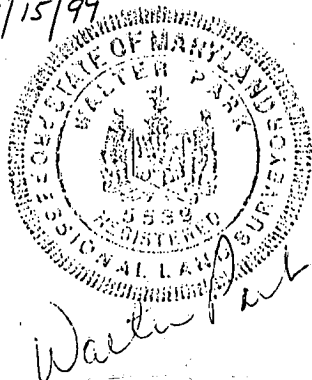
for
5038 Ten Oaks Road
Clarksville, md 21029

Owner/petitioner:

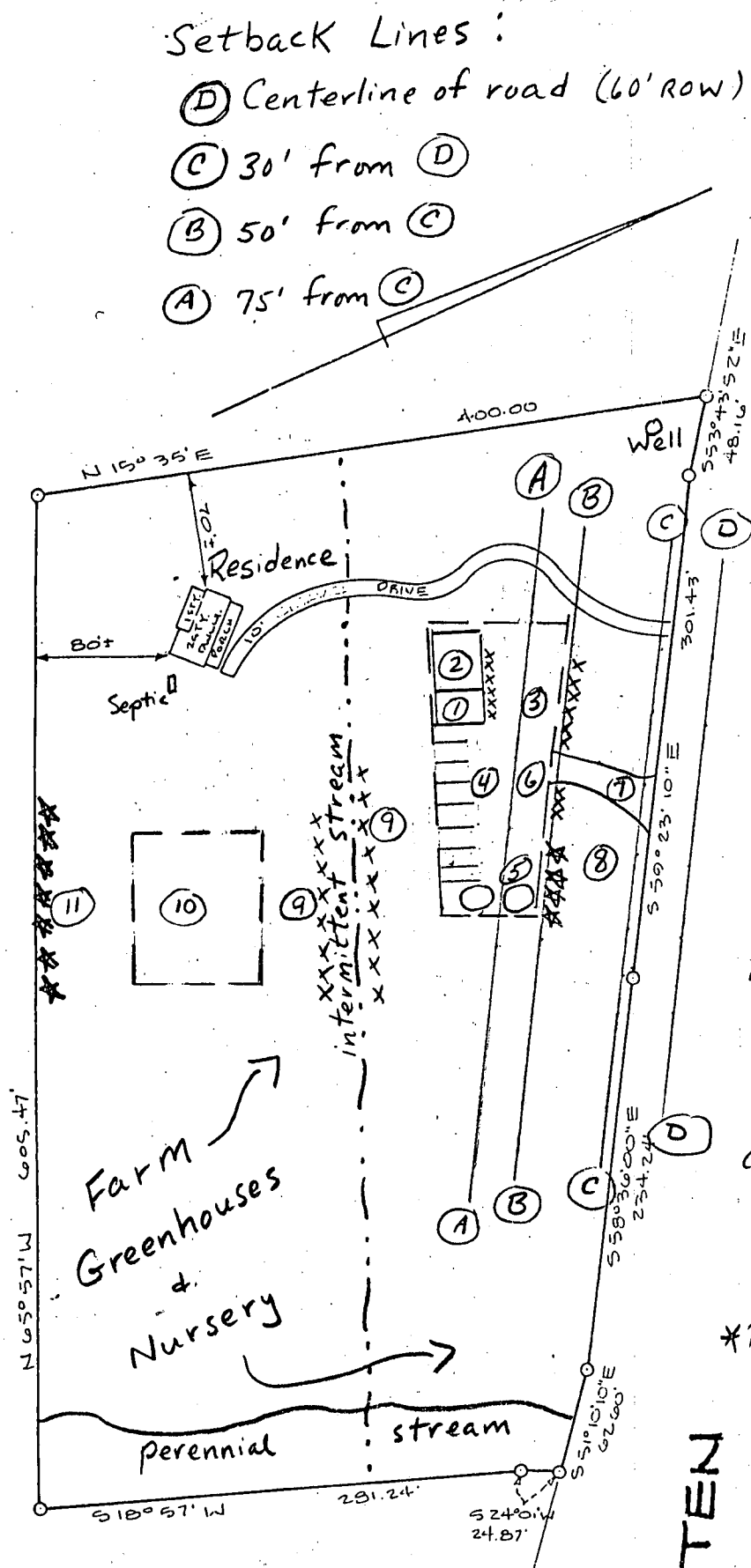
Alan Magan
same address

Size of property: 5.0 acres

* Revised 11/15/99



LOCATION SURVEY PLAT



CERTIFICATION

This is to certify that I have surveyed
the property known as:

5038 TEN OAKS ROAD

for the purpose of locating the im-
provements thereon, and the improvements
are located as shown.

SEAL

Walter Park

SCALE 1"=100'

DATE 2-9-87

PHONE
828-9060 TOWSON
730-9060 COLUMBIA

HUDKINS ASSOCIATES, INC.
Surveyors and Subdivision Designers

SUITE 231, JOSEPH SQUARE
5485 HARPERS FARM ROAD
WALTER PARK, L.S. COLUMBIA, MARYLAND 21044
#1 5539