

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4437 Carroll Manor Road)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Robert M. Klein, Sr. & Dorothea Klein	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0063-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Robert M. Klein, Sr. and Dorothea Klein (“Petitioners”) for the property located at 4437 Carroll Manor Road, Baldwin, Maryland (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), § 1A04.3.B.2.b: To permit a side yard setback of 43 ft. in lieu of the required 50 ft. for a proposed one-story addition and amend the last approved Final Development Plan (“FDP”) of Manor Crossing. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2B). There were no adverse ZAC comments contained in the case file from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on April 2, 2023 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 §32-3-303 of the Baltimore County Code (“BCC”). 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 §307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that 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 regard to amending the Final Development Plan of Manor Crossing, Administrative Variance BCC, §32-3-303(a)(1) permits Variances to be granted from area and height regulations without a hearing:

(a) In general.

(1) Notwithstanding the hearing requirements under §32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.

There is no authority in BCC, §32-3-303(a)(1) to amend a Final Development Plan. As such, that relief will be denied.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

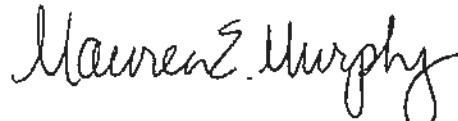
THEREFORE, IT IS ORDERED, this **24th** day of **April, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations (“BCZR”), 1A04.3.B.2.b to permit a side yard setback of 43 ft. in lieu of the required 50 ft. for a proposed one-story addition, be, and it is hereby, **GRANTED**; and it is,

FURTHER ORDERED, that the Petition to amend the last approved Final Development Plan (“FDP”) of Manor Crossing be, and it is hereby, **DENIED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

April 24, 2023

Robert M. Klein, Sr. – robert@hrsflooring.com
Dorothea Klein
4437 Carroll Manor Road
Baldwin, MD 21013

RE: Petition for Administrative Variance
Case No. 2023-0063-A
Property: 4437 Carroll Manor Road

Dear Mr. and Mrs. Klein:

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 handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Rick Richardson, Richardson Engineering, LLC - rick@richardsonengineering.net

23-0063
MK



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 4437 Carroll Manor Road which is presently zoned RC-5

Deed Reference 47334/33 10 Digit Tax Account # 2200007009

Property Owner(s) Printed Name(s) Robert M. Klein, Sr. and Dorothea A. Klein

(SELECT THE HEARING(S) BY MARKING **X** 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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s) 1A04.3.B.2.b^{BCZR} to permit a side yard setback of ~~4~~^{3'} in lieu of the required 50' for a proposed one-story addition and amend the last approved Final Development Plan (FDP) of Manor Crossing.

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

2. **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:

Robert M. Klein, Sr. / Dorothea A. Klein

Name #1 - Type or Print Name #2 - Type or Print

Robert M. Klein Sr. / *Dorothea A. Klein*

Signature #1 Signature #2

4437 Carroll Manor Road Baldwin MD

Mailing Address City State

21013-9774 / 443-921-6344 / robert@hrsflooring.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Riek Richardson

Name - Type or Print

Riek Richardson

Signature

7 Deneison Street Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

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 2023-0063-A Filing Date 3/23/23 Estimated Posting Date 4/12/23 Reviewer MJK

Closing: 4/17/23

Rev 10/12/11

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: 4437 Carroll Manor Road Baldwin MD 21013
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)

The site is located on the south side of Carroll Manor Road across from Carroll Manor Elementary School. The well is to the front of the lot with the septic system to the rear of the house. There is a pool directly behind the house at the end of the driveway. Locating the addition in this area would not be possible. The addition is located off the living area of the house to the side. With the location of the current dwelling being in the middle of the lot, it will extend into the side yard setback of the property. It is not practical to locate the addition in any other location and it would be a hardship to have to relocate any of the other improvements on the property.

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

Robert M. Klein Sr.

Signature of Affiant

Robert M. Klein, Sr.

Name- Print or Type

Dorothea A. Klein

Signature of Affiant

Dorothea A. Klein

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 March, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Robert Klein Sr and Dorothea Klein

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

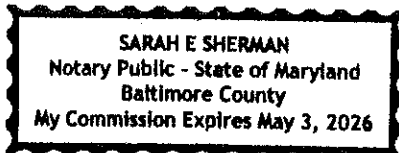
AS WITNESS my hand and Notaries Seal

Sarah Sherman

Notary Public

May 3, 2026

My Commission Expires



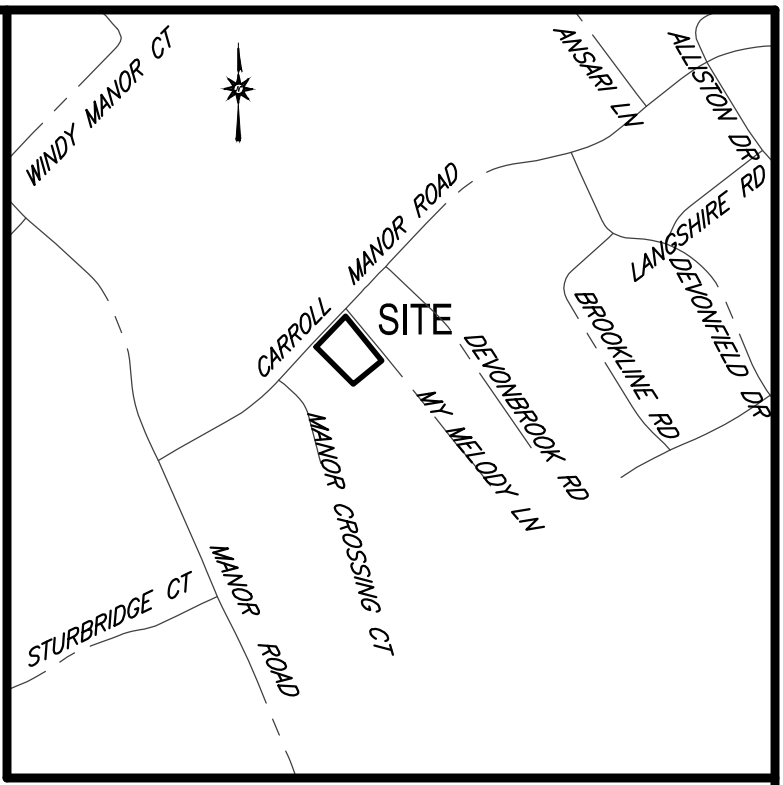
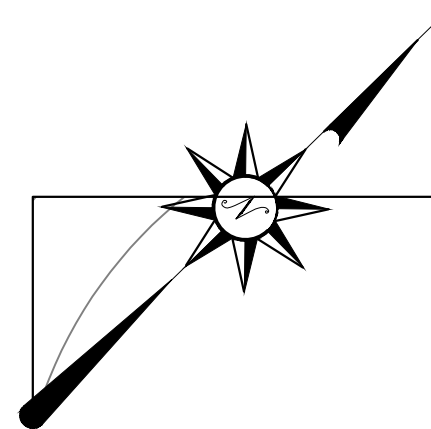


**ZONING PROPERTY DESCRIPTION FOR
4437 CARROLL MANOR ROAD
11th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located on the south side of Carroll Manor Road approximately 245 feet east of the intersection of Manor Crossing Court, being Lot #10 as shown on the plat of Manor Crossing, which is recorded among the land records of Baltimore County in plat book No. 63, Folio 10.

Containing a net area of 61,059 square feet or 1.40 acres +/-.

2023-0063-A



VICINITY MAP
SCALE: 1" = 1000'



GENERAL NOTES:

- OWNER: ROBERT M. KLEIN, SR.
DORTHEA A. KLEIN
4437 CARROLL MANOR ROAD
BALDWIN, MD 21013-9774
- SITE AREA:
GROSS: 67,702 Sq.Ft. or 1.55 Ac.±
NET: 61,059 Sq.Ft. or 1.40 Ac.±
 - EXISTING BUILDING AREA: 2,725 Sq.Ft.
 - UTILITIES
PRIVATE WATER
PRIVATE SEWER
 - DEED REF: 47334/33
 - TAX ACCOUNT: 2200007009
 - COUNCILMANIC DISTRICT: 3RD
 - REGIONAL PLANNING DISTRICT: FORK
 - CENSUS TRACT: 411201
 - WATERSHED: LOWER GUNPOWDER FALLS
 - EXISTING ZONING: RC 5
 - TAX MAP #44, GRID #15, PARCEL #144, PLAT #63/10, LOT #10
 - NO PRIOR PERMITS ON FILE
 - THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE SITE LIES WITHIN ZONE X ON AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100260F, DATED SEPTEMBER 26, 2008.
 - THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
 - BASIC SERVICE MAPS (2022)
- | TYPE | DEFICIENT | (Y/N) | NOTE |
|----------------|-----------|-------|------|
| WATER | | N | - |
| SEWER | | N | - |
| TRANSPORTATION | | N | - |
- PREVIOUS ZONING CASES ON FILE: NONE
- SETBACKS FOR RC 5
- | TYPE | REQUIRED | PROVIDED |
|-------|----------|--------------------------|
| FRONT | 50' | 52'± (82' TO CENTERLINE) |
| SIDE | 50' | 43'± |
| REAR | 50' | 161'± |
- USE
EXISTING: RESIDENTIAL
PROPOSED: RESIDENTIAL

JOSEPH P. BYERSON
KIMBERLY A. BYERSON
1 MANOR CROSSING COURT
TAX ID: 2200007009
DEED REF: 33735/028

CLAYTON H. WRIGHT, JR.
JILL S. WRIGHT
4453 CARROLL MANOR ROAD
TAX ID: 1102003730
DEED REF: 34017/6

COYA S. HOFFMAN
13918 DEVONBROOK ROAD
TAX ID: 1102005267
DEED REF: 17469/719

MARK D. MEMEC
LAURA M. MEMEC
13510 MELODY LANE
TAX ID: 2200007010
DEED REF: 33387/260



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
KLEIN RESIDENCE

4437 CARROLL MANOR ROAD
BALTIMORE COUNTY MARYLAND
11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
03-23-23	PCR	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	03-09-23	23019	1 OF 1