



KATHLEEN A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

July 1, 2025

CZ Properties, LLC – czproperties22@gmail.com
3530 Loganview Drive
Dundalk, MD 21222

RE: Petition for Variance
Case No. 2025-0111-A
Property: 3408 Yardley Drive

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A blue ink signature of Derek J. Baumgardner, consisting of a stylized 'D' and 'B' intertwined.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

IN RE: PETITION FOR VARIANCE

(3408 Yardley Drive

12th Election District

7th Council District

CZ Properties, LLC

Legal Owner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

Petitioners

*

CASE NO. 2025-0111-A

*

*

*

*

*

*

*

*

*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by CZ Properties, LLC (“Petitioner”), owner of the property located at 3408 Yardley Drive (the “Property”). Petitioner requests variance relief from Baltimore County Zoning Regulations (“BCZR”) §§ 1B02.3.C.1 to permit a 2nd floor cantilevered front dwelling addition with a front setback of 14ft. in lieu of the required 25 ft. and to permit a proposed open projection (front porch under the cantilevered addition) with a front setback of 14 ft., in lieu of the required 18.75 ft. pursuant to BCZR § 301.1.A.

A public hearing was conducted on June 25, 2025, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Cameron Alston and Zachary Barkhardt appeared at the hearing on behalf of Petitioner. No other persons or community members appeared to provide testimony.

Petitioner submitted the following exhibits which were admitted into the record: (1) Site Plan; and (2) Floor Plan. Zoning Advisory Committee (“ZAC”) comments were received from the following county/state agencies and admitted into the record: (1) Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”); (3) Development Plans Review (“DPR”); and (4) State Highway Administration (“SHA”). Agency

comments do not indicate objection to the relief request but do provide recommendations.

Findings of Fact

The Property is approximately 5,000 sq. ft. in lot area and is zoned DR 5.5. The Property is improved with 1,125 sq. ft. Cape Cod-style 1.5 level single-family dwelling with no basement built in 1950 prior to the enactment of zoning regulations in Baltimore County. The Property is located in a residential subdivision with similarly sized lots but with differing sized homes and no rear alley for vehicular access to the lot. Both Cameron Alston and Zachary Burkhardt, members of CZ Properties, LLC, testified in support of the Petition.

Conclusions of Law

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

While lots on this block are largely uniform the single-family homes built in this subdivision vary in size, scope, and scale. Based on satellite imagery obtained through GIS, the subject property appears to be smaller in size than the majority of other homes. Moreover, as testified to by Mr. Alston and Mr. Burkhardt, the home is a Cape Cod-style home with a sloped second floor and no basement further minimizing its impact on the lot and adjacent homes. For these reasons, I find that the property is unique under the *Cromwell* standard and that denial of the requested variance for front yard setback and front porch projection would cause Petitioner practical difficulty in utilizing its permitted use. Moreover, I find that these variances are within the spirit and intent of BCZR as they support the functional use of the home and there is no evidence to indicate that they will harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **1st** day of **July, 2025**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §§ 1B02.3.C.1 and 301.1 to permit a 2nd floor cantilevered front dwelling addition with a front setback of 14 ft., in lieu of the required 25 ft. To permit a proposed open projection (front porch under the cantilevered addition) with a front setback of 14 ft., in lieu of the required 18.75 be and are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. Petitioner's Site Plan (Pet. Exh. 1) and Floor Plan (Pet. Exh. 2) are hereby incorporated into this Order and are attached hereto; and
3. Any improvements in county rights-of-way are subject to removal, if required, at owner's expense.

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

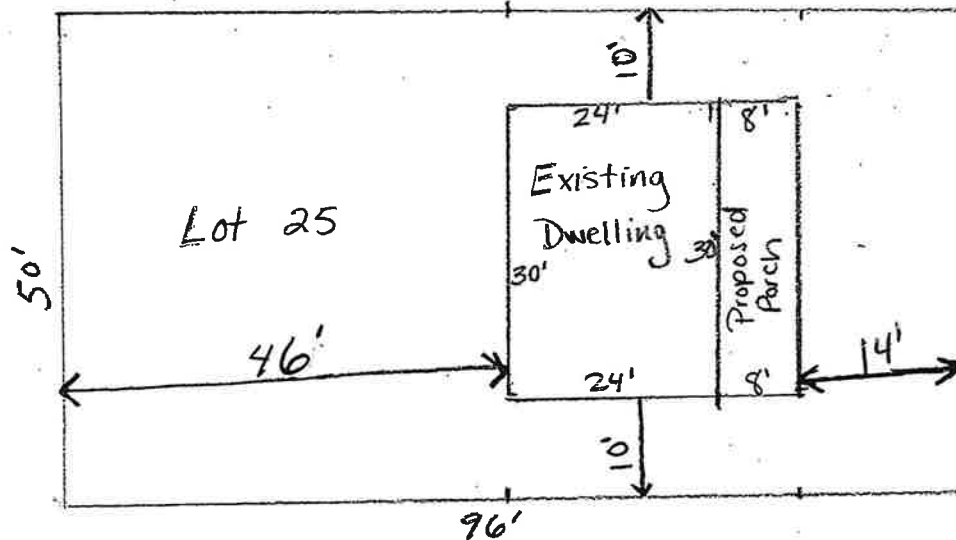
A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, representing the name Derek J. Baumgardner.

DEREK J. BAUMGARDNER
Administrative Law Judge for
Baltimore County

DJB/dlm

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 3408 Yardley Dr Owners(s) Name(s) C2 Properties LLC
Subdivision Name _____ Lot # 25 Block # 4 Section # N/A
Plat Book # 0014 Folio # 0113 10 Digit Tax # 1208066590 Deed Reference# 50060100085

Lot #24

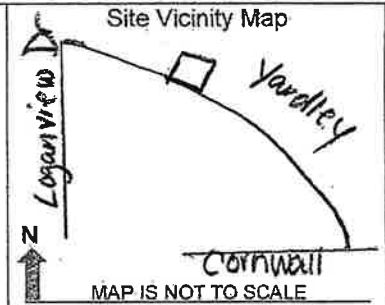


Lot #26

2025-0111-A



Plan Drawn By Cameron Alston Date 5/7/25 Scale: 1 inch = 20 Feet



Zoning Map # 0110
Zoning DR 5.5
Election District 12
Council District 7
Lot Area Acreage _____
Lot Square Footage 5,000
Historic (Yes or No) NO
CBCA (Yes or No) NO
Flood Plain (Yes or No) NO
Utilities - Mark with (X)
Water is:
Public X Private _____
Sewer is:
Public X Private _____
Prior Hearing (Yes or No) _____
If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)

Site plan for Lot # 25, showing the rear and front of an existing 1-story dwelling, a proposed porch, and surrounding setbacks and easements.

Lot Dimensions:

- Overall width: 96'
- Overall depth: 50'
- Front setback: 10'
- Rear setback: 10'
- Side setbacks: 30' (left), 10' (right)

Building and Porch Dimensions:

- Existing 1-story dwelling: 24' x 30'
- Proposed porch: 8' x 30'
- Front porch: 10' x 8'

Other Features:

- REAR (left side)
- EXISTING WALKWAY (between dwelling and front porch)
- FRONT (right side)
- SIDE WALK (along the right boundary)
- GRASS (along the right boundary)
- YARDLEY DR (along the right boundary)

2025-011-A

Scale: $\frac{1}{4}" = 1'-0"$