

# PERMIT

## SEWAGE DISPOSAL SYSTEM

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

05-371902

#### HOWARD COUNTY HEALTH DEPARTMENT

##### BUREAU OF ENVIRONMENTAL HEALTH

~~461-9933~~

313-2640

INDEXED

P 50625D

A REPAIR

DISTRICT 5th

DATE 04/04/95

DATE SYSTEM APPROVED 3/10/95

INSPECTOR M. Ripkin

Jack Fyock Septic Service, Inc.

IS PERMITTED TO INSTALL ☒ ALTER

ADDRESS \_\_\_\_\_ PHONE 988-9270

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ ROAD 5480 Ten Oaks Road

PROPERTY OWNER Dr. Charles Whitaker

ADDRESS \_\_\_\_\_

SEPTIC TANK CAPACITY 1000 GALLONS

NUMBER OF BEDROOMS 3

125 SQUARE FEET PER BEDROOM

LINEAR FEET OF TRENCH REQUIRED 454

REPAIR - PURPOSE - SEPTIC SYSTEM HAS FAILED.

Call for inspection when ground is opened so sanitarian can recommend repair. 03/08/95

PLANS APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

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: CLEANOUT REQUIRED EVERY 70 FEET OF SEWER LINE AND/OR AT 90° SWEEPS IN LINES FROM HOUSE TO DRAIN FIELDS, 90° ELBOWS NOT ACCEPTABLE.

NOTE: ALL PARTS OF SEPTIC SYSTEMS (I.E. TANK, DISTRIBUTION BOX TRENCHES) TO BE 100 FEET FROM WELL (UNLESS OTHERWISE SPECIFICALLY AUTHORIZED)

NOTE: IF DEEP TRENCH(ES) ARE USED CALL FOR INSPECTION BEFORE AND AFTER PLACING GRAVEL IN TRENCH(ES)

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 35/40 PVC OR ABS

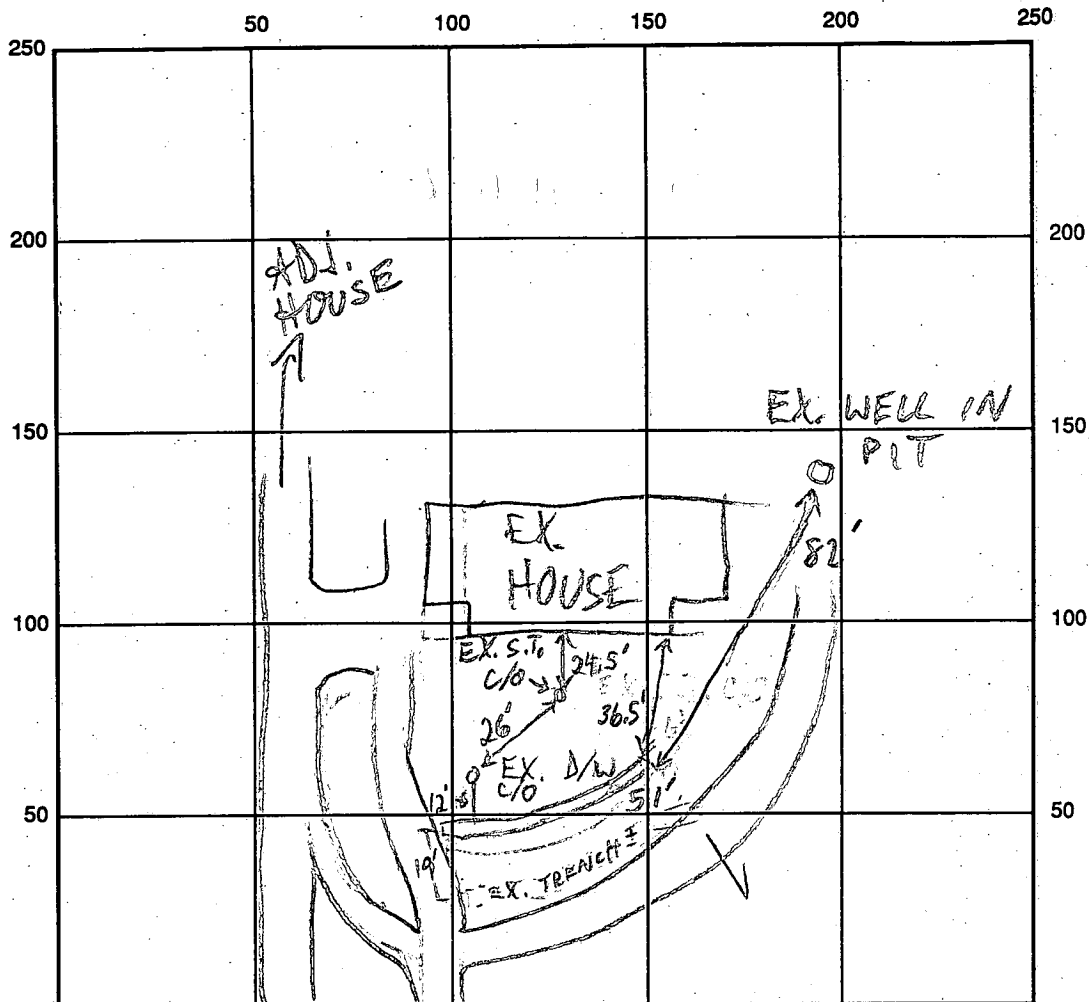
PERMIT VOID AFTER TWO YEARS

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 PVA OR ABS ACCEPTED. IF TOP OF SEPTIC TANK IS DEEPER THAN 3 FEET. MANHOLE TO GRADE REQUIRED.

NOTE: DISTRIBUTION BOXES MUST HAVE BAFFLES

**\*INSTALLER IS RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT**

P 50625D



TEN OAKS RD

INDICATE NORTH - NAME ADJOINING ROADWAY AS BASE LINE

SEPTIC TANK LEVEL EX - OK

CLEANOUTS S.T. & D/W - OK

DISTRIBUTION BOX LEVEL —

DRAIN FIELD/TITLE DEPTH 12 FT.

TRENCH WIDTH 2 FT.

INLET DEPTH 3 FT.

EFFECTIVE GRAVEL DEPTH 9 FT.

TOTAL LENGTH 51 FT.

NUMBER OF TRENCHES 1

ONE SIDEWALL/BOTTOM AREA 459 SQ. FT.

DRYWALL INSIDE DIAMETER — FT.

EFFECTIVE DEPTH BELOW INLET — FT.

ABSORBENT AREA 459 SQ. FT.

REMARKS: 3/10/95 OK TO COVER ALL MR

DATE SYSTEM APPROVED

3/10/95

INSPECTOR

McRitkin

10/9/70

*Hyack equip. inside  
ref.*

9:30

# PERMIT

P 15558

A

SEWAGE DISPOSAL SYSTEM

MARYLAND STATE DEPARTMENT OF HEALTH

HOWARD COUNTY

ELLICOTT CITY

DISTRICT 5

DATE 10/7/70

**/ INDEXED**

Jack Fyock IS PERMITTED TO INSTALL ALTER X

ADDRESS Ten Oaks Road, Glenelg, Md. PHONE 286-2939

A SEWAGE DISPOSAL SYSTEM LOCATED AT

SUBDIVISION ROAD 5480 Ten Oaks Road - use LOT

PROPERTY OWNER Dr. Charles Whitaker Rt. 32 - right onto Linden Church Road left on Ten Oaks Rd. - 1 mile on right

ADDRESS

## SPECIFICATIONS

DRAIN FIELD DEPTH FEET, BOTTOM AREA SQ. FT.

SEEPAGE PITS ABSORBENT SIDE-WALL AREA SQ. FT.

SEPTIC TANK CAPACITY GALLONS

FOR GARBAGE GRINDER, INCREASE DISPOSAL AREA 22% & TANK CAPACITY 50%.

OTHER REPAIR - System will be recommended when Sanitarian inspects the ground.

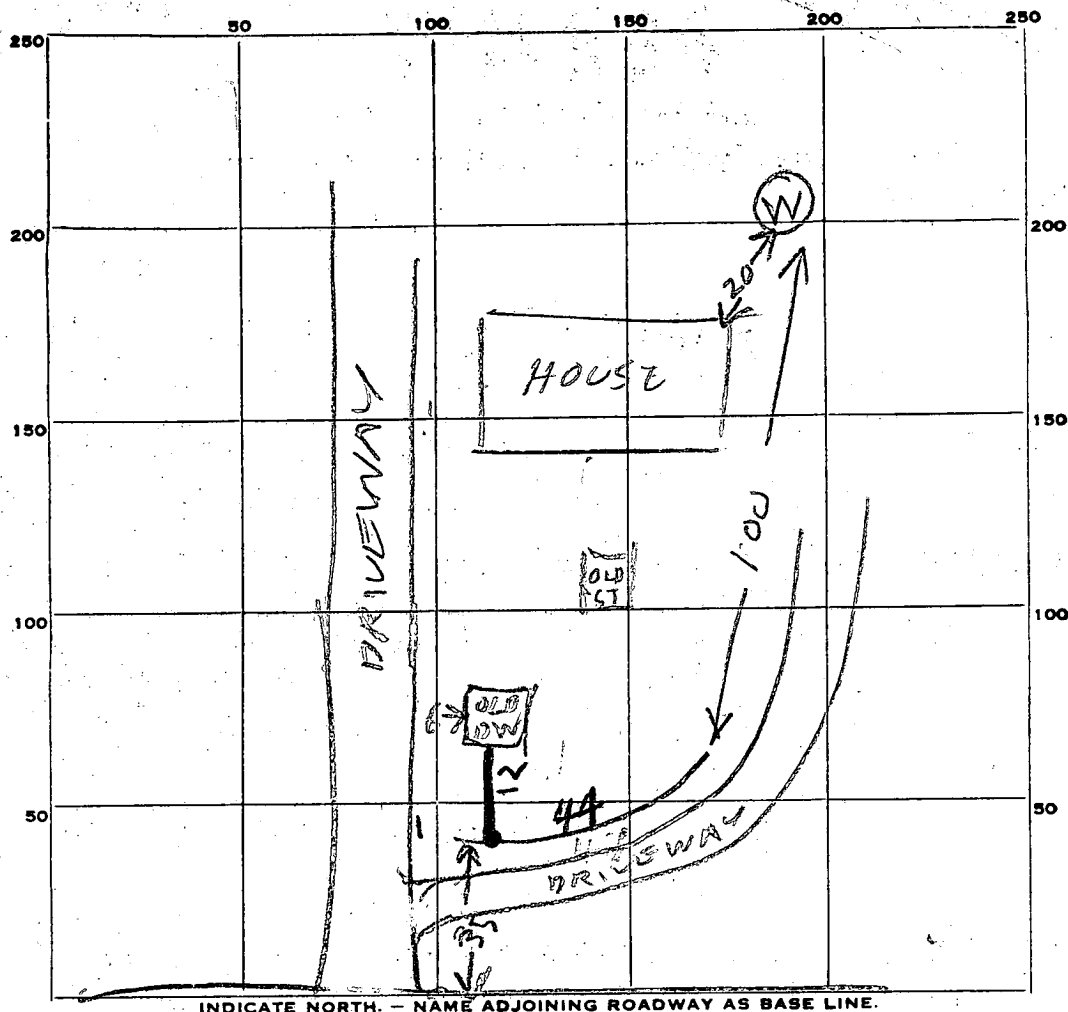
*Deep Ditch 7 FT deep below m. lot 9 FT deep below ground  
1 1/2 FT wide 40 FT long. Place ditch 30 to 40  
ft from edge of Ten Oaks Rd parallel  
to driveway which runs along front of lot.*

PLANS APPROVED BY Palmer F. Wine DATE 10/7/70

FILL SEPTIC TANK AND DISTRIBUTION BOX WITH WATER BEFORE CALLING FOR AN INSPECTION. COVER NO WORK UNTIL INSPECTED AND APPROVED.

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

15558



PERMIT CARD \_\_\_\_\_

SEPTIC TANK, LEVEL \_\_\_\_\_

## CLEANOUTS

**DISTRIBUTION BOX, LEVEL** \_\_\_\_\_

TILE FIELD, DEPTH 9 FT. TRENCH WIDTH 1 1/2 FT.

GRAVEL DEPTH 7 1/2 IN. TOTAL LENGTH 44 FT.

NUMBER OF TRENCHES.

SIDEWALL  
TOTAL ~~BOTTOM~~ AREA 616 sq ft

SEEPAGE PITS, INSIDE DIAMETER\_\_\_\_\_FT. DEPTH BELOW INLET\_\_\_\_\_FT.

ABSORBENT AREA \_\_\_\_\_ SQ. FT.

REMARKS <sup>1 AM</sup> 10/9/70 - 44 FT long ditch 9F 7 chaf dug  
Ground Pores  
10/9/70 PM - Gravel Added

DATE SYSTEM APPROVED

INSPECTOR

OR Raymond Hodger

8/5/80  
Am. if possible

Permit # 38413 signed 3/12/79  
approved 8/5/80  
Stayed

# PERMIT

SEWAGE DISPOSAL SYSTEM

P 29556  
A REPAIR

MARYLAND STATE DEPARTMENT OF HEALTH\*

HOWARD COUNTY

INDEXED

ELLICOTT CITY

DISTRICT \_\_\_\_\_

DATE 3/12/79

Jack Fyock

IS PERMITTED TO INSTALL \_\_\_\_\_ ALTER X

ADDRESS Glenelg, Md.

PHONE \_\_\_\_\_

SUBDIVISION \_\_\_\_\_ ROAD 5484 Ten Oaks Road

LOT \_\_\_\_\_

PROPERTY OWNER Dr. Whitaker

ADDRESS same as above

SPECIFICATIONS 4 bedrooms

SEPTIC TANK CAPACITY 1250 GALLONS

DRAIN FIELD \_\_\_\_\_ DEPTH \_\_\_\_\_ FEET, BOTTOM AREA \_\_\_\_\_ SQ. FT.

DEEP TRENCH \_\_\_\_\_ DEPTH \_\_\_\_\_ FEET, BOTTOM AREA \_\_\_\_\_ SQ. FT.

SEEPAGE PITS \_\_\_\_\_ ABSORBENT SIDE-WALL AREA \_\_\_\_\_ SQ. FT.

INLET PIPE \_\_\_\_\_ FT. BELOW ORIGINAL GRADE, MAXIMUM DEPTH \_\_\_\_\_ FT. BELOW ORIGINAL GRADE

EFFECTIVE DEPTH AT \_\_\_\_\_ FT. BELOW ORIGINAL GRADE.

LOCATE DISPOSAL AREA \_\_\_\_\_ FT. FROM \_\_\_\_\_ LOT LINE AND \_\_\_\_\_ FT. FROM \_\_\_\_\_ LOT LINE AS SEEN WHEN  
FACING LOT FROM

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

RECOMMEND REPAIR.

70 ft trench off of drywell - 10 1/2 ft deep, 70 ft long, inlet at 2 1/2 ft - 8 ft of gravel 8/5/80 JS.

PLANS APPROVED BY Palmer F. Wine

DATE 3/12/79

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 PLACING GRAVEL IN TRENCH.

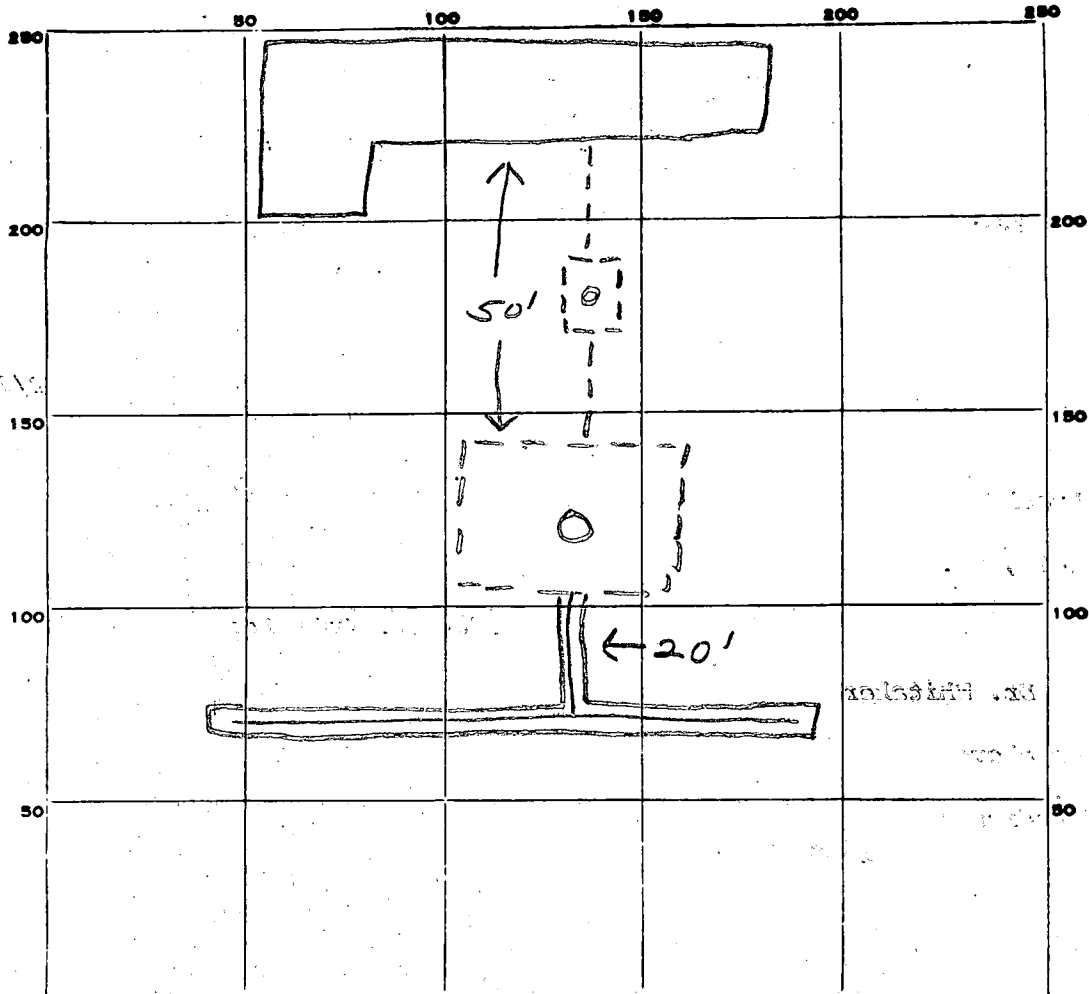
NOTE: NO DRY WELL SHALL EXCEED 15 FOOT IN DIAMETER.

NOTE: ALL PIPE FROM HOUSE TO DISPOSAL AREA MUST BE CAST IRON.

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 ACCEPTED.

\*INSTALLER IS RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT.



PERMIT CARD \_\_\_\_\_

SEPTIC TANK, LEVEL \_\_\_\_\_

CLEANOUTS ST / DW

DISTRIBUTION BOX, LEVEL \_\_\_\_\_

TILE FIELD, DEPTH 10 1/2 FT. TRENCH WIDTH 2 FT.

GRAVEL DEPTH 8' IN. TOTAL LENGTH 70 FT.

NUMBER OF TRENCHES 1 TOTAL BOTTOM AREA 560

SEEPAGE PITS, INSIDE DIAMETER \_\_\_\_\_ FT. DEPTH BELOW INLET \_\_\_\_\_ FT.

ABSORBENT AREA 560 SQ. FT.

REMARKS 8/5/80 - OK to gravel trench. JS  
8/5/80 - OK to cover all work. JS

DATE SYSTEM APPROVED 8/5/80 INSPECTOR Stayer

FILE Septic System Inspection

DATE REPORTED \_\_\_\_\_

PROPERTY OWNER DR. W.B. HAKER

P.O. ADDRESS 5540 Ten Oaks

TELEPHONE 286-2345

DIRECTIONS TO PROPERTY Sharp 5484 Ten Oaks Rd

INFORMANT 8 MAR 79 - Drywell depth determined to be 16' below existing grade. Both drywell & septic tank are full. No evidence of overflow. Dr. W.B. Haker stated no problems with system. System in need of repair. (GLK)

CONDITION FOUND

Informed owner (Ms. W. Haker) that system must be repaired before bldg. permit is released. Instructed her to contact contractor (GLK). They intend to contact Fyock (GLK).

ACTION TAKEN

FINAL DISPOSITION

PAPERWORK REC'D  
BY ACCIDENT - KEEP IN *Steph Kelley DILP*  
FILE MR *11/4/98* 450625D

IN THE MATTER OF  
MARIE WHITAKER  
c/o TERESA WHITAKER TRETTER  
UNDER GPOA  
PETITIONERS

\* BEFORE THE DIRECTOR OF THE  
\* DEPARTMENT OF PLANNING & ZONING  
\* NCU 98-06  
\* 5480 TEN OAKS ROAD  
\*

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### DECISION AND ORDER

On October 19, 1998, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Marie Whitaker, for a nonconforming use of a two-family residence as authorized under Sections 100.H and 129.D, of the Howard County Zoning Regulations.

The notice of the hearing was posted on the subject property in accordance with all applicable regulations. The Petitioners were present. No protestants were present at the hearing.

Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Administrative Procedure Act, Section 2.1, of the Howard County Code.
2. The Howard County Zoning Regulations.
3. The Howard County Subdivision and Land Development Regulations.

During the hearing the following items were introduced as exhibits:

1. An Affidavit sworn to and signed by Charles S. Whitaker, Jr.
2. Petition and nonconforming use plan submitted by Petitioner
3. Lot survey and footprint of the property

Testimony in favor of the petition was presented by Charles S. Whitaker, Jr. Mr. Whitaker was questioned by counsel, George E. Krouse, who represented the Petitioner. Mr. Whitaker stated that he recalled the construction of the two-family structure by his parents in 1959. He stated that one side of the two-family residence has been continuously rented since it was built with the



exception of possibly one or two months. He stated that the property has separate utilities and are presently billed separately. He further stated that one side of the two-family residence was occupied from 1959 until about 1976 by his mother's parents. Upon the death of his mother's mother in about 1976, the other side of the two-family residence was rented to tenants for several years. He also stated that around 1983 his mother and father occupied the other unit. He stated that his mother continuously occupied the one unit until recently when she entered an assisted living facility.

Based upon all the testimony and exhibits presented at the hearing, the description of the subject property and vicinal properties resulting from a site inspection by a member of the planning staff, as well as the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

1. The Petitioners, Marie Whitaker and Teresa Whitaker Tretter, are the owners of the subject property of this proceeding, a one acre parcel of land, identified as Parcel 224, on Block 21, of Tax Map 28, in the Fifth Election District of Howard County, Maryland. The subject property is located in a RR-DEO (Rural Residential: Density Exchange Option) zoning district. The property is improved by a one-story ranch-style house which is a two-family residence.
2. The Petitioners request confirmation of a nonconforming use for a two-family residence citing the adoption of the amendment in case ZB 584 on October 11, 1971 as the date the use became nonconforming. This amendment eliminated two-family detached dwellings in the R-40 District

from the uses permitted as a matter of right.

3. The subject property has been zoned as follows:

1993 - RR (Rural: Residential)  
1985 - R (Rural)  
1977 - R (Rural)  
1971 - R-40 (Residential - one-family detached)  
1961 - R-40 (Residential, one and two family detached)

4. The 1948 Zoning Regulations permitted "dwellings, including apartment houses and hotels" in the Residential District. The 1954 and 1961 Regulations permitted "one and two-family detached dwellings" in the R and R-40 Districts. The classifications of this property in the 1977, 1985 and 1993 Comprehensive Zoning Plans did not permit more than one single-family dwelling unit per lot.

5. The 1961 Zoning Regulations permitted "one and two-family detached dwellings" in the R-40 District. In Zoning Board Case 854, two-family dwellings were changed from a use permitted by right in the R-40 District, to a use requiring approval by the Board of Appeals. The classifications of this property in the 1977, 1985 and 1993 Comprehensive Zoning Plans did not permit two-family dwellings at this location without a special exception.

6. The applicant provided evidence that the use of the building as a two-family dwelling was created before October 11, 1971. This evidence includes the testimony of the owner's son, Charles S. Whitaker, Jr.

and an affidavit attesting to his knowledge of the use of the property as a two-family dwelling since its construction in 1959.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

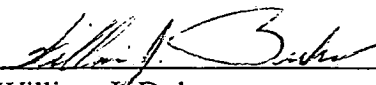
1. Section 129.D.1 of the Zoning Regulations permits the Director of the Department of Planning and Zoning to confirm the existence of a nonconforming use upon review of a petition filed by the property owner containing:
  - a. A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use.
  - b. A statement identifying the date the use became nonconforming to the use provisions of the Zoning Regulations.
  - c. Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use.
2. The Petitioners have provided a description of the use as a two-family residence. A nonconforming use plan showing the property and the location of this building was provided with the petition. The requirements of Section 129.D.1.a, a statement and plans fully describing the magnitude and extent of the nonconforming use, have been met by the Petitioners.


3. The zoning of the subject property prior to the adoption of the amendment in case ZB 584 on October 11, 1971 allowed two-family detached dwellings as a permitted use in the Residential District. This amendment required a special permit from the Board of Zoning Appeals for a two-family detached dwelling in the R (Residential) Zoning District.
4. By preponderance of the evidence, the Petitioners have shown sufficient evidence that the use existed prior to October 11, 1971 and that it has continued uninterrupted since that time. Therefore, the Director of the Department of Planning and Zoning finds that the two-family dwelling unit is established as a nonconforming use on the subject property in accordance with Section 129.D.

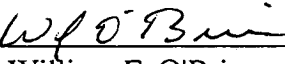
#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 26<sup>th</sup> day of October, 1998 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of Marie L. Whitaker, c/o Teresa Whitaker Tretter under GPOA, for confirmation of a nonconforming use for a two-family dwelling be **GRANTED**.

Prepared by:  
Howard County Department of  
Planning and Zoning

  
William J. Dukes  
Department of Planning and Zoning

  
Joseph W. Rutter, Jr., Director  
Department of Planning and Zoning

  
William F. O'Brien  
Director's Designee