



JOHN A. OLSZEWSKI, JR.
County Executive

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

October 24, 2024

Christopher D. Mudd, Esquire – cdmudd@venable.com
Venable, LLP
210 w. Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2024-0205-SPHA
Property: 3430 Sweet Air Road

Dear Mr. Mudd:

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, prominent "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM :dlm
Enclosure

c: - See next page-

Page -2-

Case No; 2024-0205-SPH

Drew Manning drewm7025@gmail.com

KNG clint@kngequity.com

Marty Blair martyb@schmitzpress.com

Zach Winter zwintel@gmail.com

Greg Schultz gschultz@polarisl.com

Josh Clark clarkwinllc@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(3430 Sweet Air Road)	*	OFFICE OF
10th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Grahamp Limited Partnership Trustees	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>	*	
Petitioner	*	Case No. 2024-0205-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed by the legal owner, Grahamp Limited Partnership Trustee (“the Petitioner”) for the property known as 3430 Sweet Air Rd., Jacksonville (the “Property”). The Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7, to: (1) modify the Order and Opinion dated December 8, 2011 (Case No.: 2012-0093-XA) by reducing the size of the special exception area to be limited to only the portion of the property currently zoned BL-CR (2.651 acres +/-); and (2) if necessary, to approve a modified parking plan pursuant to BZCR, §409.12.B, permitting 51 parking spaces in lieu of the required 84 spaces. Petitions for Variance were also filed seeking relief: (1) from BCZR, §259.3.C.2.a to permit a front yard setback of 89 ft, in lieu of the maximum setback of 40 ft; (2) from BCZR, §259.3.C.1.a to permit a total gross floor area of 8,895 sf, in lieu of the maximum 8,800 sf; and (3) if necessary, from BCZR, §409.6 to permit 51 parking spaces in lieu of the required 84 spaces.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on October 21, 2024. The Petitions were properly advertised and posted. Clint Huhra, representative of KNG, the lessee of the Property, appeared at the hearing in support of the Petitions, along with George

Schultz, registered property line surveyor, with Polaris Land Consultants, who prepared and sealed a site plan (the “2024 Site Plan”). (Pet. Ex. 1). Christopher D. Mudd, Esquire of Venable, LLP represented the Petitioner. Neighboring property owners namely: Drew Manning, 3612 Jackson Cabin Rd.; Marty Blair, 14352 Hampshire Knob Rd.; and Zach Winter, 3505 Hampshire Glen Rd. asked questions and did not oppose the requested relief. Marc Peters, Treasurer of The Greater Jacksonville Association of Maryland (“GJA”), testified that GJA was also not opposed to the requested relief.

The Property is 5.02 acres +/- and is improved with a 1-story commercial building constructed after 1994, and addressed as 3430, 3434, and 3436 Sweet Air Rd. The commercial building has 3 tenants: (1) Papa John’s Pizza; (2) a fitness studio; and (3) a yoga studio. The Property is split-zoned with the southern, commercial portion zoned Business, Local, with a Commercial Rural overlay district (BL-CR) (2.651 +/- acres), and the unimproved, northern portion zoned Rural-Residential, Resource Conservation (RC5) (2.845 +/- acres). An aerial photograph depicts that it sits across from the Manor Center shopping center, professional buildings, and other retail stores. (Pet. Ex. 2).

The Property was previously the subject of an Order issued Case Nos.: X-318 and 95-97-A which was accepted for filing on November 14, 1994 (the “1994 Order”). (Pet. Ex. 5). At the time of the 1994 Order, the Property was not developed, and it was split-zoned BL-CR and RC5. In that Case, a Development Plan was approved, and Variance relief granted to construct a 1-story commercial building. The 1994 Order confirmed that the Property had an “unusual shape and topography.” After the building was constructed, a Blockbuster Video store occupied some or all of the building.

In 2012, the Property was again the subject of zoning relief in Case No.: 2012-0093-XA wherein the Order granted a Special Exception to allow a community building for a carry-out restaurant and gym/athletic uses, and also granted Variance relief for a reduction in the number of parking spaces, gross floor area of the existing building, existing landscaping, and pervious nature of the parking lot (the “2012 Order”). (Pet. Ex. 6). Although it was clear from the 2012 Site Plan that all commercial development was on the southern portion zoned BL-CR, and the RC5 northern portion remained unimproved, the 2012 Order did not limit the Special Exception area to the BL-CR portion.

In this Case, Petitioner is not proposing any improvements to the Property; no additions to the commercial building, and no change to the existing uses. In performing due diligence in preparation for a potential sale of the Property, Petitioner seeks an Order that the Special Exception area granted in the 2012 Order does not include the RC5 northern portion of the Property. Mr. Schultz also conducted a survey of the Property and remeasured the building setbacks. In taking those measurements, he noted that the 1994 Order granted a front yard setback of 87 ft. in lieu of the required 40 ft., but as constructed, the front setback is actually 89 ft. As such, that Variance relief was requested for an additional 2 ft. Additionally, the 2012 Order indicates that the gross floor area Variance granted therein was for 6,997 sf “on the ground floor” in lieu of the maximum of 6,600 sf, and failed to include the square footage for the basement (2,268+/- sf). The 1994 Order did note that the proposed commercial building would be 8,800 sf. The 2024 Site Plan shows a total gross floor area calculation of 8,890 sf (not 8,895 sf) as follows:

10. EXISTING USES AND FLOOR AREAS		
FIRST FLOOR (CARRYOUT)	=	1,297 S.F.
FIRST FLOOR (ATHLETIC CLUB)	=	5,325 S.F.
BASEMENT (ATHLETIC CLUB)	=	2,268 S.F.

(Pet. Ex. 1). In regard to parking lot, it has been paved and landscaped since at least 1994. The 2012 Order granted Variance relief for 51 parking spaces in lieu of the then-required 65 spaces. The 2024 Site Plan calculates the two (2) existing fitness/athletic-type uses require 10 parking spaces per 1,000 sf which equates to a total of 83 (not 84) required parking spaces:

II. PARKING REQUIRED

PIZZA SHOP (CARRYOUT) (1,297 S.F./1000 X 5)	= 7 SPACES
FITNESS CENTER (ATHLETIC CLUB) (5,325 S.F./1000 X 10)	= 53 SPACES
YOGA STUDIO (ATHLETIC CLUB) (2,268 S.F./1000 X 10)	= 23 SPACES
TOTAL	= 83 SPACES

(Pet. Ex. 1). The proffered testimony of the Petitioner, and as confirmed by the testimony of a Protestant, was that historically, 51 parking spaces has been more than sufficient to meet the number of vehicles coming to the Property. Both the fitness and yoga studios attract minimal vehicles to the Property resulting in an unused parking lot. It was also mentioned that the community requested that the parking lot be located in the front of the Property, and not in the rear.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative

practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the uncontroverted evidence, I find that the since the 1994 Order, the RC5 portion of the Property has remained unimproved. While the RC5 portion was not intended to be included in the Special Exception area for a community building in 2012, the 2012 Order did not limit that area to only the BL-CR portion. Moreover, because a community building in an RC5 zone can be requested by Special Exception, it is important to reduce the Special Exception area to the BL-CR portion. Accordingly, I find the requested relief to remove the RC5 portion from the Special Exception is not only consistent with the spirit and intent of the BCZR, but confirms what has been the reality on the ground. I further find that, given the 2012 Order already granted Variance relief for 51 parking spaces, granting the Special Hearing relief for a modified parking plan at this point may cause confusion in future, and that same relief can be accomplished with the Variance relief below. As such, the Petition for modified parking plan is moot.

VARIANCES

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).

The Property was previously adjudicated to be unique in Case No.: Case Nos.: X-318 and 95-97-A due to its “unusual shape and topography of the land.” In Case No.: 2012-0093-XA, additional facts were found to reaffirm the ‘uniqueness’ of the Property. As a result, because the

Property's physical characteristics have not changed, that previous factual findings are applicable to this Case under the doctrine of collateral estoppel. *Garrity v. Maryland State Bd. of Plumbing*, 447 Md. 359, 368 (2016). (See also *Colandrea v. Wilde Lake Community Ass'n, Inc.*, 361 Md. 391 (2000); *Washington Suburban Sanitary Commission v. TKU Associates*, 281 Md. 1, 18-19 (1977)). Accordingly, the Petitioner has satisfied the first factor under *Cromwell*.

In regard to 'practical difficulty,' I find that the Petitioner would suffer a practical difficulty and/or unreasonable hardship if the requested Variance relief was not granted. As to the building setback, Mr. Schultz conducted a new survey, measured the front yard setback, and verified that the building is 89 ft. from the front Property line and not 87 ft. As such, I find that the Variance for the additional 2 ft. setback should be granted. Additionally, Mr. Schultz measured the gross floor area of the building, included the basement, and confirmed that the gross floor area is 8,890 sf (not 8,895 sf) in lieu of the required 8,800 sf. With this new measurement, I find the Variance relief for the gross floor area for the additional 90 sf gross floor area should be granted. In regard to parking, I find that 51 parking spaces have been more than sufficient parking for the carry-out and fitness uses. The same number of spaces (51) was previously granted in the 2012 Order. It was uncontroverted that the parking lot is never near capacity. As such, I will grant the Variance for 51 parking spaces in lieu of the required 83 spaces as shown on the 2024 Site Plan. I also find that each of the requested Petitions for Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 24th day of **October, 2024** by this Administrative Law Judge that the Petition for Special Hearing from BCZR, §500.7, to modify the Order and Opinion dated December 8, 2011 (Case No. 2012-0093-XA) by reducing the size of the special

exception area to be limited to only the portion of the property currently zoned BL-CR (2.651 acres +/-), be, and it is hereby, **GRANTED**, and,

IT IS FURTHER ORDERED that the Petition for Special Hearing from BCZR, §500.7 to approve a modified parking plan pursuant to BZCR, §409.12.B, permitting 51 parking spaces in lieu of the required 83 spaces, be, and it is hereby **DISMISSED AS MOOT**, for the reasons set forth herein; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §259.3.C.2.a to permit a front yard setback of 89 ft, in lieu of the maximum setback of 40 ft, be, and it is hereby **GRANTED**, and;

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §259.3.C.1.a to permit a total gross floor area of 8,890 sf, in lieu of the maximum 8,800 sf, be, and it is hereby **GRANTED**, and;

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §409.6 to permit 51 parking spaces in lieu of the required 83 spaces be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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, Petitioner would be required to return the subject 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
Chief Administrative Law Judge
for Baltimore County

MEM/dlm



PETITION FOR ZONING HEARING(S)

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 3430 Sweet Air Road which is presently zoned BL-CR
Deed References: 7894/184 10 Digit Tax Account # 21-00-005763
Property Owner(s) Printed Name(s) Grahamp Limited Partnership Trustees

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attachment.

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. a **Variance** from Section(s)

See Attachment.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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:

N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHMENT

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

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cmudd@venable.com

Zip Code Telephone # Email Address

Representative to be contacted:

Christopher D. Mudd, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6365 / cmudd@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0205-JPH Filing Date 9 / 4 / 2024

Do Not Schedule Dates: _____ Reviewer JK

PETITION FOR SPECIAL HEARING

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2. If necessary, to approve a modified parking plan pursuant to BCZR § 409.12.B., permitting 51 parking spaces in lieu of the required 84 spaces.

PETITION FOR VARIANCES

1. A variance from BCZR § 259.3.C.2.a., to permit a front yard setback of 89 feet, in lieu of the maximum setback of 40 feet.
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3. If necessary, a variance from BCZR § 409.6., to permit 51 parking spaces, in lieu of the required 84 spaces.



A handwritten signature in black ink, appearing to read "G. Schultz", written over the right side of the professional seal.

Zoning Description of
3430 Sweet Air Road
10th Election District
3rd Councilmanic District
Baltimore County, MD

Beginning at a point located on the North side of Sweet Air Road, at a distance of 306 feet to the center of Hampshire Knob Drive, thence running along the north side of said Road 1) by a curve to the right, with a radius of 4040.00 feet, an arc length of 167.84 feet , and a chord of S 32° 02' 49" E 167.83 feet and 2) S 30° 51' 24" E 98.00 feet to the west side of Hampshire Knob Court, thence running along the west side of said Road 3) S 75° 51' 24" E 21.21 feet, and 4) N 59° 08' 36" E 54.28 feet, 5) by a curve to the left, with a radius of 430.00 feet, an arc length of 121.95 feet , and an chord of N 51° 01' 06" E 121.55 feet, 6) N 42° 53' 36" E 370.72 feet, and 7) by a curve to the left, with a radius of 475.00 feet, an arc length of 95.31 feet, and an chord of N 37° 08' 41" E 95.15 feet, thence leaving said road and running 8) N 57° 08' 53" W 455.37 feet and 9) S 01' 56" W 519.96 feet to the place of beginning.

Containing 2.651 acres of land as recorded in deed Fiber 7894 Folio 184.



PETITION FOR ZONING HEARING(S)

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

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N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHMENT

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

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

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Christopher D. Mudd, Esquire

Name - Type or Print

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Zip Code Telephone # Email Address

CASE NUMBER 2024-0205-JPH Filing Date 9 / 4 / 2024

Do Not Schedule Dates: _____ Reviewer JK

PETITION FOR SPECIAL HEARING

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2. If necessary, to approve a modified parking plan pursuant to BCZR § 409.12.B., permitting 51 parking spaces in lieu of the required 84 spaces.

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1. A variance from BCZR § 259.3.C.2.a., to permit a front yard setback of 89 feet, in lieu of the maximum setback of 40 feet.
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3rd Councilmanic District
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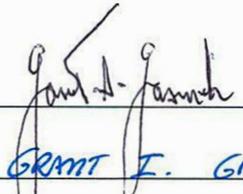
SIGNATURE SHEET

3430 SWEET AIR ROAD

PETITION FOR SPECIAL HEARING AND VARIANCES

Property Owner:

Grahamp Limited Partnership Trustees
C/O Property Development Association
Facility No. 89-5486
5918 Stoneridge Mall Road
Pleasanton, California 94588

By: 
Name: GRANT I. GRASMICK
Title: PRESIDENT, GRAHAMP INC., G.P.
Phone No.: (410) 325-9663
Email: RonL@GrasmickLumber.com

ATTACHMENT

ADDRESS: 3430 SWEET AIR ROAD
ZONE: BL-CR
PARCEL: 365
GRID: 24
TAX MAP: 35
DEED REF.: 7894/184
TAX ACCT #: 21-00-005763
OWNER: GRAHAMP LIMITED PARTNERSHIP TRUSTEES

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 two signs on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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

For Newspaper Advertising:

Case Number: 2024-0205-SPHA
Property Address: 3430 Sweet Air Road
Legal Owners (Petitioners): Graham Limited Partnership Trustee
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP / Barbara Lukasevich
Address: 210 W. Pennsylvania Ave
Suite 500
Towson MD 21204
Telephone Number: 410-494-6200

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 17, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0205-SPHA
Address: 3430 SWEET AIR ROAD
Legal Owner: Grahamp Limited Partnership Trustees

Zoning Advisory Committee Meeting of September 20, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: September 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0205-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 9/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0205 SPHA

INFORMATION:

Property Address: 3430 Sweet Air Road
Petitioner: Grahamp Limited Partnership Trustees
Zoning: BL-CR
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

1. *Special Hearing* –

- a. To amend the Order and Opinion ("Order") dated December 8, 2011 (Case No. 2012-0093-XA), by reducing the size of the special exception area to be limited to only the portion of the property currently zoned BL-CR (2.651 acres +/-) and removing the special exception area from the portion of the property zoned RC-5 (2.845 acres +/-).
- b. If necessary, to approve a modified parking plan pursuant to BCZR § 409.12.B., permitting 51 parking spaces in lieu of the required 84 spaces.

2. *Variance(s)* -

- a. A variance from BCZR § 259.3.C.2.a., to permit a front yard setback of 89 feet, in lieu of the maximum setback of 40 feet.
- b. A variance from BCZR § 259.3.C.1.a., to permit a total gross floor area of 8,895 square feet, in lieu of the maximum 8,800 square feet.
- c. If necessary, a variance from BCZR § 409.6., to permit 51 parking spaces, in lieu of the required 84 spaces.

The subject property is located at 3430 Sweet Air Road at the intersection of Sweet Air Road and Hampshire Knob Drive. The property consists of 5.02 acres and zoned BL-CR in the Phoenix part of Baltimore County. The 5.02 acres property is improved with a commercial dwelling. Retail shops and actives, forest conservation and residential dwellings surround the property.

It must be noted that two older cases were listed on the plan submitted by the applicant in the petition. They were identified as follows:

1. **Previous Zoning Hearing No. 1:** Case Nos. X-318 and 95-97A
2. **Previous Zoning Hearing No. 2:** Case Nos. 2012-0093-XA

Below are the dates when the orders were granted, along with the conditions that accompanied each order.

The Order for “Previous Zoning Hearing No 1 (Case Nos X-318 and 95-97A)”

The relief in Case X-318 and 95-97A was granted in November 14th, 1994 subject to the following:

1. All lighting associated with the operation of the Blockbuster Video Store and related signage shall be extinguished between the hours of 1:00 AM and 7:00 AM daily.
2. The 'Owner/Developer shall be required to install sidewalks along Sweet Air Road, only.
3. The landscape plan submitted into evidence as Developer's Exhibit 3 and Petitioner's Exhibit 2 has been approved as the official landscape plan for this site and all landscaping shall be in accordance with the same.
4. The Developer shall not install any additional street lights along Hamshire Knob Drive.

The Order for “Previous Zoning Hearing No 1 (Case Nos 2012-0093-XA)”

The relief in Case 2012-0093-XA was granted on December 8th, 2011 subject to the following:

1. Petitioners may apply for their 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 appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded
2. Compliance with the ZAC comments made by the Department of Planning dated November 9, 2011, and comments from Department of Environmental Protection and Sustainability dated November 2, 2011, copies of which are attached hereto and made a part hereof.

The Department of Planning does not object the relief petitioned at this time. Staff met with the petitioner’s representative and there is nothing new proposed on the property and the purpose of the requests are to confirm existing conditions on the site. The petition to reduce the size of the existing special exception area to just the commercially zoned portion will eliminate any future nonconforming uses being built in the RC 5 zone. The floor area difference between this zoning case and case 2012-0093-XA, is due to the prior case not including “overhangs” and just internal floor space. A new survey was done on the property requiring the increased setback of 89’ instead of the already approved 87’ from the road.

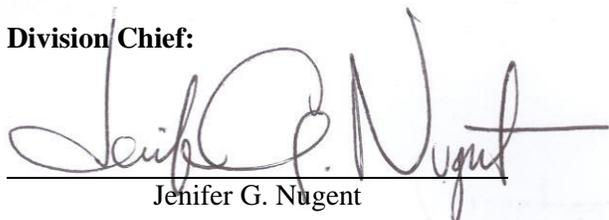
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Christopher D. Mudd Esq. – Venable LLP
Joseph Wiley, Abigail Rogers, Megan Benjamin– Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People’s Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 2100005763

Owner Information

Owner Name: GRAHAMP LTD PARTNERSHIP TRUSTEES Use: COMMERCIAL
%RONALD LEUBECKER Principal Residence: NO
Mailing Address: 6715 QUAD AVENUE Deed Reference: /07894/ 00184
BALTIMORE MD 21237-

Location & Structure Information

Premises Address: 3430 SWEET AIR RD Legal Description: 5.020 AC NES
0-0000 SWEET AIR RD
550 SE JARRETTSVILLE RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0035 0024 0365 10000.04 0000 2025 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
6,600 SF 5.0200 AC 06

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
RETAIL STORE / C3

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		As of	As of	As of
Land:	571,800	01/01/2022	07/01/2024	07/01/2025
Improvements	741,300	741,300		
Total:	1,313,100	1,313,100	1,313,100	
Preferential Land:	0			

Transfer Information

Seller: HAMPSHIRE PAUL K ENNETH Date: 06/21/1988 Price: \$0
Type: NON-ARMS LENGTH OTHER Deed1: /07894/ 00184 Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2024 07/01/2025
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00| 0.00|

Special Tax Recapture: None

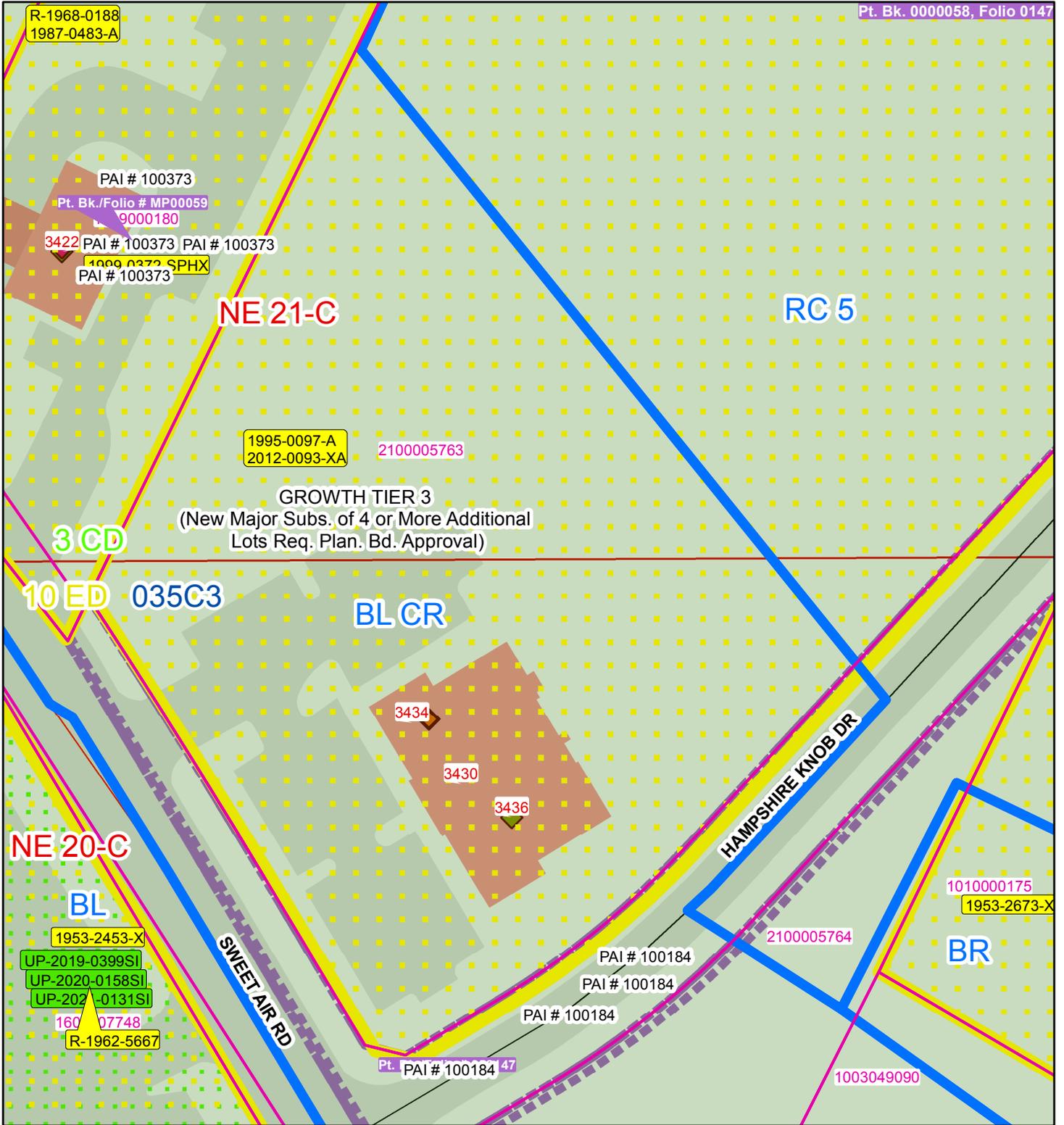
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

3430 Sweet Air Rd



Publication Date: 9/4/2024



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 70.03537 feet

NOTES

1. GIS TILE NO. 35C3
2. THIS SITE IS NOT LOCATED IN THE CBGA, IS NOT HISTORIC, DOES NOT CONTAIN A FLOOD PLAIN, AND DOES NOT CONTAIN A STREAM OR WETLANDS.
3. THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY.
4. THIS SITE OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
5. THE PROPERTY AS SHOWN HEREON HAS BEEN HELD IN-TACT SINCE MAY 17, 1988.

PREVIOUS ZONING HEARING NO. 1

CASE NOS. X-318 AND 95-97A
 DATE OF ORDER: 11/14/1994 (RECEIVED FOR FILING)
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PREVIOUS ZONING HEARING NO. 2

CASE NO. 2012-0093-XA
 DATE OF ORDER: 12/08/2011
 ORDER:

SPECIAL EXCEPTION GRANTED AS PER SECTION 230.3 BCZR TO ALLOW A COMMUNITY BUILDING TO BE UTILIZED FOR RECREATIONAL USE IN ADDITION TO THE EXISTING CARRY-OUT RESTAURANT.

VARIANCE GRANTED FROM SECTION 409.6 BCZR TO ALLOW 51 PARKING SPACES IN LIEU OF THE REQUIRED 65.

VARIANCE GRANTED FROM SECTION 259.3.C.1.a BCZR TO ALLOW A GROSS FLOOR AREA OF 8997 SF ON THE GROUND FLOOR IN-LIEU OF THE MAXIMUM ALLOWED 8600 SF.

VARIANCE GRANTED FROM SECTION 259.3.C.3.a BCZR TO ALLOW THE EXISTING LANDSCAPING TO MEET THE REQUIREMENTS.

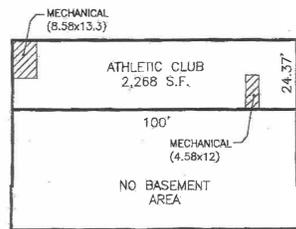
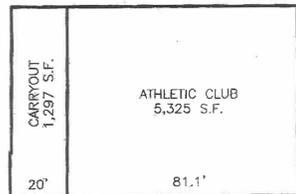
VARIANCE GRANTED FROM SECTION 259.3.C.3.b TO ALLOW 0% OF THE PARKING LOT TO BE PERVIOUS IN-LIEU OF THE REQUIRED 7% AND TO ALLOW ZERO (0) TREES PER 8 PARKING SPACES IN-LIEU OF THE REQUIRED 1 TREE.

OVERALL SITE TABULATION

1. EXISTING ZONING BL-CR & RC-5
2. GROSS AREA
 BL-CR 115,466 S.F. = 2.651 ACRES
 RC-5 123,945 S.F. = 2.845 ACRES
 TOTAL 239,411 S.F. = 5.496 ACRES
3. NET AREA
 BL-CR 103,163 S.F. = 2.369 ACRES
 RC-5 115,491 S.F. = 2.651 ACRES
 TOTAL 218,654 S.F. = 5.020 ACRES

BL-CR TABULATION

1. GROSS AREA OF BL-CR ZONING 115,466 S.F. = 2.651 AC.
2. NET AREA OF BL-CR ZONING 103,163 S.F. = 2.369 AC.
3. EXISTING FLOOR AREAS
 FIRST FLOOR - 6,622 S.F.
 BASEMENT - 2,268 S.F.
 TOTAL FLOOR AREA - 8,900 S.F.
4. MAXIMUM FLOOR AREA ALLOWED = 8,800 S.F.
5. EXISTING FLOOR AREA RATIO 8,800 S.F./115,466 S.F. =
6. MAXIMUM FLOOR AREA RATIO ALLOWED = 20%
7. EXISTING BUILDING HEIGHT = 30'
8. MAXIMUM BUILDING HEIGHT ALLOWED = 30'
9. EXISTING PERVIOUS AREA PROVIDED
10. EXISTING USES AND FLOOR AREAS
 FIRST FLOOR (CARRYOUT) = 1,297 S.F.
 FIRST FLOOR (ATHLETIC CLUB) = 5,325 S.F.
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EXISTING FLOOR PLANS

SCALE: 1" = 30'



POINT OF BEGINNING
 306 FEET TO CENTER OF HAMPSHIRE KNOB DRIVE

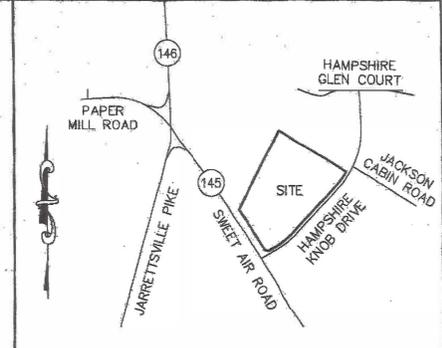
C3 CURVE DATA
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 DELTA=02°22'49"
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DRAFT

OWNER INFO

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 C/O PROPERTY DEVELOPMENT ASSOCIATION
 FACILITY No. 89-5486
 5918 STONERIDGE MALL ROAD
 PLEASANTON, CA 94588
 DEED REF.: 7894/184
 TAX ACT. NO.: 21-00-005763
 TAX MAP 35, GRID 24, PARCEL 365



VICINITY MAP

SCALE: 1" = 1000'



SIGN A
 2 SIDED ILLUMINATED
 30 SF



SIGN B
 2 SIDED ILLUMINATED
 6 SF



SIGN C
 1 SIDED ILLUMINATED
 35 SF



SIGN D
 1 SIDED ILLUMINATED
 10 SF



SIGN E
 1 SIDED NON-ILLUMINATED
 16 SF

SIGN DETAILS
 NO SCALE

PLAT TO ACCOMPANY
 PETITION FOR
 HEARING
SPECIAL EXCEPTION AND ZONING VARIANCES

3430 SWEET AIR ROAD

10TH ELECTION DISTRICT 3RD. COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD

SCALE: 1"=50'

JULY 25, 2024



57 W. TIMONUM ROAD
 SUITE 210
 TIMONUM, MD 21093
 PHONE: (410) 252-4444
 FAX: (410) 252-4483
 WWW.POLARISL.C.COM

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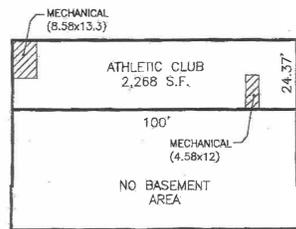
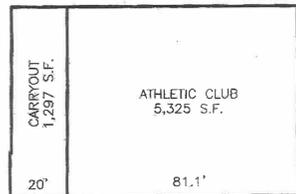
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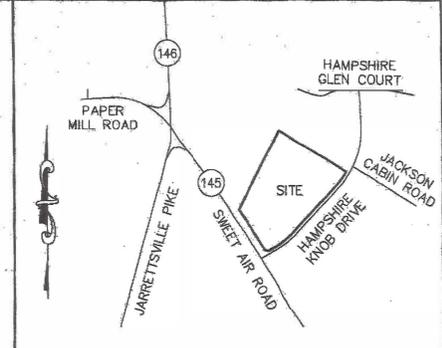
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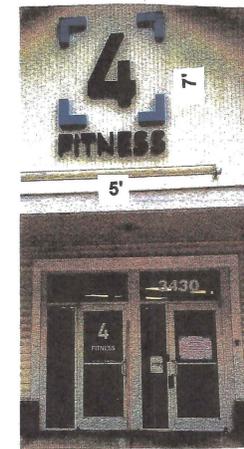
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SIGN C
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LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
 HORIZONTAL - NAD 83/91 VERTICAL - NAVD 88

JOB No.: 21-020