

**FINDINGS AND RECOMMENDATION  
OFFICE OF PLANNING AND ZONING  
ANNE ARUNDEL COUNTY, MARYLAND**

**APPLICANT:** Gilbert Peacock

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0144-S

**COUNCILMANIC DISTRICT:** 2

**HEARING DATE:** October 10, 2024

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicant is requesting a special exception to allow the expansion and combination of floor areas for a nonconforming use located at 30 Aquahart Road in Glen Burnie.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 17,258 square feet of land and is located with 101 feet of frontage on the north side of Aquahart Road. It is identified as Parcel 213 in Block 23 on Tax Map 9.

The vast majority of the property is zoned R5 – Residential District; however, there is a small strip located along the rear lot line that is zoned R15 – Residential District. The site is currently improved with a one-story brick building with a basement apartment, a detached garage, a detached shed, outside storage areas, paving, and three unpermitted accessory buildings.

**PROPOSAL**

The applicant proposes to expand three existing registered nonconforming use floor areas (office, garage, and storage) and to combine those areas into one proposed detached commercial structure. The existing registered garage and shed would be removed, and their floor areas would also be combined with the three proposed floor area expansions noted above into one proposed structure. Three additional buildings on the rear of the property, which did not exist at the time of the nonconforming use registration and were not part of that approval, would also be removed.<sup>1</sup> The proposed commercial structure would measure 40' by 46' (1,840 square feet) and 20' high.

**SPECIAL EXCEPTION STANDARDS**

§ 18-15-103 of the Anne Arundel County Zoning Ordinance sets forth the specific requirements for a special exception to expand or combine a nonconforming use. Additionally, all special exceptions are subject to the general standards contained in §18-16-304 of the Code.

**FINDINGS**

The subject property is rectangular in shape and exceeds the minimum area and dimensional requirements for a lot in an R5 District. § 18-15-103(a)(1) provides that a proposed expansion of nonconforming use floor area, land area, or water area may not exceed 30% of the area authorized

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<sup>1</sup> County records contain no building permits for these three structures, constructed between 2005 and 2010.

under the nonconforming status of the property, except that each type of area is to be considered separately and no area may be substituted for another area. Nonconforming use approval was granted under case #1985-0013-N to allow a building with a full first floor office and a basement apartment, a detached garage for truck and equipment repair and storage, a shed, and outside storage, all associated with a contractor's establishment. County zoning certificate of use records indicate that the use of the property changed to "motorcycle repair" in 2000 (ZCU-2000-07732, February 28, 2000) and changed again to "motorcycle sales and repair" in 2006 (ZCU-2006-01985, November 17, 2006); however, it is unclear whether all or part of the registered office, garage, and storage floor areas were dedicated to those new uses.

At the time of the certificate of use application in 2000, handwritten notes in the certificate of use file indicate that Unit A was a residence, Unit B was an apartment, and Unit C was a business (more specifically, a 932 sf garage for repair of motorcycles). The record does not show any office use at that time. If that is the case, and if there was a cessation in office use of more than 12 consecutive months or longer, then the nonconforming right to the office use in the first floor of the brick structure has been forfeited. If the special exception is approved, the applicant should be prepared to show evidence of continuous use of the office via business records and the like. Furthermore, the 2006 certificate of use was issued for motorcycle sales and repair. However, the current letter of explanation and the site plan do not include any retail floor area existing or proposed.

Questions about the approved uses vs. existing uses aside, of the three initially registered floor areas, the applicant proposes to expand the approved 1,615 square feet of office area by 408 square feet (25.26%), to expand the approved 932 square feet of garage area by 279 square feet (30%), and to expand the approved 170 square feet of storage area by 51 square feet (30%). The existing 932 square foot garage and 170 square foot storage shed would be removed and replaced with a single accessory building that would contain a total of 1,840 square feet of floor area broken down as follows: 408 square feet of office, 1,211 square feet of garage, and 221 square feet of storage.

**The Development Division (Regional Team)** defers to the Zoning Division with regard to the special exception requirements. At this time, the Team is not clear on what the specific use of the site and proposed structure is. Based on the submitted special exception site plans, it appears that an approval of the subject special exception will result in noncompliance with the Landscape Manual. Per Section IV B (2), the proposed commercial use structure does not meet the required 15-foot buffer between the structure and adjacent residential properties.

**The Health Department** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection to the variance request.

**The Fire Marshal's Office** reviewed the proposal and defers to the Office of Planning and Zoning and the Department of Inspections and Permits.

**The Long Range Planning Section** commented that Plan 2040 does not have recommendations that are specific to the site, but Goal BE13 and its subsequent policies call for revitalization and stabilization of properties in existing communities. The proposal is consistent with the overall goals and policies of Plan2040. No application was filed for a change in Planned Land Use during the development of Plan2040. Similarly, no application for rezoning was filed during the 2010 Comprehensive Zoning effort. The site is in the Existing Sewer Service Category in the Cox Creek Service Area and the Existing Water Service Category in the Glen Burnie Low 220 Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

With regard to the specific special exception requirements to allow an expansion or combination of a registered nonconforming use under § 18-15-103(a) of the Code, this Office submits the following:

1. *A proposed expansion of floor area, land area, or water area may not exceed 30% of the area authorized under the nonconforming status of the property, except that each type of area is to be considered separately and no area may be substituted for another area.* This proposal would not exceed the maximum 30% expansion allowed for office, garage, or storage use.
2. *Existing and proposed facilities shall meet the lot area, screening, land-to-water ratio, height, parking, lot coverage, and, to the extent feasible, setbacks for the use specified in the zoning district in which the use is allowed.* Per the comments provided by the Regional Team of the Development Division, the proposed structure would not comply with the Landscape Manual. Per section IV B (2), the proposed commercial use structure does not meet the required 15-foot buffer between the structure and the adjacent residential properties. If the special exception for the expansion and combination of nonconforming use floor area is approved, the applicant must comply with all SDP requirements, including satisfying the Landscape Manual and the parking requirements associated with the proposed commercial use of the building, at the time of permitting.
3. *Construction shall be designed to be as inoffensive as practicable in appearance and location to other properties in the area and, whenever practical, similarity in design to other buildings in the area and appropriate landscaping shall be provided.* The applicant attests that the proposed building would be similar in design to the existing building and similar to other structures in the area. He adds that appropriate landscaping will be addressed with the building permit review.
4. *Construction shall be undertaken in accordance with the requirements of this section and of the Administrative Hearing Officer concurrently so that each change or improvement is completed at or near the same time.* The applicant must comply with this provision.

Concerning the general special exception standards set forth under § 18-16-304(a) of the Code, this Office opines that the proposed expansion of the registered office, garage, and storage areas and the combination of those proposed areas would not be detrimental to the public health, safety, or welfare. However, the proposed 738 square foot total expansion and combination of commercial floor areas may not be compatible with the appropriate and orderly development of the R5 – Residential District and would likely be more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other permitted uses within the District. The use at the location proposed may have adverse effects above and beyond those inherently associated with the use due to its close proximity to residential properties to the immediate east and north. There is no evidence that the expansion would conflict with an existing or programmed public facility, public service, school, or road. The applicant has been provided with written recommendations and comments from the Health Department and the Office of Planning and Zoning. The Long Range Planning Section opines that the proposal is consistent with the overall goals and policies of Plan2040. The applicant contends that there is public need for the expansion and combination of floor areas, but he did not provide any specific explanation to support that statement. The applicant should be prepared to testify about the existing use and the associated public need for the proposed expansion during the administrative hearing. The applicant has not demonstrated compliance with the Landscape Manual, as the proposed structure does not meet the 15-foot landscape requirement from residential properties. If approved, the applicant must demonstrate compliance with all SDP requirements, including landscaping and parking for the specific commercial uses, at the time of permitting.

This Office does not support the proposal. A special exception to expand floor area, as provided under Title 15 of the Zoning Code, is intended to allow for relatively small/limited expansions of existing approved structures rather than to “expand” into entirely new structures. Similarly, a special exception to combine floor areas is intended to allow for the combination of existing approved/registered areas. In this particular case, the applicant is requesting the theoretical expansion of three separate floor areas (with no intention of physically expanding those areas) and the simultaneous “combination” of those not-yet-existing floor areas into a completely new and separate commercial building. It is the opinion of this Office that this proposal undermines the intent of the expansion and combination provisions of the Code. Furthermore, the proposal does not comply with the County Landscape Manual. For those reasons, the proposed special exception cannot be supported.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-15-103(a) and § 18-16-304 of the Code under which a special exception to expand or combine a nonconforming use may be granted, this Office recommends ***denial*** of the proposed special exception.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

**SITE DATA**

PROPERTY ADDRESS:	30 AQUAHART ROAD GLEN BURNIE, MD 21061
OWNER:	GILBERT PEACOCK JR. MARIA PEACOCK 30 AQUAHART ROAD GLEN BURNIE, MD 21061
DEVELOPER:	GILBERT PEACOCK JR. MARIA PEACOCK 30 AQUAHART ROAD GLEN BURNIE, MD 21061
EXISTING USE:	COMMERCIAL
PROPOSED USE:	COMMERCIAL
EXISTING ZONING:	R5 (C4 NON-CONFORMING)
TAX MAP:	09 BLOCK: 23 PARCEL: 213
ASSESSMENT DISTRICT:	3RD
TAX ACCOUNT NUMBER:	3360-0500-1500
CENTRAL AREA:	N/A
TOTAL SITE AREA:	0.3962 ACRES 17,258 SQUARE FEET
EXISTING IMPROVEMENTS:	0.2453 ACRES 10,687 SQUARE FEET
PROPOSED IMPROVEMENTS:	0.0242 ACRES 1,040 SQUARE FEET
PROPOSED STRUCTURE HEIGHT:	20.00 FEET
PROPOSED STRUCTURE COVERAGE:	1,840 SQUARE FEET = 10.65%

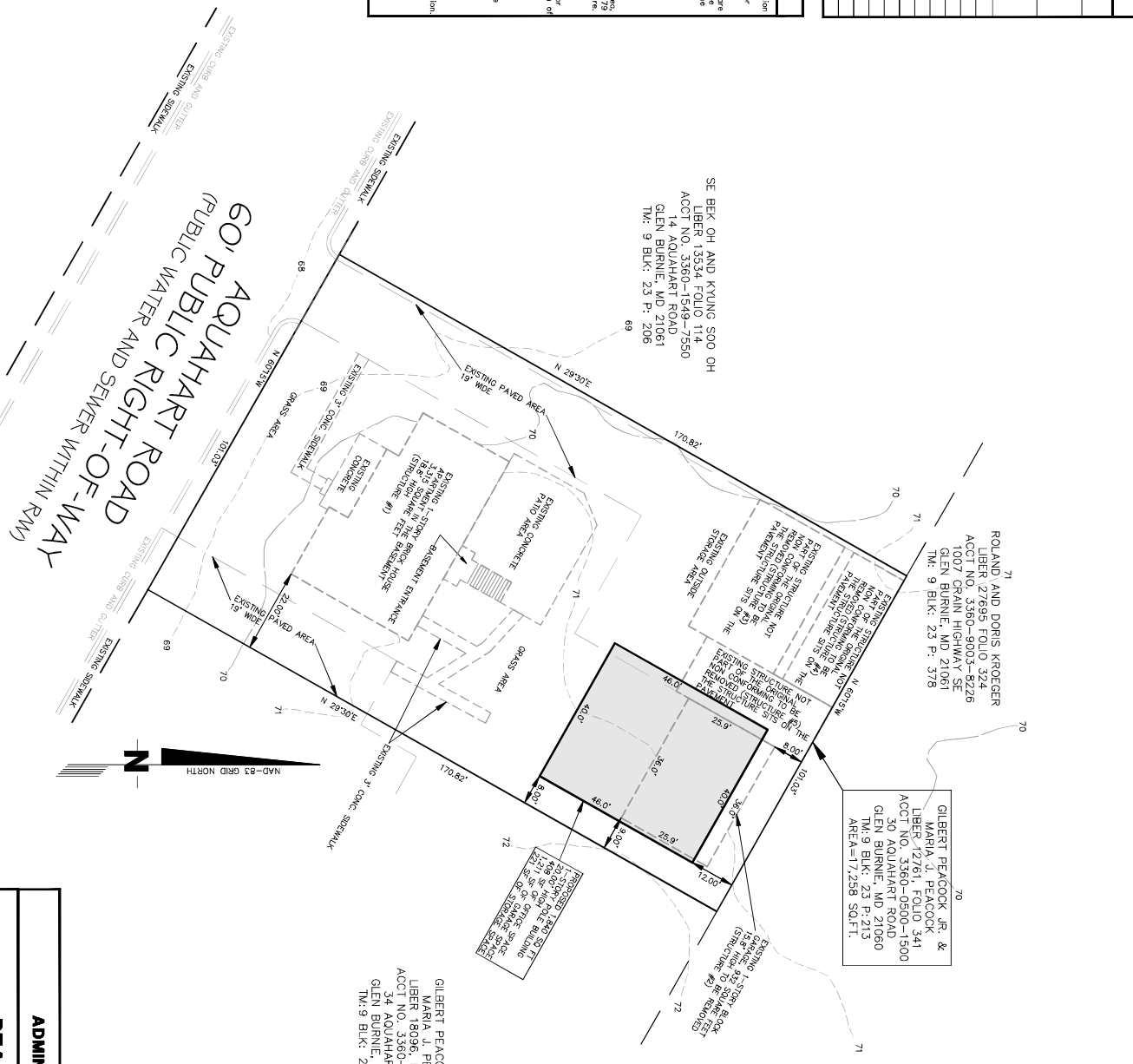
**SPECIAL EXCEPTION NOTE**

Special exception is subject to an expansion of the existing structure as well as an expansion of area for the above referenced property. The following information is provided for the applicant's information and is for the applicant's use only. The applicant is responsible for providing all the information required for the special exception and for the applicant's use only. The applicant is responsible for providing all the information required for the special exception and for the applicant's use only.

- Office area within the house per decision: 1,815 square feet, 30% = 484 square feet as well as the combination of 408 square feet of office floor area within the proposed structure.
- 76 square feet remaining.
- Diased fuel tank area per decision: 300 square feet of floor area, 30% = 90 square feet allowed expansion. No expansion requested.
- 90 square feet remaining.
- Special storage measuring 35' x 75' per decision: 975 square feet of floor area, 30% = 279 square feet allowed expansion. We are requesting the expansion of 279 square feet as well as the combination of floor area within the proposed structure, 0 square feet remaining.
- 4, 17' x 15' window shall used as storage per decision: 170 square feet of floor area, 30% = 221 square feet allowed expansion. We are requesting the expansion of 221 square feet as well as the combination of floor area within the proposed structure, 0 square feet remaining.
- 4, 4,998 square feet of land used as outside storage per decision: 4,998 square feet of land area, 30% = 1,499 square feet allowed expansion. No expansion requested.
- 1,489 square feet remaining.
- Paved access measuring 19' x 112' utilizing 2,128 square feet of land per decision: 2,128 square feet of land area, 30% = 638 square feet allowed expansion. No expansion requested.
- 638 square feet remaining.

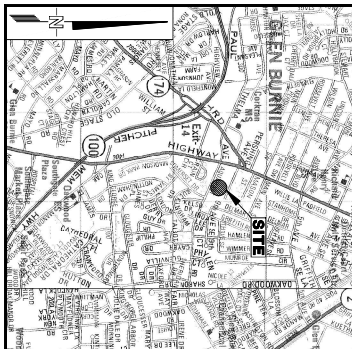
**M.A.F. & ASSOCIATES, LLC**

55 JONES STATION ROAD, W.  
SEVERNA PARK, MD 21146  
PHONE: 443-864-8589  
EMAIL: MPROGEN@AOL.COM



**PLAN SCALE: 1"=20'**

**60' AQUAHART ROAD**  
**PUBLIC RIGHT-OF-WAY**  
**PUBLIC WATER AND SEWER WITHIN R/W**



**VICINITY MAP**

SCALE: 1" = 2,000'  
AOC MAP: 7, GRID: J04  
Copyright © DC The Map Report  
Permitted Use Number: 28715394

**ADMINISTRATIVE SITE PLAN**

**PEACOCK PROPERTY**  
**30 AQUAHART ROAD**  
**GLEN BURNIE, MD 21060**

GILBERT PEACOCK JR. &  
MARIA J. PEACOCK  
LIBER 18096, FOLIO 739  
ACCT NO. 3360-0870-2515  
34 AQUAHART ROAD  
GLEN BURNIE, MD 21060  
TM: 9 BLK: 23 P: 207

TAX MAP 11 BLOCK 01 PARCEL 268 ZONING: R5 (C4 NON-CONFORMING) DATE: JULY 16, 2024  
TAX ACCOUNT #3000-0180-0235 ANNE ARUNDEL COUNTY, MARYLAND  
3RD ASSESSMENT DISTRICT  
**SHEET 1 of 1**

M.A.F. & Associates, LLC  
Matthew A. Forgen  
55 Jones Station Road, W.  
Severna Park, MD 21146  
443-864-8589

# M.A.F. & Associates, LLC

September 19, 2024

Planner  
Department of Planning & Zoning  
2664 Riva Road  
Annapolis MD 21401

RE: Peacock Property  
30 Aquahart Road, Glen Burnie, MD 21060  
NC 13-85

Dear Planner:

Please accept this submittal of a Special exception to allow an expansion of a nonconforming as well as a combination of area for the above referenced property. The expansion is for building area. The combination is for the garage, storage and part of the office. Please see below for the area calculations and justification for the Special Exception submittal.

1. Office area within the house per decision: 1,615 square feet, 30% = 484 square feet allowed expansion. We are requesting the expansion of 25.26% or 408 square feet as well as the combination of 408 square feet of office floor area within the proposed structure.

76 square feet remaining.

2. Diesel fuel tank area per decision: 300 square feet of floor area, 30% = 90 square feet allowed expansion. No expansion requested.

90 square feet remaining.

3. Block garage measuring 36' x 25.9' per decision: 932 square feet of floor area, 30% = 279 square feet allowed expansion. We are requesting the expansion of 279 square feet as well as the combination of floor area within the proposed structure.

0 square feet remaining.

4. 11' x 15' wooden shed used as storage per decision: 170 square feet of floor area, 30% = 51 square feet allowed expansion. We are requesting the expansion of 51 square feet as well as the combination of floor area within the proposed structure.

0 square feet remaining.

5. 4,898 square feet of land used as outside storage per decision: 4,898 square feet of land area, 30% = 1,469 square feet allowed expansion. No expansion requested.

1,469 square feet remaining.

6. Paved access measuring 19' x 112' utilizing 2,128 square feet of land per decision: 2,128 square feet of land area, 30% = 638 square feet allowed expansion. No expansion requested.

638 square feet remaining.

- (1) The use will not be detrimental to the public health, safety, or welfare; *The proposed combination is to consolidate the non-conforming uses within one structure. The expansion is to allow for more storage within the structure as well as more garage space for work. A small office area will be part of the new structure. This will not increase the flow of traffic to this location. The proposed structure and expansion in the area will not have an impact on storm water. The property owner will need to address storm water management with the building permit application if the Special Exception is approved.*
- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located; *The proposed expansion and combination of floor area within the new structure will be compatible with the appropriate and orderly development of the district in which it is located.*
- (3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article; *The proposed expansion and combination of floor area within the new structure does not have an adverse impact on the neighboring properties. The proposed use will be no more objectionable with regards to noise, fumes, vibrations, or light to nearby properties than operations in permitted uses in an industrial zone.*
- (4) The use at the location proposed would not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district; *This is a modest expansion of the approved uses. This proposal does not have an adverse effect above and beyond those inherently associated with the use irrespective of its location within the zoning district.*
- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road; *This property has a non-conforming administrative decision that notes the use since 1947. There has been continual use since 1947 and there is a need for the expansion and combination of floor area. This property has and does serve the community as it has for the last 76 years.*
- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning; *This request will be sent to the Health Department for review. This property is connected to both public water and sewer.*
- (7) The proposed use is consistent with the County General Development Plan; *This property has been used for commercial use with an apartment continually to today.*
- (8) The applicant has presented sufficient evidence of public need for the use; *This property has been continually used for a garage, outside storage, office space and an apartment. This structure has and does serve the community as it has for many years as the non-conforming (13-85) acknowledged. This is sufficient evidence of public need.*
- (9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use; *The combination of floor area will make the use more functional. Expansion is needed to make the garage space better utilized.*
- (10) The application will conform to the critical area criteria for sites located in the critical area; and *This property is entirely outside of the Chesapeake Bay Critical Area*

- (11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual. *We will be able to meet any landscape requirements through the building permit process.*

**18-15-103**

- (1) a proposed expansion of floor area, not exceed 30% of the area authorized under the nonconforming status of the property, except that each type of area is to be considered separately and no area may be substituted for another area; *This request does not exceed 30% of the authorized floor area.*
- (2) existing and proposed facilities shall meet the lot area, screening, land-to-water ratio, height, parking, lot coverage, and, to the extent feasible, setbacks for the use specified in the zoning district in which the use is allowed; *The building addition meets all zoning requirements.*
- (3) construction shall be designed to be as inoffensive as practicable in appearance and location to other properties in the area and, whenever practical, similarity in design to other buildings in the area and appropriate landscaping shall be provided; and *The building is similar in design to the existing building as well as being similar to other structures in the area. The appropriate landscaping will be addressed with the building permit review.*
- (4) construction shall be undertaken in accordance with the requirements of this section and of the Administrative Hearing Officer concurrently so that each change or improvement is completed at or near the same time. *The construction will be undertaken in accordance with the requirements of this section and of the Administrative Hearing Officer concurrently so that each change or improvement will be completed at or near the same time.*

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,

  
Matthew A. Forgen



ADMINISTRATIVE DECISION

Jane A. Chenault  
30 Aquahart Road  
Glen Burnie, MD 21061

ASSESSMENT DISTRICT: Third  
NC NUMBER: 13-85  
PREMISE: 30 Aquahart Road  
Glen Burnie, MD 21061

This Administrative Decision is the direct result of an application by Jane A. Chenault to register 30 Aquahart Road, Glen Burnie, MD 21061 as a nonconforming use pursuant to Article 28, Section 14-103 of the Anne Arundel County Zoning Regulations. Such registration is a prerequisite to obtaining a Zoning Certificate of Use, as required by Article 28, Section 1-128, and for applying for a Special Exception to expand a nonconforming use under the provisions of Article 28, Section 12-220.

The administrative process in this case was undertaken in accordance with the provisions of Article 28, Section 14-103, which charge the Office of Planning and Zoning with the responsibility of determining the lawful nonconforming status of each applicant's operation, and has resulted in the compilation of documents, maps, photographs, and other material supplied by applicant or collected by this office. The material supports the following findings of fact.

The subject site consists of 0.40 acres, more or less, located approximately 101 feet along the north side of Aquahart Road approximately 500 feet east of Crain Highway. The property is designated as Parcel 213, Block 23, on Tax Map 9. The site is further described in the latest deed recorded among the Anne Arundel County Land Records at Liber 2626, Folio 169.

The site is presently zoned R5, Residential, effective September 11, 1989 the date of the comprehensive rezoning for the Third Tax Assessment District.

The site is currently being used as an office, contractors yard, and basement apartment with the following uses and facilities, as shown on a site plan (location survey) prepared by J. R. McCrone dated October, 1984 (Exhibit A).

One story brick structure with basement utilizing approximately 3,315 square feet of floor area. Office area utilizes approximately 1,615 square feet of floor area; basement apartment utilizes 1,700 square feet of floor area.

Diesel fuel tank area utilizing approximately 300 square feet of land area.

Block garage measuring 36 feet by 25.9 square feet with a 6 foot by 25 foot concrete pad utilizing 932 square feet of floor area for truck repair and storage.

A 11 foot by 15 foot wooden shed utilizing 170 square feet of floor area for storage.

Outside storage area utilizing approximately 4,898 square feet of land area in the rear of subject property for parking and storage of equipment.

Paved driveway access measuring 19 feet by 112 feet utilizing approximately 2,128 square feet of land area.

In order to qualify as lawfully nonconforming, each use of the subject property must satisfy the provisions of Article 28, Title 14 of the 1971 Zoning Regulations as recodified in 1985, and, if appropriate, Sections 13-310 and 13-311 of

the 1952 Zoning Regulations. Article 28, Title 14 of the 1971 Code requires that in order for a nonconforming use to be lawful, such use shall have been lawful under the 1952 Code, and that a nonconforming use lapses if it ceases for a period of time longer than twelve consecutive months. The 1952 Code required that a lawful nonconforming use had to predate the regulations, and could not be abandoned for longer than 12 consecutive months. Therefore, in this case, the Administrative Decision shall determine: (1) whether a lawful nonconforming use existed at the time of adoption of the 1952 regulations, (2) whether a lawful nonconforming use existed at the time of the adoption of the 1971 regulations, (3) whether said use has continuously operated, and (4) the extent of the lawful nonconforming use.

At the time of adoption of the 1952 Zoning Regulations, the subject property was zoned B2, Cottage Residential. An office was a permitted use as a home occupation; however, a commercial use for outside storage and repair of equipment was prohibited, per Section 13-339.2 of the 1952 Regulations. As a result of comprehensive rezoning for the Northern Third Assessment District, the subject property was rezoned R5, Residential, on December 21, 1972. The County underwent a second comprehensive rezoning in 1989 and the subject property retained the R5, Residential, zoning. Under this zoning classification, a general office is a permitted use as a home occupation; however, the use of the property for outside storage and repair of construction equipment is not permitted, per Section 2-502 of the Anne Arundel County Zoning Regulations.

Therefore the applicant must prove that an office, contractors yard, and basement apartment have existed since before July 1, 1952, and have been continuously used as such to date.

The following was submitted by the applicant or collected by this office to substantiate the continued use of the subject property.

1. Affidavit of Jane A. Chenault stating her father, James Johnson, and brother operated a construction business from 1947 to the present date.
2. Deed Liber 2626, Folio 169 indicates the property was owned by James Johnson and wife and deeded on November 4, 1939.
3. Affidavit of Mary A. Elliott, daughter of James and Lillian Johnson, stating 30 Aquahart Road has been used by her father and brother for a construction business with outside storage of equipment and trucks since 1947 to the present date.
4. Affidavit of Carroll Johnson, son of James and Lillia Johnson, stating 30 Aquahart Road has been used continuously for the purpose of repairing and storing trucks and equipment since 1963.
5. Assessment notices and water bills for 30 Aquahart Road (Rt. 1, Box E, Glen Burnie) dated 1952.
6. Advertising contract with Ruben H. Donnelly (C & P Telephone listing) to list Chenault and Company Excavating Contractors on Aquahart Road at S06-1450 dated November 15, 1955.
7. Correspondence from the State Comptroller Office regarding a business license for property at 30 Aquahart Road dated August 17, 1962.
8. Invoice from Dunn Brothers Insurance Agency to Cheanults for fire insurance for subject property dated 12/15/62.

9. Portions of 1975 tax return indicating items (specifically commercial truck oriented parts) lost as a result of a fire at the subject property in 1975.
10. Decal renewal application for road trucks of the Chanault Co. Inc. dated December, 1976.
11. Mileage and Gallonage Schedule from the Comptroller of the Treasury for subject property dated December, 1976.
12. Invoices for work done by Cheanault Co. Inc. dated 1976.
13. Retail Sales and Use Tax Disclosure for Chenault Co. at 30 Aquahart Road dated February, 1977.
14. 1975 Land Use Map indicating a structure, shed, and garage.
15. 1964 Polk Directory indicates Excavating Contractor, 30 Aquahart Road, S06-1450.
16. Tax Assessment Records for years 1972 to present indicating residential and commercial use. Notes indicate a building permit #B016225 was issued on March 13, 1978 for a block garage being used for heavy equipment.
17. Series of photographs showing the office structure and truck storage on site.

Based on the evidence provided, it appears that residence, office, and contractors yard has existed on the subject site since before July 1, 1952 and that the property has been used continuously for that purpose to date.

It is, therefore, the decision of the Office of Planning and Zoning that a lawful nonconforming use does exist on the subject site, and the extent of that use is as follows.

A one story brick structure with basement utilizing approximately 3,315 square feet of floor area. Office area utilizes approximately 1,615 square feet of floor area; basement apartment utilizes 1,700 square feet of floor area.

Diesel fuel tank area utilizing approximately 300 square feet of land area.

Block garage measuring 36 feet by 25.9 feet with a 6 foot by 25 foot concrete pad utilizing 932 square feet of floor area for truck repair and storage.

A 11 foot by 15 foot wooden shed utilizing 170 square feet of floor area for storage.

Outside storage area utilizing approximately 4,898 square feet of land area in the rear of subject property for parking and storage of equipment.

Paved driveway access measuring 19 feet by 112 feet utilizing approximately 2,128 square feet of land area.

A decision with respect to the conformance or nonconformance of existing signs located on the subject property is not a part of this Administrative Decision.

This decision is rendered with the understanding that screening will be provided-

ed in accordance with Title 9 of the Zoning Code.

Pursuant to Article 28, Section 14-103, which requires the Office of Planning and Zoning classify the overall nonconforming use of a property according to the zoning district in which that use would be permitted, it is the decision of this office, for reasons previously cited, that the nonconforming use of the subject property is hereby classified as a C4, Commercial type nonconforming use.

This Administrative Decision shall be binding unless appealed to the County Board of Appeals within thirty (30) days, as provided by Article 3, Section 1-103 (Appendix B, Rules of the Board of Appeals, Rule 5) of the Anne Arundel County Code (1985).

All uses of the subject site not specifically permitted by this decision must conform to the Zoning Regulations of Anne Arundel County for a R5, Residential District.

*Suzanne Schappert*

Suzanne Schappert  
Planner

*Kevin P. Dooley*

Kevin P. Dooley  
Planner

*Feb 4, 1991*

Date

*2-4-91*

Date

SS/jmr



#07732

# ZONING CERTIFICATE OF USE

*This Is To Certify That*

John R. Whitmire & Gilbert M. Peacock

American Cycle Performance, Inc.

(Name)

operating as

(Trade Name)

has been authorized the use of 30 Aquahart Road, Unit C, Glen Burnie, MD 21061

(Address)

for Motorcycle Repair

(Use)

Issued this 28<sup>th</sup> day of February 2000

By:

**ANNE ARUNDEL COUNTY  
Planning & Code Enforcement**

Subject to 1985-0013N

(SEE OTHER SIDE)

021-00

ZONING CERTIFICATE OF USE APPLICATION WORKSHEET

Date: 1/10/00 Tax District: 360 Phone: (410) 787-7300 (410) 295-0124

Operator or Owner: John R Whitmire / Gilbert M Peacock

Mailing Address: 115 Hickory Lane Annapolis, Md. 21403

Property Structure Owner: John R Whitmire / Gilbert M Peacock

Business Trade Name: American Cycle Performance, Inc

Type of Business: Motorcycle repair

Business Location Address: 30 Aquahart Rd. Unit C  
Glen Burnie Md. 21061

Nearest Intersecting Street: Crain Highway

Tax Map: 9 Block: 23 Parcel: 213 Zoning: C-4 non conforming

Acreage: .396 Bldg. Dimensions: 932sf Area Usage: Garage for mechanical repair

Anne Arundel County Property Tax Account Number: 3-360-05001500

Before returning, please be certain that you have included the following:

- 1. This worksheet with all information completed accurately.
2. SIGNATURE PAGE of application signed and dated by Owner and/or Operator of Business.
3. \$50 application fee (checks made payable to Anne Arundel County)
4. Home Occupations and Automobile Wholesale Vehicle Dealers must include signed Affidavit of Understanding.
5. Automobile Wholesale Vehicle Dealers must include letter that authorizes use of commercial (C4) property for storage of vehicles.
6. If this in conjunction with an application for operating license, multiple dwelling or rooming house, please attach a copy of your application.

If you have any questions concerning the above, please call or write:

Anne Arundel County
Office of Zoning Enforcement
Heritage Office Center
2664 Riva Road - MS 6250
Annapolis, MD 21401
(410)222-7446 or Washington 970-8250 Ext. 7446

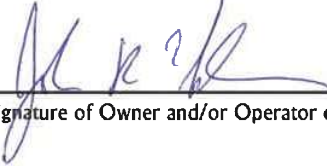
A ZONING CERTIFICATE OF USE ISSUED BASED UPON THE ABOVE INFORMATION AUTHORIZES THE ABOVE LISTED USES AND NO OTHER.

Application for Zoning Certificate of Use

SIGNATURE PAGE

THIS ZONING CERTIFICATE OF USE AUTHORIZES THE LISTED USE(S), AS STATED ON THE APPLICATION, OF THE PROPERTY ONLY. IT DOES NOT RELIEVE THE DESIGNATED USER OF THE RESPONSIBILITY OF OBTAINING THE APPROVALS OF APPLICABLE STATE AND COUNTY AGENCIES.

I hereby certify the application information is correct.

  
\_\_\_\_\_  
(Signature of Owner and/or Operator of Business)

ed in accordance with Title 9 of the Zoning Code.

Pursuant to Article 28, Section 14-103, which requires the Office of Planning and Zoning classify the overall nonconforming use of a property according to the zoning district in which that use would be permitted, it is the decision of this office, for reasons previously cited, that the nonconforming use of the subject property is hereby classified as a C4, Commercial type nonconforming use.

This Administrative Decision shall be binding unless appealed to the County Board of Appeals within thirty (30) days, as provided by Article 3, Section 1-103 (Appendix B, Rules of the Board of Appeals, Rule 5) of the Anne Arundel County Code (1985).

All uses of the subject site not specifically permitted by this decision must conform to the Zoning Regulations of Anne Arundel County for a R5, Residential District.

*Suzanne Schappert*

Suzanne Schappert  
Planner

*Kevin P. Dooley*

Kevin P. Dooley  
Planner

*Feb 4, 1991*

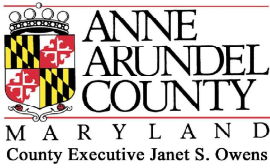
Date

*2-4-91*

Date

SS/jmr





#1985

# ZONING CERTIFICATE OF USE

## This Is To Certify That

**Gilbert M. Peacock**

**American Cycle Performance**

operating as

(Name)

(Trade Name)

has been authorized use of **30 Aquahart Rd. Glen Burnie, Md. 21061**

(Address)

for **Motor Cycle Sales & Repair**

(Use)

Issued this **17<sup>th</sup>** day of **November 2006**.

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

**ANNE ARUNDEL COUNTY  
Inspections & Permits**

\*Subject to 1985-0013 N

(SEE OTHER SIDE)

### INSTRUCTIONS

This certificate is to be available at all times for inspection at the property hereon specified.

It is valid for the duration of the issue hereon specified, but this use may not be changed to another type of use until a certificate has been obtained specifically authorizing this type of use.

**The issuance of a Zoning Certificate of Use authorizes the use of the property only and is not a Building Certificate of Occupancy. It does not relieve the designated user of the responsibility of obtaining the approvals of the applicable State of County Agencies.**

# 2024-0144-S

Menu Cancel Help

<b>Task</b> OPZ Regional Team	<b>Due Date</b> 08/12/2024	<b>Assigned Date</b> 07/23/2024
<b>Assigned to Department</b> OPZ Regional Planning	<b>Assigned to</b> Eric Olmscheid	<b>Status</b> Complete w/ Comments
<b>Action by Department</b> OPZ Regional Planning	<b>Action By</b> Eric Olmscheid	<b>Status Date</b> 08/07/2024
<b>Start Time</b>	<b>End Time</b>	<b>Hours Spent</b> 0.0
<b>Billable</b> No	<b>Overtime</b> No	<b>Comments</b> SPECIAL EXCEPTION/VARIANCE

This memo is in response to the Zoning Division request for comments regarding: a Special Exception to Article 18-15-102(c) regarding relocation and reconstruction on a lot with nonconforming use. This Office defers to the Zoning Division whether the applicant meets the above application standard requirements, per Special Exception requirements of Article 18-16-304. At this time it is not clear what the specific use of the site and proposed structure is.

Based on the submitted Special Exception site plans, it appears an approval of the subject special exception will result in noncompliance with the Landscape Manual as summarized below:

Per section IV B (2), the proposed commercial use structure does not meet the required 15' buffer between the adjacent residential properties.

<b>Time Tracking Start Date</b>	<b>Est. Completion Date</b>	<b>In Possession Time (hrs)</b>
<b>Display E-mail Address in ACA</b>	<input checked="" type="checkbox"/> <b>Display Comment in ACA</b>	<b>Comment Display in ACA</b>

No

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

<b>Estimated Hours</b> 0.0	<b>Action</b> Updated	<b>Workflow Calendar</b>
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Task Specific Information

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<b>Expiration Date</b>	<b>Review Notes</b>	<b>Reviewer Name</b>
<b>Reviewer Phone Number</b>	<b>Reviewer Email</b>	




**M A R Y L A N D**  
**DEPARTMENT OF HEALTH**


J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
**Health Officer**

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager   
Bureau of Environmental Health

THROUGH: Don Curtian, Director   
Bureau of Environmental Health

DATE: July 26, 2024

RE: Gilbert Peacock  
30 Aquahart Road  
Glen Burnie, MD 21061

NUMBER: 2024-0144-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow the expansion and combination of floor area for a nonconforming use.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: *Sterling Seay*

# 2024-0144-S

Menu Cancel Help

**Task**

Fire Marshal  
**Assigned to Department**  
Fire Marshal's Office  
**Action by Department**  
Fire Marshal's Office  
**Start Time**

**Due Date**

08/12/2024  
**Assigned to**  
Robert Flynn  
**Action By**  
Robert Flynn  
**End Time**

**Assigned Date**

07/22/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
07/29/2024  
**Hours Spent**  
0.0

**Billable**

No  
**Time Tracking Start Date**

**Overtime**

No  
**Est. Completion Date**

**Comments**

Defer to OPZ and the Office of Inspection and Permits  
**In Possession Time (hrs)**

**Display E-mail Address in ACA**

No

**Display Comment in ACA**

**Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Estimated Hours**

0.0

**Action**

Updated

**Workflow Calendar**

Task Specific Information

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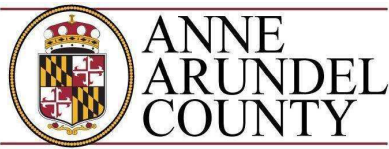
**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



M A R Y L A N D

Office of Planning and Zoning

*Jenny B. Dempsey*  
*Planning and Zoning Officer*

## MEMORANDUM

TO: Zoning Division

FROM: Patrick Hughes, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: August 6, 2024

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**Name of Project:** 30 Aquahart Road  
**Case#:** 2024-0144-S  
**Location:** 30 Aquahart Road  
**Tax Map 9, Parcel 213**  
**Region Planning Area:** Region 3  
**Community:** Glen Burnie

### Summary:

The applicant requests the expansion of a nonconforming use and to construct a new building on a 0.4-acre property.

Plan2040 places the site in the Neighborhood Preservation Development Policy Area and the Low-Medium Density Planned Land Use category. The site abuts High Density Residential Planned Land Use to the north, Commercial Planned Land Use to the west and south, and Low-Medium Density Planned Land Use to the east. The site's zoning is R5 and it is surrounded by R15 to the north, C3 to the west and south, and R5 to the east. The site is within the Priority Funding Area.

### Findings:

*General Development Plan (Plan2040):* Plan 2040 does not have recommendations that are specific to the site, but Goal BE13 and its subsequent policies call for revitalization and stabilization of properties in existing communities. The proposal is consistent with the overall goals and policies of Plan2040. No application was filed for a change in Planned Land Use during the development of Plan2040. Similarly, no application for rezoning was filed during the 2010 Comprehensive Zoning effort.

*Water and Sewer Master Plan:* The site is in the Existing Sewer Service Category in the Cox Creek Service Area and the Existing Water Service Category in the Glen Burnie Low 220 Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.



AQUAHART RD

