

**IN RE: PETITION FOR ADMIN. VARIANCE**

NW side of Scenic Drive, 350 feet SW  
of the c/l of Panorama Drive  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(5220 Scenic Drive)

Daniel J. and Elizabeth E. Jarkiewicz  
*Petitioners*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2012-0126-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Daniel J. and Elizabeth E. Jarkiewicz for property located at 5220 Scenic Drive. Resolution 129-11 concerning the public disclosure of Daniel J. Jarkiewicz, an employee of the Baltimore County Fire Department, was approved at the County Council meeting held on November 21, 2011. The variance request is from Section 427.1.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a fence with a height of 54 inches in lieu of the maximum permitted 42 inches to be erected in the side and rear yard of a lot which adjoins the front yard of another dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to fence in their side and rear yards for the protection of their children. The file contains letters of support from the surrounding neighbors.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

**ORDER RECEIVED FOR FILING**

Date 12-13-11

By pm

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 20, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 13<sup>th</sup> day of December, 2011 that a Variance from Section 427.1.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a fence with a height of 54 inches in lieu of the maximum permitted 42 inches to be erected in the side and rear yard of a lot which adjoins the front yard of another dwelling, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

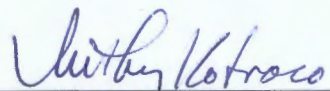
ORDER RECEIVED FOR FILING

Date 12-13-11

By YB



Any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 12-13-11

By pm



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
TIMOTHY M. KOTROCO  
*Administrative Law Judges*

December 13, 2011

DANIEL J. AND ELIZABETH E. JARKIEWICZ  
5220 SCENIC DRIVE  
PERRY HALL MD 21228

Re: Petition for Administrative Variance  
Case No. 2012-0126-A  
Property: 5220 Scenic Drive

Dear Mr. and Mrs. Jarkiewicz:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK:pz

Enclosure





# ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5220 SCENIC DRIVE which is presently zoned D.R. 3.5H

Deed Reference 29897/416 10 Digit Tax Account # 24 000 07729

Property Owner(s) Printed Name(s) DANIEL J. + ELIZABETH E. JARKIEWICZ

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

- ☒ **ADMINISTRATIVE VARIANCE** from section(s) 427 .1. B. (BCZR)  
TO PERMIT A FENCE WITH A HEIGHT OF 54 INCHES IN LIEU OF THE MAXIMUM  
PERMITTED 42-INCHES TO BE ERECTED IN THE SIDE AND REAR YARD OF A LOT  
WHICH ADJOINS THE FRONT YARD OF ANOTHER DWELLING.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

## Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

## Legal Owners:

DANIEL JARKIEWICZ , ELIZABETH JARKIEWICZ

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5220 SCENIC DRIVE PERRY HALL MD

Mailing Address City State

21128 , 443-865-5937 , JARK555@yahoo.com

Zip Code Telephone # Email Address

## Representative to be contacted:

SAME

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0126-A Filing Date 11/9/11 Estimated Posting Date 11/20/11 Reviewer DT



# Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

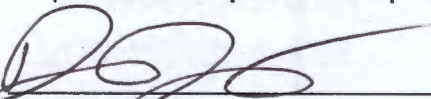
That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 5220 SCENIC DRIVE PERRY HALL MARYLAND 21128  
Print or Type Address of property City State Zip Code

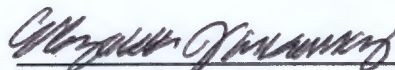
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

WE WOULD LIKE TO FENCE IN THE SIDE YARD OF OUR HOUSE TO KEEP OUR DAUGHTER AND FUTURE CHILDREN SAFE FROM THE SURROUNDING ROADS. THERE IS A HILL ON THE SIDE OF THE HOUSE THAT MY DAUGHTER USES FOR THE SLIP 'N' SLIDE IN THE SUMMER, AND SLEDDING IN THE WINTER. WE WOULD LIKE TO PLACE THE FENCE WHERE IT IS LOCATED ON THE HEARING PLAN TO INCLUDE THE HILL INSIDE OF OUR FENCE. I ALSO FEEL THAT IF I HAVE TWO DIFFERENT SIZE FENCES, IT WILL DETRACT FROM THE APPEARANCE OF OUR HOUSE. AND FINALLY, WE ARE STRONGLY CONSIDERING GETTING A DOG WITHIN THE NEXT YEAR, AND WILL REQUIRE A TALLER FENCE TO KEEP THE DOG FROM GETTING OUT.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

  
Signature of Affiant

DANIEL JARKIEWICZ  
Name- Print or Type

  
Signature of Affiant

ELIZABETH JARKIEWICZ  
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of November, 2011, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Daniel and Elizabeth Jarkiewicz  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

  
Notary Public  
2/8/2015  
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 5220 SCENIC DRIVE, PERRY HALL, MD 21128.

PART A: Beginning with a point on the Northwest side of Scenic Drive which is 25 feet wide at the distance of 350 feet Southwest of the centerline of the nearest improved intersecting street Panorama which is 25 feet wide.

OPTION: Being lot #52, in the subdivision of Moore's Meadows as recorded in Baltimore County Plat Book #1, Folio #4, containing 11, 716 square feet. Located in the 11<sup>th</sup> election district and 5<sup>th</sup> council district.

2012-0126-A



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **76040**

Date: 11/9/11

**PAID RECEIPT**

BUSINESS ACTUAL TIME TRN  
 11/15/2011 11/10/2011 12:03:43 5  
 REC 003 WALKIN REGS LRD  
 RECEIPT N 550213 11/10/2011 06/1  
 Dept 5 528 ZONING VERIFICATION  
 CR 111 076040  
 Recpt Tot \$75.00  
 \$75.00 CR \$1.00 CR  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ | Sub Rev/ | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-------------|----------|-----|---------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150        |          |     |         |          |         | 75.00  |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |

Total: 75.00

Rec From: DANIEL JARKEWICZ

For: 1012-0126-A  
5220 SCENIC DRIVE

D. THOMPSON

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**



## FAX COVER SHEET

**To:** Kristin

**From:** Tim Hearn w/Colliers International |  
Baltimore

**Company:** Baltimore County Zoning  
Office

**Date:** 12/05/11 03:52:02 PM

**Fax Number:** 410-887-3048

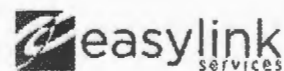
**Pages (Including cover):** 2

**Re:** Case 2012-0126 -A Scenic Drive in the Moore's Meadows Community

*Admin*  
*Closing*  
*12/5/11*  
*fapa*  
*12/19/11*  
*mm*

**Notes:**

Please see attachment.



## Emily Mckenney

---

**From:** Tim Hearn  
**Sent:** Monday, December 05, 2011 3:29 PM  
**To:** Emily Mckenney  
**Subject:** Case 2012-0126 -A Scenic Drive in the Moore's Meadows Community  
**Importance:** High

Emily, please fax this to :  
Attention Kristin, with the Baltimore County Zoning Office  
410-887-3048

*Adm  
Hearing 12/5/11*

With regard to this request for a Variance, I would respectfully request that the variance approval be denied for a fence being constructed in the side yard of this lot. Not only are side yard fences prohibited in the Covenants, Conditions, & Restrictions of the Moore's Meadows Community, in this particular case, a side yard fence would intrude into the front yard area of the adjacent lot.

Thank you,

Tim Hearn

9125 Panorama Drive,  
Perry Hall MD 21128

Main +1 443 297 9000 | Fax +1 443 543 0191  
[tim.hearn@colliers.com](mailto:tim.hearn@colliers.com)

Colliers International  
7172 Columbia Gateway Dr., Suite 400 | Columbia, MD 21046 | USA  
[www.colliers.com](http://www.colliers.com)

View the current issue of Knowledge Leader.



## MEMORANDUM

DATE: January 17, 2012  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2012-0126-A

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The appeal period for the above-referenced case expired on January 13, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File  
Office of Administrative Hearings

Case No.: 2012-0126-A

Exhibit Sheet

11/20/12

Petitioner/Developer

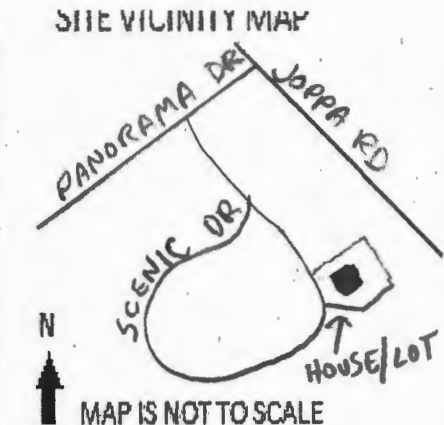
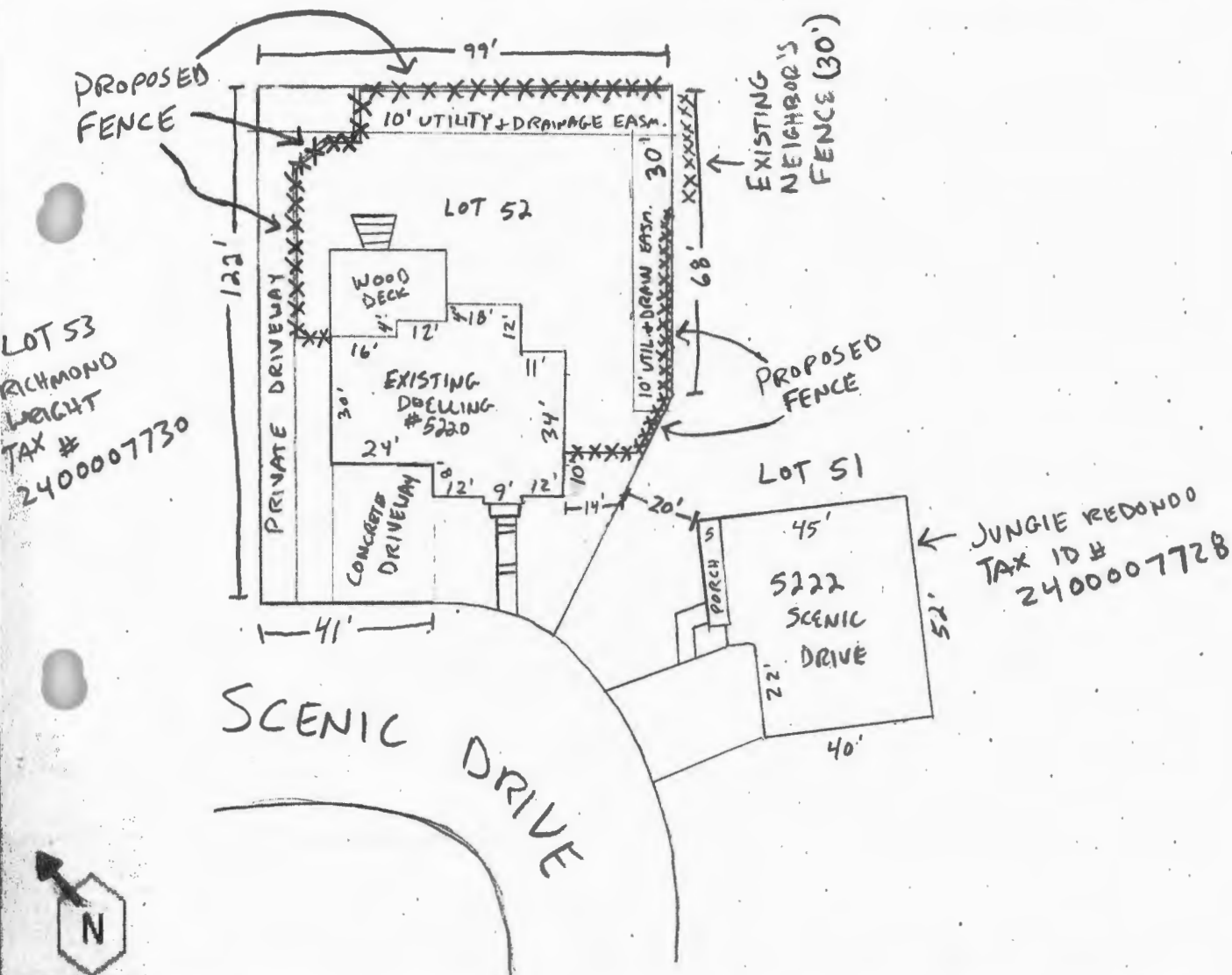
10/21/2012

Protestant

|        |           |  |
|--------|-----------|--|
| No. 1  | site plan |  |
| No. 2  |           |  |
| No. 3  |           |  |
| No. 4  |           |  |
| No. 5  |           |  |
| No. 6  |           |  |
| No. 7  |           |  |
| No. 8  |           |  |
| No. 9  |           |  |
| No. 10 |           |  |
| No. 11 |           |  |
| No. 12 |           |  |



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 5220 SCENIC DRIVE OWNER(S) NAME(S) DANIEL & ELIZABETH JARKIEWICZ  
SUBDIVISION NAME MOORE'S MEADOWS LOT# 52 BLOCK# N/A SECTION# N/A  
PLAT BOOK# 1 FOLIO# 4 10 DIGIT TAX# 2400007729 DEED REF.# 29891/00416



MAP IS NOT TO SCALE  
ZONING MAP# 0072  
SITE ZONED D.R. 3.5H  
ELECTION DISTRICT 11  
COUNCIL DISTRICT 5  
LOT AREA ACREAGE 0.268  
OR SQUARE FEET 11,716  
HISTORIC? NO  
IN CBCA? NO  
IN FLOOD PLAIN? NO  
UTILITIES? MARK WITH X  
WATER IS: PUBLIC X PRIVATE \_\_\_\_\_  
SEWER IS: PUBLIC X PRIVATE \_\_\_\_\_  
PRIOR HEARING? NO  
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW  
N/A

PLAN DRAWN BY DANIEL JARKIEWICZ DATE 11/8/11 SCALE: 1 INCH = 40 FEET

EXHIBIT 1

2012-0126-A

VIOLATION CASE INFO:  
\_\_\_\_\_  
\_\_\_\_\_

CHECKLIST

| <u>Comment Received</u>                                        | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|----------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| <u>11-28</u>                                                   | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>nc</u>                                               |
| _____                                                          | DEPS<br>(if not received, date e-mail sent _____)                     | _____                                                   |
| _____                                                          | FIRE DEPARTMENT                                                       | _____                                                   |
| _____                                                          | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                   |
| <u>11-22</u>                                                   | STATE HIGHWAY ADMINISTRATION                                          | <u>nc</u>                                               |
| _____                                                          | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                                                          | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                                                          | ADJACENT PROPERTY OWNERS                                              | <u>support letters from neighbors</u>                   |
| ZONING VIOLATION                                               | (Case No. _____)                                                      |                                                         |
| PRIOR ZONING                                                   | (Case No. _____)                                                      |                                                         |
| NEWSPAPER ADVERTISEMENT                                        | Date: _____                                                           |                                                         |
| SIGN POSTING                                                   | Date: <u>11-20</u> by <u>Ogle</u>                                     |                                                         |
| PEOPLE'S COUNSEL APPEARANCE                                    | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |
| PEOPLE'S COUNSEL COMMENT LETTER                                | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |
| Comments, if any: <u>Resolution 129-11 - public disclosure</u> |                                                                       |                                                         |
| _____                                                          |                                                                       |                                                         |
| _____                                                          |                                                                       |                                                         |



**County Council  
of  
Baltimore County**

Court House  
Towson, Maryland 21204

410-887-3196  
Fax: 410-887-5791

**Tom Quirk**  
FIRST DISTRICT

**Vicki Almond**  
SECOND DISTRICT

**Todd Huff**  
THIRD DISTRICT

**Kenneth N. Oliver**  
FOURTH DISTRICT

**David Marks**  
FIFTH DISTRICT

**Cathy Bevins**  
SIXTH DISTRICT

**John Olszewski, Sr.**  
SEVENTH DISTRICT

**Thomas J. Peddicord, Jr.**  
LEGISLATIVE COUNSEL  
SECRETARY

OFFICE OF ADMINISTRATIVE HEARINGS

NOV 23 2011

RECEIVED

November 22, 2011

Lawrence M. Stahl, Esquire  
Baltimore County Zoning Commissioner  
The Jefferson Building  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Stahl:

Attached please find a copy of Resolution 129-11 concerning the public disclosure of Daniel Jarkiewicz, an employee of the Baltimore County Fire Department. Mr. Jarkiewicz has applied for a variance to install a fence on his residence at 5220 Scenic Drive Road, Perry Hall, Maryland 21128.

This Resolution was approved by the County Council at its November 21, 2011 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.  
Legislative Counsel/Secretary

TJP:jlh  
Enclosure

cc: Daniel Jarkiewicz



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2011, Legislative Day No. 19

Resolution No. 129-11

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Mr. David Marks, Councilman

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By the County Council, November 21, 2011

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A RESOLUTION concerning the public disclosure of Daniel Jarkiewicz, an employee of the Baltimore County Fire Department.

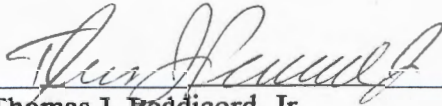
WHEREAS, Daniel Jarkiewicz, an employee of the Baltimore County Fire Department, has applied for a variance to install a fence on his residence at 5220 Scenic Drive Road, Perry Hall, Maryland 21128.

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Daniel Jarkiewicz does not contravene the public welfare.

READ AND PASSED this **21ST** day of **NOVEMBER**, 2011.

BY ORDER

  
\_\_\_\_\_  
Thomas J. Peddicord, Jr.  
Secretary

ITEM: **RESOLUTION 129-11**

September 25, 2011

Dear Moore's Meadows HOA,

I, JUNGIE REDONDO of 5222 Scenic Drive, approve of Dan Jarkiewicz installing a fence that will enclose the side yard on the southeast side of his house at 5220 Scenic Drive. I understand that the fence will begin 10' back from the front of the house on the southeast side as illustrated on the plans that were submitted to the HOA.

Thank You,

Jungie Redondo - Jungie Redondo

TPO

2012-0126-A

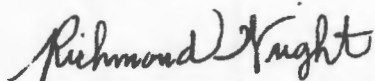


September 25, 2011

Dear Moore's Meadows HOA,

I, Richmond Wright of 5218 Scenic Drive, approve of Dan Jarkiewicz installing a fence that will enclose the side yard on the southeast side of his house at 5220 Scenic Drive. I understand that the fence will begin 10' back from the front of the house on the southeast side as illustrated on the plans that were submitted to the HOA.

Thank You,

  
Richmond Wright

APD

2012-0126-A

September 25, 2011

Dear Moore's Meadows HOA,

I, Grant Parsons of 5237 Joppa Road, approve of Dan Jarkiewicz installing a fence that will enclose the side yard on the southeast side of his house at 5220 Scenic Drive. I understand that the fence will begin 10' back from the front of the house on the southeast side as illustrated on the plans that were submitted to the HOA.

Thank You,

A handwritten signature in black ink, appearing to read "Grant Parsons", with a stylized flourish at the end.

Grant Parsons

APD

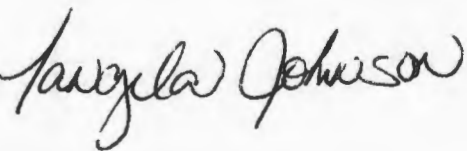
2012-0126-A

September 25, 2011

Dear Moore's Meadows HOA,

I, Tangela Johnson of 5225 E. Joppa Road, approve of Dan Jarkiewicz installing a fence that will enclose the side yard on the southeast side of his house at 5220 Scenic Drive. I understand that the fence will begin 10' back from the front of the house on the southeast side as illustrated on the plans that were submitted to the HOA.

Thank You,

A handwritten signature in cursive script that reads "Tangela Johnson". The signature is written in dark ink and is positioned to the right of the printed name.

Tangela Johnson

2012-0126-A



## APPLICATION FOR EXTERIOR ALTERATION

**Submit to:**

Aspen Property Management, Inc.  
P.O. Box 858  
Elkton, MD 21922  
Phone: (410) 620-2598  
Fax: (443)303-8890

### PLEASE PRINT CLEARLY

Community: Moore's Meadows  
Name: Dan Jarkiewicz  
Address: 5220 SCENIC DRIVE  
City/State/Zip: Perry Hall, MD 21128  
Home No.: 443-865-9937 Work No.: — Cell No.: SAME  
E-Mail Address: JARK 555@YAHOO.COM

**Proposed Alteration and Description**

Fence around back yard and most of right  
street you won't really see that the two sides  
on both sides of the house. It is important  
on the right side of the house fence in so  
slip and sliding. The fence will be black aluminum  
rear neighbor's fence.

nothing  
attached to  
this form

**You MUST submit items 1 through 5 (if applicable) in order for this application to be processed.**

**If these items are NOT submitted, the application will be denied and returned to you.**

1. Plat showing property boundaries with the proposed alteration drawn on it
2. Complete list of materials
3. Total dimensions of proposed project
4. Color (if applicable)
5. Diagram or brochure with pictures of proposed alteration

**Please be advised that you will still need to obtain any County permits/approvals for the proposed alteration. Work is not to start until the appropriate permits/approvals are obtained. Please allow a minimum of fifteen (15) business days for processing.**

Homeowner's Signature(s):



Date 9/21/11

Date \_\_\_\_\_

Approved By: \_\_\_\_\_

Date \_\_\_\_\_

Remarks: \_\_\_\_\_

**WAIVER OF LIABILITY**

The homeowner hereby agrees that any and all liability caused by or arising from this modification shall not be held against the Association, Management Company, Builder or Developer. Consequently, the Association, Management Company, Builder or Developer will not be held liable for any damages or hazards caused by this modification to said lot or any adjacent lot.

Please note that approval by the Architectural Review Committee is for appearance only and does not imply that any review has been made of the structural or other adequacy nor does it imply nor avert the necessity for approval by appropriate governmental authorities. Nothing may be permanently installed in any lake, drainage, or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, and of the Rules and Regulations of the Association and the Architectural Review Committee.

2012-0126-A



Coming down the street 1



Coming down the street 2



Front of house



Side to be partially fenced in. Fence will start 10' back from the front of house.



Fence will be black aluminum. Height will be either 48", or 54" to match the rear neighbor's fence.

2012-0126-A





2012-0126-A



CERTIFICATE OF POSTING  
CERTIFICATE OF POSTING

RE:CASE NO: 2012-0126-A

PETITIONER/DEVELOPER \_\_\_\_\_

JARKIEWICZ

DATE OF HEARING/CLOSING: \_\_\_\_\_

12/5/11

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE  
NECESSARY SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE  
PROPERTY AT 5220 SCENIC DRIVE

THIS SIGN(S)WERE POSTED ON \_\_\_\_\_

November 20, 2011  
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/24/11  
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE# 2012-0126-A

TO PERMIT A FENCE WITH A HEIGHT OF 54-INCHES  
IN LIEU OF THE MAXIMUM PERMITTED 42-INCHES  
TO BE ERECTED IN THE SIDE AND REAR YARD OF  
A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER  
DWELLING

## PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON DECEMBER 5, 2011, MONDAY

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
111 W. CHESAPEAKE AVE.  
TOWSON, MD. 21204



887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER APPROVE DATE. \*PLEASE PRINT BY 11/20/11. RETURN BOTH TO 14001 RBL 124  
MEETING IS HANDICAP ACCESSIBLE

11/20/2011

*John J. 11/20/11*



KEVIN KAMENETZ  
*County Executive*

ARNOLD JABLON  
*Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections*

November 29, 2011

Mr. & Mrs. Jarkiewicz  
5220 Scenic Drive  
Perry Hall, MD 21128

RE: Case Number 2012-0126-A, 5220 Scenic Drive

Dear Mr. & Mrs. Jarkiewicz,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**DATE:** November 28, 2011

**FROM:** Dennis A. <sup>DAK</sup>Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 5, 2011  
Item Nos. 2012-126, 127, 128, 129, 130, 132, 133  
And 134

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12052011 -NO COMMENTS.doc



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary  
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-22-11

Ms. Kristen Matthews  
Baltimore County Department of  
Permits, Approvals and Inspections  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 2012-0126-A  
Administrative Variance  
Daniel & Elizabeth Jarkiewicz  
5220 Scenic Drive

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0126-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at ([rzeller@sha.state.md.us](mailto:rzeller@sha.state.md.us)). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief  
Access Management Division

SDF/rz

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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#### For Newspaper Advertising:

Item Number or Case Number: 2012-0126-A

Petitioner: DANIEL JARKIEWICZ

Address or Location: 5220 SCENIC DRIVE, PERRY HALL, MD, 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL JARKIEWICZ

Address: 5220 SCENIC DRIVE

PERRY HALL, MD 21128

Telephone Number: 443-865-5937



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2012- 0126 -A

Address 5220 SCENIC DRIVE

Contact Person: DONNA THOMPSON  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/9/11

Posting Date: 11/20/11

Closing Date: 12/5/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 2012- 0126 -A

Address 5220 SCENIC DRIVE

Petitioner's Name JARKIEWICZ

Telephone 443-815-5931

Posting Date: 11/20/11

Closing Date: 12/5/11

Wording for Sign: To Permit A FENCE WITH A HEIGHT OF 54-INCHES IN LIEU OF

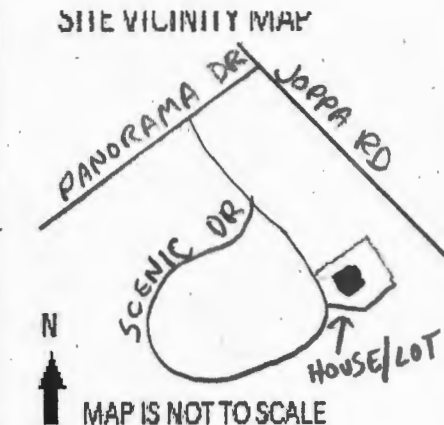
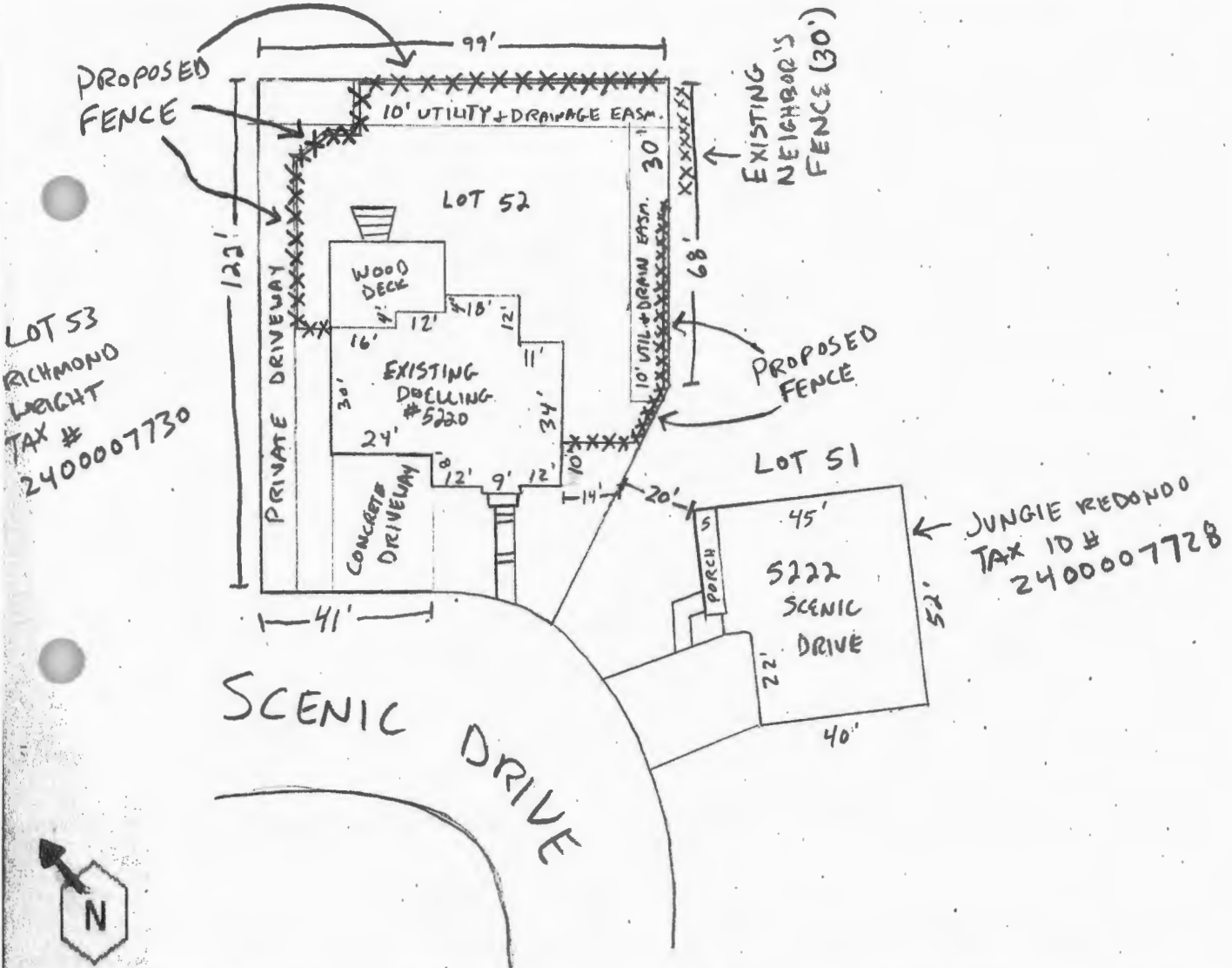
THE MAXIMUM PERMITTED 42-INCHES TO BE ERECTED IN THE SIDE AND

REAR YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER DWELLING.

Revised 7/06/11



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 5220 SCENIC DRIVE OWNER(S) NAME(S) DANIEL + ELIZABETH JARKIEWICZ  
SUBDIVISION NAME MOORE'S MEADOWS LOT# 52 BLOCK# N/A SECTION# N/A  
PLAT BOOK# 1 FOLIO# 4 10 DIGIT TAX# 2400007729 DEED REF.# 29891/00416

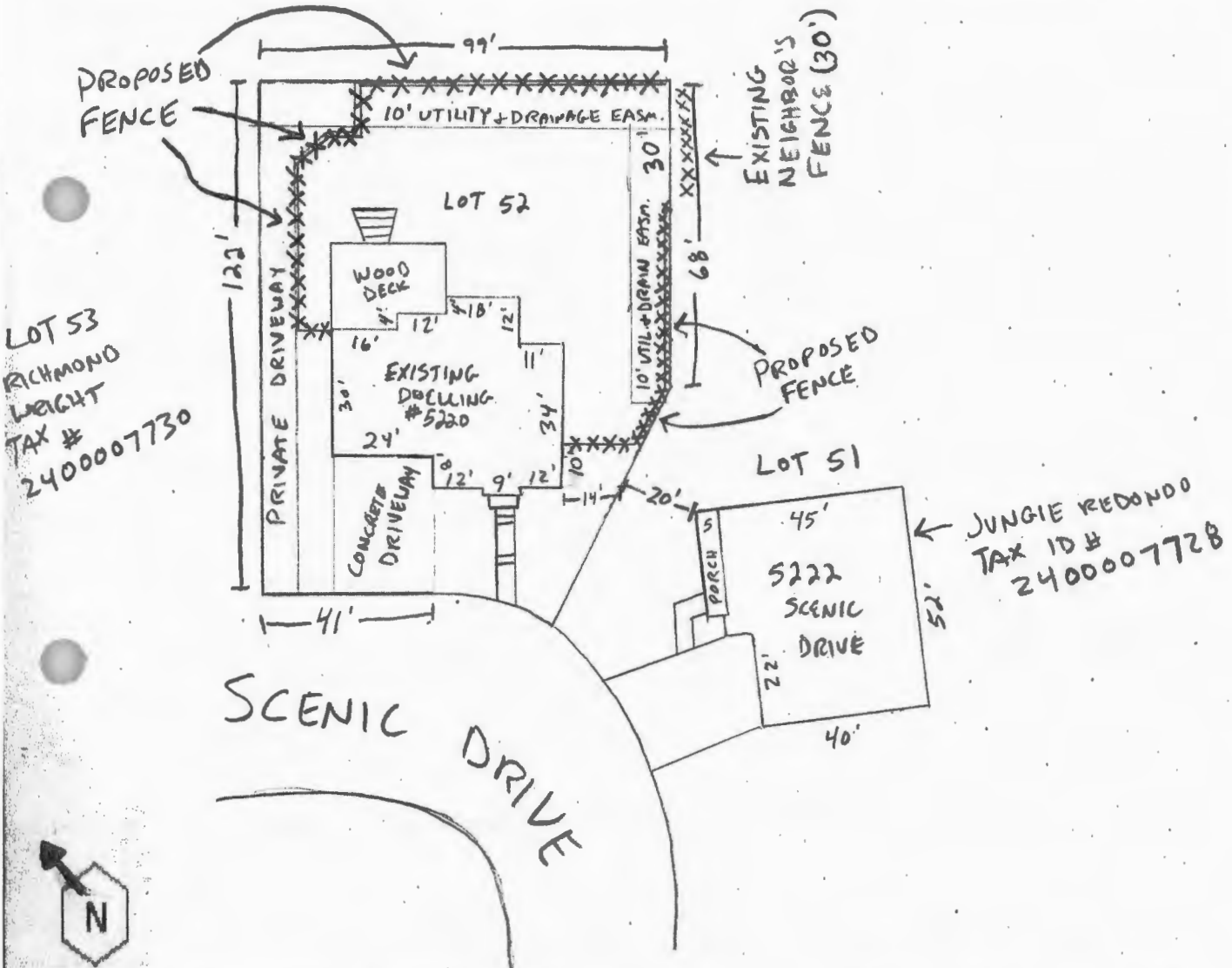


ZONING MAP# 0072  
SITE ZONED D.R. 35H  
ELECTION DISTRICT 11  
COUNCIL DISTRICT 5  
LOT AREA ACREAGE 0.268  
OR SQUARE FEET 11,716  
HISTORIC? NO  
IN CBCA? NO  
IN FLOOD PLAIN? NO  
UTILITIES? MARK WITH X  
WATER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
SEWER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
PRIOR HEARING? NO  
IF SO GIVE CASE NUMBER  
AND ORDER RESULT BELOW  
N/A

PLAN DRAWN BY DANIEL JARKIEWICZ DATE 11/8/11 SCALE: 1 INCH = 40 FEET

2012-0626-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 5220 SCENIC DRIVE OWNER(S) NAME(S) DANIEL & ELIZABETH JARKIEWICZ  
SUBDIVISION NAME MOORE'S MEADOWS LOT# 52 BLOCK# N/A SECTION# N/A  
PLAT BOOK# 1 FOLIO# 4 10 DIGIT TAX# 2400007729 DEED REF.# 29897/00416



PLAN DRAWN BY DANIEL JARKIEWICZ DATE 11/8/11 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

MAP IS NOT TO SCALE

ZONING MAP# 0072

SITE ZONED D.R. 3.5H

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE 0.268

OR SQUARE FEET 11,716

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS: PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS: PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

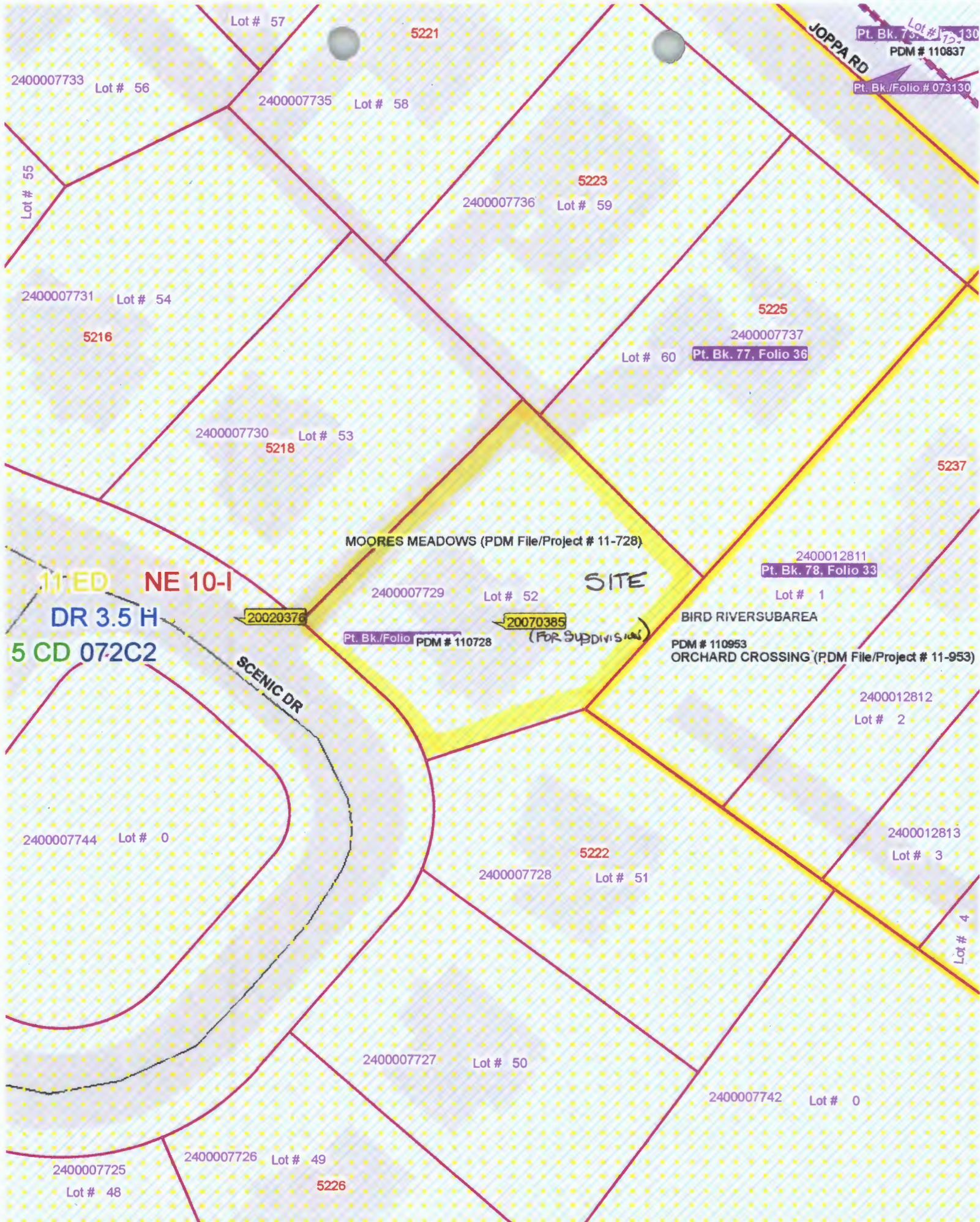
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

2012-0126-A





11 ED  
DR 3.5 H  
5 CD 072C2

SITE

20070385  
(FOR SUBDIVISION)

PDM # 110953  
ORCHARD CROSSING (PDM File/Project # 11-953)

Pt. Bk. 77, Folio 36

Pt. Bk. 78, Folio 33

Pt. Bk./Folio PDM # 110728

2400007737  
Pt. Bk. 77, Folio 36

Lot # 75-130  
Pt. Bk. 75, Folio 130  
PDM # 110837

Pt. Bk./Folio # 073130

2400012812  
Lot # 2

2400012813  
Lot # 3

2400007728  
Lot # 51

2400007727  
Lot # 50

2400007742  
Lot # 0

2400007725  
Lot # 48

2400007726  
Lot # 49

5226

2400007730  
Lot # 53

5218

2400007731  
Lot # 54

5216

2400007736  
Lot # 59

5223

2400007733  
Lot # 56

Lot # 55

Lot # 57

2400007735  
Lot # 58

5221

5237

BIRD RIVERSUBAREA

MOORES MEADOWS (PDM File/Project # 11-728)

SCENIC DR

JOPPA RD

2012-0126-A