



**Board of Appeals  
Regular Meeting**  
April 1, 2026, 6:00 PM  
Council Chambers, La Plata Town Hall  
305 Queen Anne St.  
La Plata MD

**Agenda**

1. Call to Order

1.1. Meeting Attendance and Decorum

Attendees, please use meeting courtesy. Virtual attendees are asked to mute their microphones when joining the meeting. Participants may be muted by the Town Clerk, and meetings will be recorded.

In accordance with the Open Meetings Act, the public has the right to view/listen to the discussion only. Written comments may be submitted in advance via email to [Legislative@townoflaplata.org](mailto:Legislative@townoflaplata.org). Individuals wishing to address the Board of Appeals may sign up in advance on the Town's website (Public Communications) or on the meeting sign-up sheet.

[Join the meeting now](#)

Meeting ID: 254 916 092 903 33

Passcode: 3pd6yZ9X

In accordance with the Code of Maryland, General Provisions, Section 3-302 (Open Meetings Act), notice is hereby given that a portion of this meeting may be held in closed session.

1.2. Pledge of Allegiance

1.3. Roll Call

2. Approval of Minutes

2.1. Approval of minutes from the meeting on December 15, 2025.

3. Public Hearing - Case #VAR-0001-2025 (8 Kent Avenue)

Planning Dept Case #VAR-0001-2025, 8 Kent Avenue, Application for Variance; Continued from December 15, 2025

- 3.1. Review of Public Hearing Procedures (Town Clerk)
- 3.2. Call to Order (Presiding Officer/Chair)
- 3.3. Review of Public Notices (Town Clerk)
- 3.4. Summary of Town Staff Report and Recommendation
- 3.5. Applicant/Petitioner Presentation and Testimony
- 3.6. Questions from the Board to the Applicant/Petitioner or Town Staff
- 3.7. Written Documents are Entered into the Record

Written testimony may be submitted in advance via email to [legislative@townoflaplata.org](mailto:legislative@townoflaplata.org) or postal mail to Legislative Services Department, Town of La Plata, 305 Queen Anne St Box 2268, La Plata MD 20646, and must be received no later than 12:00 PM, two business days prior to the scheduled meeting.

Written documents for the record will be presented to the presiding officer prior to the opening of the public hearing.

### 3.8. Public Comment

- Speakers (signed up) are called on by the presiding officer.
- Those wishing to provide in-person testimony may sign up in advance no later than 3:00 PM on the day of the public hearing via the [town webpage](#), or upon arrival at the Council Chambers via sign-up sheet.
- Speakers who register in advance will be recognized prior to speakers who register upon arrival at the public hearing.
- In-person registration to speak will end when the relevant public hearing is opened.
- At the discretion of the presiding officer, time may be limited to 3 minutes and may not be yielded.

### 3.9. Additional Questions from the Board

### 3.10. Closing of Public Hearing

When the hearing is concluded, the Board will not hear further comments or questions during the meeting.

## 4. Motion for a Closed Session

### 4.1. Motion for a Closed Session

Tentatively Scheduled at the Discretion of the Board and Town Attorney

STATUTORY AUTHORITY TO CLOSE SESSION: State Government Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

Reason for Closure: Discussion involves privileged attorney-client communications regarding legal risks and strategy not appropriate for public disclosure.

Subject: Case Number VAR-0001-2025

5. Deliberations Regarding Application

5.1. Findings of the Board

6. Public Hearing - Case #VAR-0002-2025 (603 Washington Avenue)

Planning Dept Case #VAR-0002-2025, 603 Washington Avenue, Application for Variance

6.1. Call to Order (Presiding Officer/Chair)

6.2. Review of Public Notices (Town Clerk)

6.3. Summary of Town Staff Report and Recommendation

6.4. Applicant/Petitioner Presentation and Testimony

6.5. Questions from the Board to the Applicant/Petitioner or Town Staff

6.6. Written Documents are Entered into the Record

Written testimony may be submitted in advance via email to [legislative@townoflaplata.org](mailto:legislative@townoflaplata.org) or postal mail to Legislative Services Department, Town of La Plata, 305 Queen Anne St Box 2268, La Plata MD 20646, and must be received no later than 12:00 PM, two business days prior to the scheduled meeting.

Written documents for the record will be presented to the presiding officer prior to the opening of the public hearing.

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6.8. Additional Questions from the Board

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7. Motion for a Closed Session

7.1. Motion for a Closed Session

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Reason for Closure: Discussion involves privileged attorney-client communications regarding legal risks and strategy not appropriate for public disclosure.

Subject: Case Number VAR-0002-2025

8. Deliberations Regarding Application

8.1. Findings of the Board

9. Other Business

10. Adjourn

10.1. Adjournment



**TOWN OF LA PLATA**  
**Board of Appeals Minutes**  
December 15, 2025, 6:00 PM  
Regular Meeting  
Council Chambers, La Plata Town Hall  
305 Queen Anne St  
La Plata MD

**PRESENT:** Chair Hugh Williams  
Mark Thorn  
Jonathan Burruss

**ABSENT:**

**TOWN STAFF:** Don Dooley, Director of Planning  
Jay Gullo, Special Counsel (virtual)  
Kelly Phipps, Director of Legislative Services  
Shelby Pritchett, Town Clerk

**GUESTS:**

1. Call to Order

1.1. Public Hearing Procedures (Written Only)

1.2. Call to Order

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[Join the meeting now](#)

Meeting ID: 286 464 788 560 1

Passcode: kH93vj2E

In accordance with the Code of Maryland, General Provisions, Section 3-302 (Open Meetings Act), notice is hereby given that a portion of this meeting will be held in closed session.

Chair Williams called the meeting to order at 6:19 PM. Chair Williams delayed the scheduled 6:00 PM start to await the delayed arrival of board member Jonathan Burruss.

### 1.3. Roll Call

Director Phipps conducted Roll Call.

### 1.4. Pledge of Allegiance

The Pledge of Allegiance was not conducted.

## 2. Approval of Minutes

### 2.1. Approval of minutes from meeting on November 13, 2024.

Chair Williams moved to approve the minutes as presented.

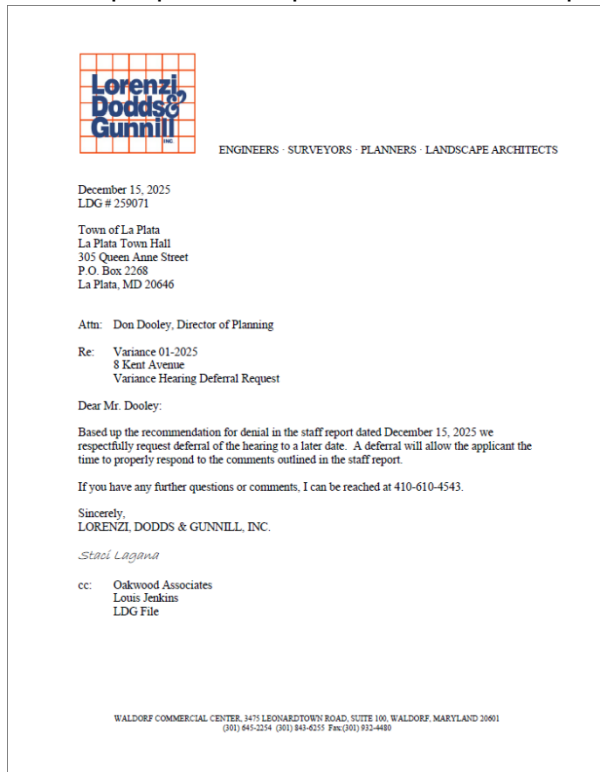
Moved By: Hugh Williams, seconded by Jonathan Burruss.

**Passed Unanimously**

## 3. Public Hearing

Planning Dept Case #VAR-0001-2025, 8 Kent Avenue, Application for Variance

Director Dooley informed the board that the applicant/ petitioner submitted a letter requesting a continuance. The reason for the continuance request is to allow the applicant/ petitioner adequate time to prepare a response to the staff report issued on Friday, December 12th, 2025.



Burruss moved to approve the request for continuance to a date yet to be determined.

Moved By: Jonathan Burruss, seconded by Mark Thorn.

**Passed Unanimously**

### 3.1. Review of Public Hearing Procedures (Town Clerk)

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.2. Call to Order (Presiding Officer/Chair)

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.3. Review of Public Notices (Town Clerk)

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.4. Summary of Town Staff Report and Recommendation

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.5. Applicant/Petitioner Presentation and Testimony

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.6. Questions from the Board to the Applicant/Petitioner or Town Staff

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.7. Written Documents are Entered into the Record

Written testimony may be submitted in advance via email to [legislative@townoflaplata.org](mailto:legislative@townoflaplata.org) or postal mail to Legislative Services Department, Town of La Plata, 305 Queen Anne St Box 2268, La Plata MD 20646, and must be received no later than 12:00 PM, two business days prior to the scheduled meeting.

Written documents for the record will be presented to the presiding officer prior to the opening of the public hearing.

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.8. Public Comment

- Speakers (signed up) are called on by the presiding officer.
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### 3.9. Additional Questions from the Board

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

### 3.10. Closing of Public Hearing

When the hearing is concluded, the Board will not hear further comments or questions during the meeting.

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## 4. Motion for a Closed Session

### 4.1. Motion for a Closed Session

Tentatively Scheduled at the Discretion of the Board and Town Attorney

STATUTORY AUTHORITY TO CLOSE SESSION: State Government Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

Subject: Case Number VAR-0001-2025

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

## 5. Deliberations Regarding Application

### 5.1. Findings of the Board

The board did not proceed with this section due to the approval of the continuance of the board of appeals meeting to a future date.

## 6. Other Business

Director Dooley advised the board that there was no other business to be presented.

7. Adjourn

7.1. Adjournment

The board reached a consensus to adjourn at 6:30 PM.

Submitted by:

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Shelby Pritchett, Town Clerk



ENGINEERS · SURVEYORS · PLANNERS · LANDSCAPE ARCHITECTS

December 15, 2025  
LDG # 259071

Town of La Plata  
La Plata Town Hall  
305 Queen Anne Street  
P.O. Box 2268  
La Plata, MD 20646

Attn: Don Dooley, Director of Planning

Re: Variance 01-2025  
8 Kent Avenue  
Variance Hearing Deferral Request

Dear Mr. Dooley:

Based up the recommendation for denial in the staff report dated December 15, 2025 we respectfully request deferral of the hearing to a later date. A deferral will allow the applicant the time to properly respond to the comments outlined in the staff report.

If you have any further questions or comments, I can be reached at 410-610-4543.

Sincerely,  
LORENZI, DODDS & GUNNILL, INC.

*Staci Lagana*

cc: Oakwood Associates  
Louis Jenkins  
LDG File

## PUBLIC HEARING PROCEDURES

Public Hearings of the Board of Appeals for the Town of La Plata scheduled for April 01, 2026, will be conducted in the following manner:

1. Call to Order
2. Review of Public Notices
3. Summary of Town Staff report and recommendation
4. Applicant/Petitioner presentation and testimony
5. Questions from the Board to the Applicant/Petitioner or Town staff
6. Written documents are entered into the record
  - Written testimony may be submitted in advance via email to [legislative@townoflaplata.org](mailto:legislative@townoflaplata.org) or postal mail to Legislative Services Department, Town of La Plata, 305 Queen Anne St Box 2268, La Plata MD 20646, and must be received no later than 12:00 PM on Tuesday, March 31, 2026.
  - Written documents for the record will be presented to the presiding officer prior to the opening of the public hearing.
7. Public Comment
  - Speakers (signed up) are called on by the presiding officer.
  - Those wishing to provide in-person testimony may sign up in advance no later than 3:00 PM on Tuesday, March 31, 2026, via the town webpage: [Public Communications | La Plata, MD](https://townoflaplata.org/209/Public-Communications) (<https://townoflaplata.org/209/Public-Communications>), or upon arrival at the Council Chambers via sign-up sheet.
  - Speakers who register in advance will be recognized prior to speakers who register upon arrival at the public hearing.
  - In-person registration to speak will end when the relevant public hearing is opened.
  - At the discretion of the presiding officer, time may be limited to 3 minutes and may not be yielded.
8. Additional questions from the Board
9. Closing of Public Hearing
  - When the hearing is concluded, the Board will not hear further comments or questions during the meeting.

**BOARD OF APPEALS OF THE TOWN OF LA PLATA, MARYLAND**

IN THE MATTER OF THE APPLICATION OF:

**CASE NUMBER:** VAR-0001-2025  
**APPLICANT:** Wayne Wilkerson, Oakwood Associates, LLC  
**PROPERTY ADDRESS:** 8 Kent Avenue  
**APPLICATION FOR:** Variance  
**CURRENT ZONING:** CB

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**AFFIDAVIT**

I **HEREBY AFFIRM** under the penalties of perjury that the following is true to the best of my knowledge, information and belief:

**Publication in Newspaper of General Circulation**

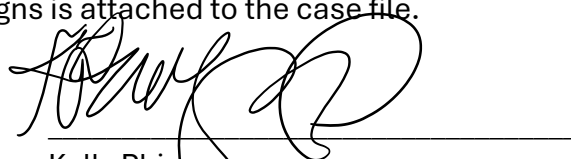
I caused to be published in the Southern Maryland News, a newspaper of general circulation in the Town of La Plata, a notice of the public hearing in this case scheduled for April 01, 2026. The notice was published on March 13, 2026. The Certification of Publication from Adams MultiMedia containing a copy of the published notice is attached to the case file.

**Notice to Contiguous and Opposite Properties**

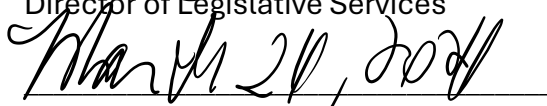
I caused a notice of the time and place of the public hearing in this case scheduled for April 01, 2026, to be mailed, by first class mail, to the owners of all properties contiguous to and opposite the property which is the subject of the application in this case. A copy of the notice and a list of the entities to whom the notice was sent are attached to the case file.

**Posting of Signs**

I caused sign(s) giving notice of the time and place of the public hearing in this case scheduled for April 01, 2026, to be posted by Samuel Hunter, in a conspicuous place on the subject property, visible from Kent Avenue and Oak Avenue, adjoining public rights-of-way. The sign(s) were posted on March 17, 2026, and are still in place today. The Affidavit of Samuel Hunter regarding the posting of the signs is attached to the case file.



Kelly Phipps  
Director of Legislative Services



Date

29088 Airpark Drive  
Easton, MD 21601

# CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND  
COUNTY OF: Charles County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "NOTICE - BOA-VAR-0001-2025 ..." was published in the:

Southern Maryland News 03/13/26



Orestes Baez  
President & Publisher

<p style="text-align: center;"><b>NOTICE OF PUBLIC HEARING</b> <b>TOWN OF LA PLATA BOARD OF APPEALS</b> April 01, 2026</p> <p>The Town of La Plata Board of Appeals has received a petition from LDG Inc on behalf of Oakwood Associates, LLC., requesting a variance approval for an elevator shaft which will extend into the 10' side yard set-back on the property address of 8 Kent Ave., La Plata, Maryland, otherwise shown as Parcels 0019 upon Charles County Tax Map 0113, located on the east side of the CSX rail, north of Maryland Route 6, north of Charles St., and west of the Agricopia Subdivision, as recorded among the Land Records of Charles County ("Subject Property"). Because the Subject Property is zoned Commercial Business Zone (CB), variance approval is required pursuant to § 191-54 of the Zoning Ordinance for the Town of La Plata.</p> <p>The Board of Appeals continue the public hearing opened on December 15, 2025, on this petition in the La Plata Town Hall, 305 Queen Anne Street, La Plata, Maryland, on April 01, 2026, at 6:00 PM, or as soon thereafter as possible. At the public hearing all parties in interest and citizens will have an opportunity to be heard. Special accommodation for persons with disabilities will be made upon request.</p> <p>Copies of the petition and site plan are on file at the La Plata Town Hall and are available for review during normal business hours, 9:00 AM to 4:00 PM.</p> <p style="text-align: right;">Debbie Simpson Planner I</p> <p>3100607 IN <span style="float: right;">3/13/2026</span></p>
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# Town of La Plata

*Mayor*  
Jeannine E. James

*Council*  
Paul C. Guttenberg  
Patrick McCormick  
Gregory Sampson, Jr.  
Tyjon C. Johnson



*Town Manager*  
Chuck Stevens

*Assistant Town Manager*  
Michelle D. Miner

March 6, 2026

TO: Property owners contiguous to and opposite Parcels 0019 upon Charles County Tax Map 0113, located on the east side of the CSX rail, north of Maryland Route 6, north of Charles St, and west of the Agricopia Subdivision, La Plata, Maryland 20646

RE: CASE NUMBER: VAR-0001-2025  
PETITIONER: LDG Inc. for Oakwood Associates LLC  
APPLICATION FOR Side Yard Variance

The Town of La Plata Board of Appeals has received a petition from LDG Inc on behalf of Oakwood Associates, LLC., requesting a variance approval for an elevator shaft which will extend into the 10' side yard set-back on the property address of 8 Kent Ave. La Plata, MD otherwise shown as Parcels 0019 upon Charles County Tax Map 0113, located on the east side of the CSX rail, north of Maryland Route 6, north of Charles St., and west of the Agricopia Subdivision, as recorded among the Land Records of Charles County ("Subject Property"). Because the Subject Property is zoned Commercial Business Zone (CB), variance approval is required pursuant to § 191-54 of the Zoning Ordinance for the Town of La Plata.

The Board of Appeals opened a public hearing on this matter on December 15, 2025. This public hearing will be continued on April 1, 2026, in La Plata Town Hall, 305 Queen Anne Street, La Plata, Maryland, at 6:00 PM, or as soon thereafter as possible. At the public hearing all parties in interest and citizens will have an opportunity to be heard. Special accommodation for persons with disabilities will be made upon request.

Copies of the petition and site plan are on file at the La Plata Town Hall and are available for review during normal business hours, 9:00 AM to 4:00 PM.

Sincerely,

Kelly Phipps  
Director of Legislative Services  
khipps@townoflaplata.org

## ADJOINING PROPERTY OWNERS

PROPERTY OWNER	TAX MAP	PARCEL	TAX ID	ZONING	USE	MAILING ADDRESS	CITY	STAT	ZIP
								E	CODE
COUNTY COMMISSIONERS OF CHARLES COUNTY	113	8	01-026283	CB	EXEMPT COMMERCIAL	P.O. BOX 2150	LA PLATA	MD	20646
CIVISTA HEALTH	113	25	01-003461	CB	EXEMPT COMMERCIAL	P.O. BOX 1070	LA PLATA	MD	20646
CIVISTA HEALTH	113	25	01-003372	CB	EXEMPT COMMERCIAL	P.O. BOX 1071	LA PLATA	MD	20646
CIVISTA HEALTH	113	26	01-004115	CB	COMMERCIAL	P.O. BOX 1072	LA PLATA	MD	20646
WILKERSON CONSTRUCTION, INC	113	291	01-000675	CB	COMMERCIAL	P.O. BOX 406	LA PLATA	MD	20646
PORT TOBACCO PLAYERS, INC	113	53	01-004182	CB	EXEMPT COMMERCIAL	P.O. BOX 2030	LA PLATA	MD	20646
THE CANNERY ROAD, LLC	113	53	01-078666	CB	COMMERCIAL	P.O. BOX 854	LA PLATA	MD	20646
LA PLATA HOLDINGS, LLC	113	61	01-029746	CB	COMMERCIAL	121 KENT AVE	LA PLATA	MD	20646

**BEFORE THE BOARD OF APPEALS OF  
THE TOWN OF LA PLATA, MARYLAND**

**IN THE MATTER OF THE APPLICATION OF:**

**CASE NUMBER:** Variance (VAR) 0001-2025  
**PETITIONERS:** Oakwood Associates LLC  
8 Kent Avenue  
La Plata, Maryland 20646  
**PROJECT SITE:** 8 Kent Avenue, La Plata, Maryland 20646  
**TAX MAP NO.:** 113  
**GRID NO.:** 8  
**PARCEL NO.:** 19  
**ZONING:** Commercial Business (CB)

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**AFFIDAVIT**

**I HEREBY AFFIRM** under the penalties of perjury that the following is true to the best of my knowledge, information and belief:

I posted signs giving notice of the time and place of the public hearing in this case scheduled for April 01, 2026, in a conspicuous place on the property, which is the subject of this application, clearly visible from Kent Avenue and Oak Avenue, the adjoining public rights-of-way. The signs were posted on 3/17, 2026.

Samuel Hunter  
Signature

Samuel Hunter  
Printed name

03/18/2026  
Date

**TOWN OF LA PLATA  
LAND USE DECISION**

This property is the subject of a

BOARD of Appeals Application (VAR-0001-2025)  
A public hearing will be held <sup>APPLICANT: Oakwood Assoc.</sup>  
Request: To build an elevator shaft extending into side-yard setbacks at 8 Kent Avenue.

APRIL 01, 2026 6:00 pm

at La Plata Town Hall  
305 Queen Anne Street, La Plata, Maryland

For further information contact the La Plata Town Hall  
Phone (301) 934-8421 or (301) 870-3377

8 KENT AVE



**TOWN OF LA PLATA  
LAND USE DECISION**  
 This property is the subject of a  
 BOARD OF APPEALS Application (VAR-0001-2025)  
 A public hearing will be held <sup>at Oakwood Assoc</sup>  
 April 01, 2026 6:00 PM <sup>Request: To build an  
Elevator shaft extend  
into side-yard setback  
at S Kent Avenue</sup>  
 at La Plata Town Hall  
 305 Queen Anne Street, La Plata, Maryland  
 For further information contact the La Plata Town Hall  
 Phone (301) 934-8421 or (301) 870-3377

# Town of La Plata

*Mayor*  
Jeannine E. James

*Council*  
Paul C. Guttenberg  
Patrick McCormick  
Gregory Sampson, Jr.  
Tyjon C. Johnson



*Town Manager*  
Chuck Stevens

*Assistant Town Manager*  
Michelle D. Miner

## BOARD OF APPEALS STAFF REPORT

### VARIANCE (VAR) 0001-2025

**DATE:** April 1, 2025

**TO:** Honorable Chair and Members of the Board of Appeals

**FROM:** Don Dooley, Director of Planning

**REVIEWED BY:** Kenar Johnson, Senior Planner

**PREPARED BY:** Debbie Simpson, Planner I

**APPLICANT:** LDG, Inc c/o Staci Lagana

**OWNER:** Oakwood Associates LLC c/o Wayne Wilkerson

**PROJECT LOCATION:** 8 Kent Ave., La Plata, MD

**REQUEST:** To construct a new 7'-11" x 10'-4" elevator shaft with a 4'-0" setback from the southern (side yard) property line in lieu of the required ten feet in the Commercial Business (CB) Zone.

### SITE INFORMATION

<b>Tax Map, Block, Parcel</b>	Tax Map 113, Parcel 19
<b>Existing Zoning</b>	Commercial Business (CB)
<b>Existing Land Use</b>	Medical Office

<u>Location</u>	<u>Minimum Setback Requirements in CB Zone</u>
Front	10'-0"
Side	10'-0"
Rear	20'-0"

<u>Location</u>	<u>Land-Use</u>	<u>Zoning</u>
North	Government Office	CB

**La Plata Board of Appeals**

**April 1, 2026**

**VAR-0001-2025 / LDG, INC c/o Staci Lagana**

<b>South</b>	Medical Office	CB
<b>East</b>	Medical Office	CB
<b>West</b>	Undeveloped Land - Vacant	CB

**BACKGROUND**

On August 27, 2025, LDG, Inc (“Applicant”) applied for Variance 0001-2025 to eliminate an existing, internal, elevator shaft within the existing office building located at 8 Kent Avenue. The purpose for this modification is to construct a new, exterior, elevator shaft along the southern (side yard) of the building in the Commercial Business (CB) Zone. The elevator replacement is intended to improve the accessibility and the functionality of the existing, two-story, building as the new elevator shaft will accommodate a larger elevator (7’-11” x 10’-4”) to move more people and equipment between the first and second floors of the building.

Currently, the existing building meets its required, minimum, ten-foot setback from its adjoining southern (side yard) property line. The proposed construction of the new elevator shaft would protrude 7’-11” from the existing southern (side yard) facade of the building. However, it would only leave a 4’-0” southern (side yard) setback for the building in lieu of the required ten feet.

Staff conferred with the project applicant to determine if they had considered other design concepts to construct a new elevator shaft that will not require a variance. However, the project applicant determined that other potential locations to construct a new elevator will require significant structural modifications and cost to implement. In doing so, it would also result in a lengthy and unnecessary disruption to the building tenants.

**DISCUSSION**

A “setback” is defined in Section 191-5 (Word Usage and Definitions) of the Town of La Plata Zoning Code as *“The minimum perpendicular distance required between a lot line and the primary structure constructed, or which may be constructed thereon, consistent with the setback requirements of the zone in which such lot is located.”* The purpose of a setback is to provide adequate air and light, promote ventilation, enhance building aesthetics, and support public health, safety, welfare and overall quality of life. As noted above, staff has reviewed the project applicant’s variance request and determined at the proposed elevator shaft would encroach into the required ten-foot southern (side yard) setback by 7’-11”, as shown on the site plan in Attachment No.1.

According to Section 191-54 (Variances), a variance request must not be self-created or self-imposed. Staff believes Variance 0001-2025 is self-imposed hardship as it has been determined by the Planning Department that the proposed elevator shaft could be built along the north or east elevations of the building and comply with all development standards (including setbacks) for the property in the Commercial Business (CB) Zone. Additionally, a functional elevator is already located inside the building. The project applicant’s desire to pursue a variance while having the ability to meet the strict or literal

**La Plata Board of Appeals**

**April 1, 2026**

**VAR-0001-2025 / LDG, INC c/o Staci Lagana**

intent of the Town's Zoning Ordinance for the construction of the proposed elevator shaft reflects a self-imposed, economic, hardship driven by a preferential design location to reduce project costs rather than due to property development constraints, such as a non-conforming lot size or irregular property lot lines that reduce the developability of the property under the Town's current zoning ordinance. As noted above, the construction of a new elevator shaft could be developed along the eastern (rear) or northern (side yard) elevation of the building without encroaching into any required setbacks nor affect the building's occupiable capacity.

Staff has also determined that the building has total of 82 on-site parking spaces which exceeds the minimum, required, on-site parking for the building by 48 spaces should development of a new elevator require encroachment into any on-site parking spaces immediately adjacent to the building.

Finally, staff has been unable to find any records, to date, documenting any prior precedence for a variance approval, the applicant's request, immediately around the project site in the Commercial Business (CB) Zone. Although there is an existing building located immediately to the north, adjacent to the project site, that has less than a ten-foot side yard setback, staff has determined it is a legal, non-conforming, building setback since it was constructed in 1977 prior to the adoption of the Town's current zoning ordinance. There is no evidence it was approved under a prior variance request.

**ANALYSIS**

A ten-foot side yard setback for the existing building is a strict code requirement pursuant to Section 191-30, Table 4 (Commercial Zoning Regulations) of the La Plata Zoning Ordinance. All findings under Section 191-54 must be satisfied to receive approval from the Board of Appeals for a variance request. If one of the findings cannot be justified, the variance request fails.

For the Board's evaluation of the applicant's variance request, staff has provided the required findings, below, with staff analysis of how Variance 0001-2025 either meets or fails to meet each finding for the Board's consideration.

**§ 191-54 – Variances.**

*(A) Upon appeal from a decision by the zoning inspector, the Board of Appeals shall have the power to vary the strict application of any requirement of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical features whereby the strict application of such requirements would result in practical difficulty and unnecessary hardship depriving the owner of reasonable use of land.*

*(B) In general, the power to authorize a variance from the requirements of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances.*

**Findings**

**1. No variance shall be granted unless the following requirements and standards are satisfied:**

**a. The appellant must show that the variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter;**

Staff Analysis

Staff has found no evidence of any previously approved side yard setback variance within the immediate neighborhood of the project site to use as a prescience for the applicant's request. However, staff has determined that the southwest elevation of the adjacent building to the north of the project site (100 Kent Avenue) does have a legal, non-conforming, side yard setback which is less than ten feet. This structure was built in 1977, prior to the adoption of the Town's 2020 Zoning Ordinance. However, there is no evidence that this non-conforming setback was approved under a prior variance request. Additionally, if the building were to be completely demolished and re-built in the future, the La Plata Zoning Ordinance would require any new building on the site to comply with all applicable setback requirements for its location in the Commercial Business (CB) Zone. Therefore, staff does not believe Variance 0001-2025 meets this finding as the variance request would be contrary to the public interest and is not in general harmony with the purposes of the Town's Zoning Ordinance. Staff does not support Finding "A."

**b. A variance will not permit the establishment of a use which is not permitted in that zone;**

Staff Analysis

An office use is a permitted land-use in the CB Zone pursuant to Section 191-10(52). Variance 0001-2025 request does not seek approval for a prohibited use within the zone. Therefore, staff supports Finding "B."

**c. The hardship is not shared generally by other land or buildings in the area;**

Staff Analysis

**La Plata Board of Appeals**

**April 1, 2026**

**VAR-0001-2025 / LDG, INC c/o Staci Lagana**

The project applicant's justification for a hardship is not sufficient to demonstrate that a land-use hardship exists for the subject property. In responding to the Statement of Justification requirements of Section 194-54 of the La Plata Zoning Ordinance, the project applicant stated: "*This hardship is not generally shared by other land or buildings in the area. This building was constructed in 1972, and any multi-story buildings constructed under current standards typically have elevators.*" However, the submitted site plan shows that an elevator already exists within the existing structure. The project applicant's justification therefore implies, incorrectly, that the building does not have an elevator.

Staff has determined that the subject property does not suffer from any unusual property constraints associated with its lot size, shape, topography or property line configurations. It is a rectangular lot developed with an office building that meets all required setback requirements in the Commercial Business (CB) Zone. As such, the property and building can support a new, exterior, elevator shaft if it was designed along the north (side) or east (rear) elevation of the building. Therefore, staff does not support Finding "C."

***d. The hardship is not self-created or self-imposed and must result from the strict application of this chapter.***

Staff Analysis

Variance 0001-2025 is a self-imposed hardship as the proposed elevator shaft can be constructed along the north (side) and east (rear) elevations of the building and comply with all development standards for the Commercial Business (CB) Zone. Instead, the project applicant proposes to construct the new elevator shaft along the southern (side yard) of the building, which currently complies with its minimum required side yard setback of ten feet. Therefore, staff does not support Finding "D."

***e. Greater profitability, lack of knowledge of the restrictions and other variances granted under similar circumstances shall not be considered as sufficient cause for a variance.***

Staff Analysis

On September 12, 2025, staff submitted an inquiry to the project applicant regarding whether alternative project options had been explored to avoid the need for a variance. The project applicant's response, provided on September 29, 2025, states: "*To thread an ADA compliant elevator up through the existing building would require significant modifications to the buildings structural framing. It would create lengthy and unnecessary*

**La Plata Board of Appeals**

**April 1, 2026**

**VAR-0001-2025 / LDG, INC c/o Staci Lagana**

*disruptions for the tenants. We have explored various options, and this was the best solution to accommodate the need and existing tenants.”*

Staff has reviewed the existing conditions shown on the project site plan and has identified potential locations where the proposed elevator shaft could be accommodated along the building, while remaining compliant with the Town’s Zoning Ordinance. The northern (side yard) building elevation, adjacent to the off-street parking lot, could serve as an alternative location by removing no more than two or three existing parking stalls. Construction of an elevator shaft along this elevation would comply with all setback requirements for the property’s Commercial Business (CB) Zone. Additionally, the on-site site building consists of 11,748 square feet. Pursuant to Section 191-44 of the La Plata Zoning Code, the parking requirement for office uses require one parking stall per 350 square feet of gross floor area, resulting in a total requirement of 34 required, on-site, parking stalls for this property. The submitted site plan shows 82 existing stalls.

If the elevator shaft were located along the eastern (rear) building elevation, one parking stall could be removed to accommodate its footprint, if constructed along the southeast building elevation. In fact, the removal of up to 48 stalls would not affect compliance with Section 191-44 of the La Plata Zoning Ordinance, as the parcel would continue to exceed the minimum number of required on-site parking spaces (34 stalls) and meet its minimum required drive aisle width. Therefore, staff does not support Finding “E.”

**RECOMMENDATION**

Staff recommends the Board of Appeals deny Variance (VAR) 0001-2025, as submitted.

**ATTACHMENT(S)**

- 1) Site Plan – location and setbacks
- 2) Justification from applicant for Variance
- 3) Aerial View of Property
- 4) Town Zoning Map

**TOWN OF LA PLATA, MARYLAND**

**BOARD OF APPEALS RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF APPEALS OF THE TOWN OF LA PLATA, MARYLAND FOR VARIANCE (VAR) 0001-2025, SEEKING RELIEF FROM THE TEN-FOOT SIDE YARD SETBACK REQUIREMENT IN SECTION 191-30 (COMMERCIAL ZONING REGULATIONS) OF THE LA PLATA ZONING ORDINANCE FOR THE COMMERCIAL BUSINESS (CB) ZONE TO CONSTRUCT AN ELEVATOR SHAFT WITH A 4'-0" SOUTHERN SIDE YARD SETBACK AT 8 KENT AVENUE, LA PLATA, MARYLAND.**

**WHEREAS**, LDG, Inc. ("Applicant") submitted Variance Application VAR-0001-2025 on August 27, 2025, to construct a new, exterior, elevator shaft along the southern elevation of the existing office building located at 8 Kent Avenue, thereby reducing the required ten-foot side yard setback to 4'-0"; and

**WHEREAS**, the subject property (Tax Map 113, Parcel 19) is zoned Commercial Business (CB) and is developed with a two-story medical office building that currently complies with all minimum setback requirements, including the southern side yard setback; and

**WHEREAS**, the La Plata Planning Department reviewed the application and issued a Staff Report dated April 1, 2025, prepared by the Town's planning staff, which assessed the request in accordance with Section 191-54 of the La Plata Zoning Ordinance; and

**WHEREAS**, a public hearing on Variance (VAR)-0002-2025 was duly noticed to the public, scheduled and held before the Board of Appeals on April 1, 2026, in accordance with Town Code; and;

**WHEREAS**, the Board having reviewed all testimony, the staff report, and the entire record, makes the following findings pursuant to Section 191-54 of the La Plata Zoning Ordinance;

- a. **The appellant must show that the variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter in that**, Staff found no evidence of any comparable or previously approved side-yard setback variances in the surrounding area. Although a nearby building at 100 Kent Avenue has a less-than-conforming setback, it is a legal non-conforming condition predating the current Town Zoning Ordinance, not a previously granted variance. Approving the variance would be contrary to the purpose of maintaining required setbacks in the Commercial

Business (CB) Zone.

- b. **A variance will not permit the establishment of a use which is not permitted in that zone in that**, Office use is a permitted land use in the Commercial Business (CB) Zone. The request does not involve a prohibited land-use.
- c. **The hardship is not shared generally by other land or buildings in the area in that**, the applicant asserted that an elevator is needed due to the age of the building; however, an existing interior elevator is present. Staff identified no physical site constraints such as lot shape, topography, or configuration that limit compliance with the required setback.
- d. **The hardship is not self-created or self-imposed and must result from the strict application of this chapter in that**, the proposed placement of the elevator along the southern elevation results from the applicant's preferred design choice. The elevator could be constructed along the northern or eastern elevations without encroaching into required setbacks.
- e. **Greater profitability, lack of knowledge of the restrictions and other variances shall not be sufficient cause in that**, the applicant stated that locating the elevator elsewhere would require significant structural modifications and disrupt tenants; however, Section 191-54 explicitly excludes considerations of cost, convenience, or profitability as grounds for a variance.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Appeals of the Town of La Plata, Maryland hereby denies Variance (VAR)-0001-2025, as submitted.

PASSED AND ADOPTED by the Board of Appeals on April 1, 2026.

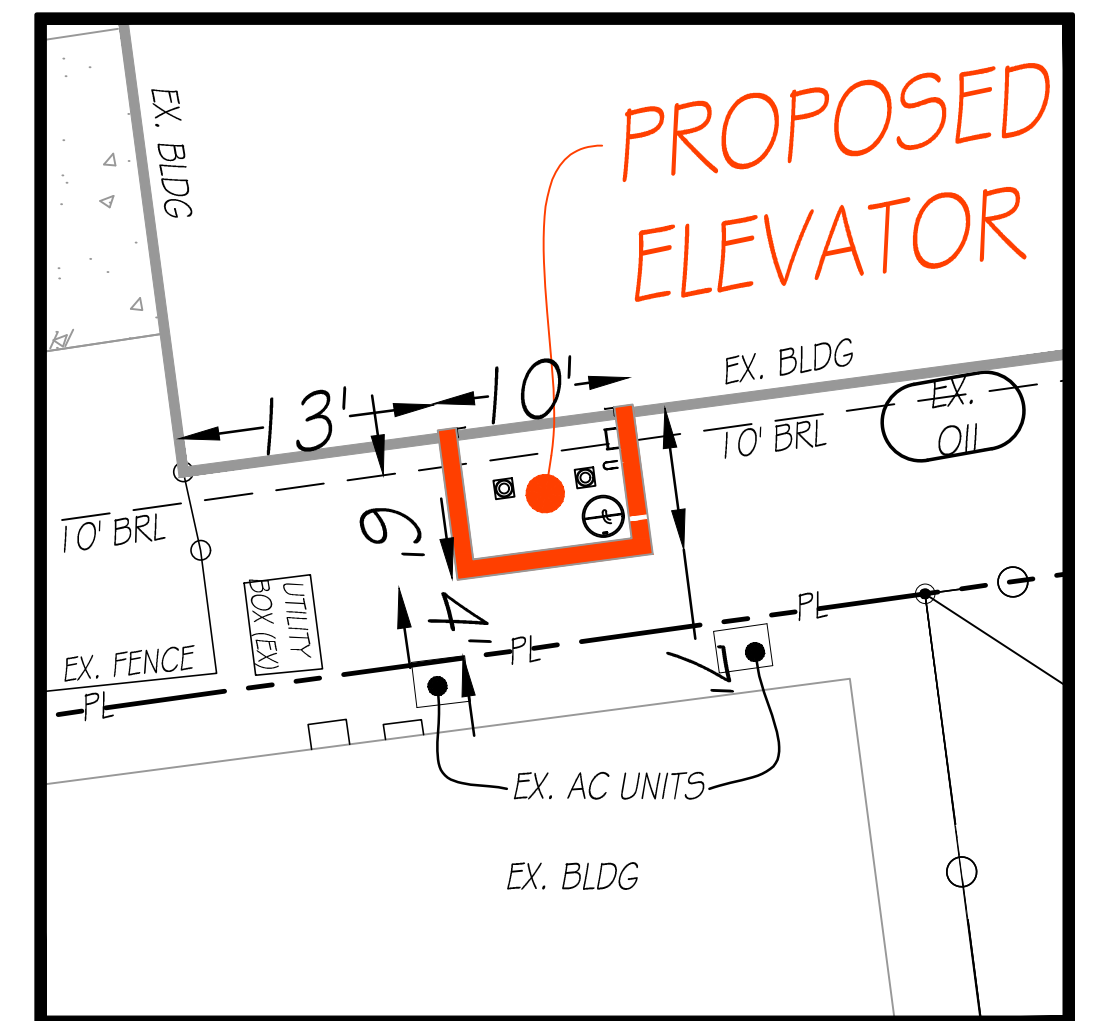
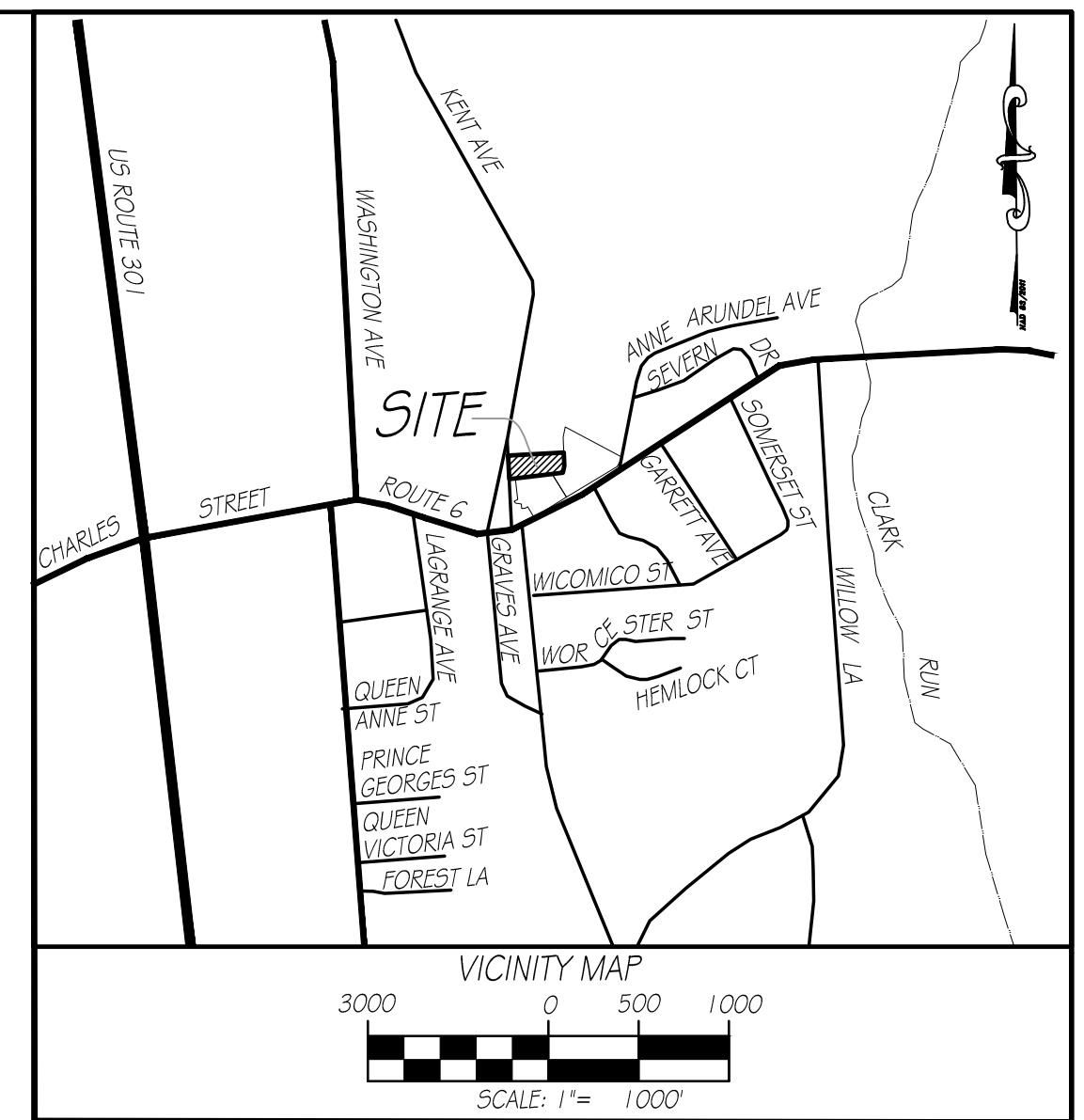
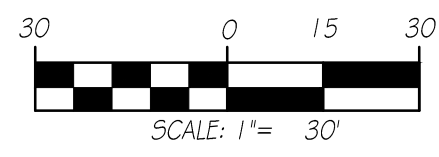
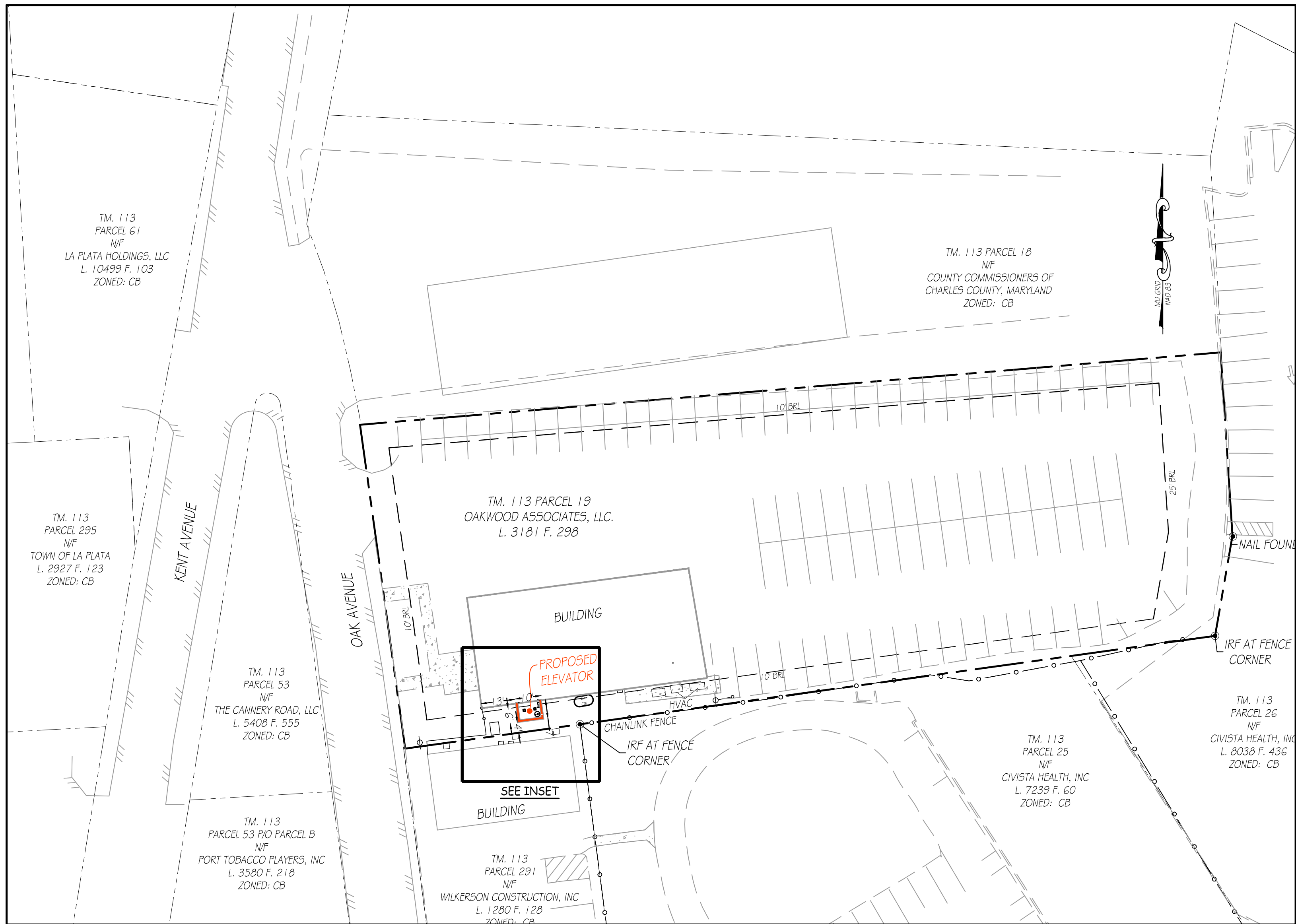
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Chair, Board of Appeals

ATTEST:

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Don Dooley, Director of Planning



- LEGEND**
- PROPERTY BOUNDARY ———
  - ADJ. PROPERTY BOUNDARY - - - - -
  - BUILDING RESTRICTION LINE - - - - -
  - EXISTING FENCE —○—
  - IRON ROD FOUND IRF ●
  - PROPERTY CORNER MARKER ●

TAX MAP 113- GRID 8 - PARCEL 19		
OAKWOOD ASSOCIATES, LLC.		
SITE PLAN EXHIBIT		
VARIANCE - BUILDING RESTRICTION LINE	SCALE 1"=50'	
DATE: AUGUST 2025	CONTRACT REFERENCE: 259071	
LORENZI, DODDS, AND GUNNILL, INC. ENGINEERS - SURVEYORS - PLANNERS 3475 LEONARDTOWN ROAD, SUITE 100 WALDORF, MARYLAND 20601		
		1 OF 1

**EIGHT KENT AVENUE**

La Plata, Maryland, 20646  
38° 31' 45" N 76° 38' 31" W

**OAKWOOD ASSOCIATES, LLC.**  
Post Office Box 128  
Newburg, Maryland, 20664

ISSUE DATE  
**SEPTEMBER 22, 2025**

NO.	DATE
1	00/00/0000
2	00/00/0000
3	00/00/0000
4	00/00/0000
5	00/00/0000

SHEET TITLE

SCALE  
1/8" = 1' - 0"

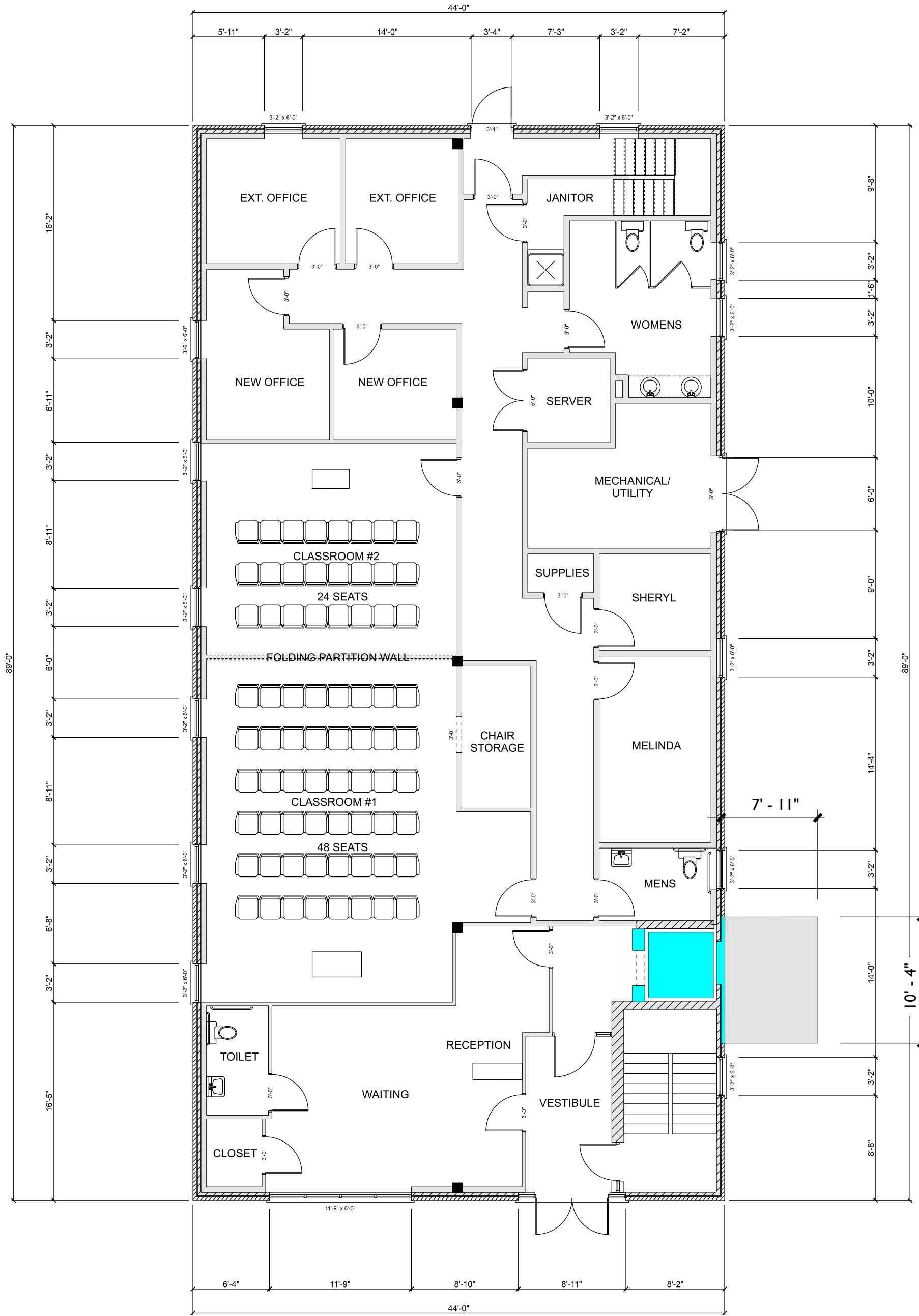
SEAL  
**DEMOLITION CONCEPT PLANS**

SHEET NUMBER

**A000**

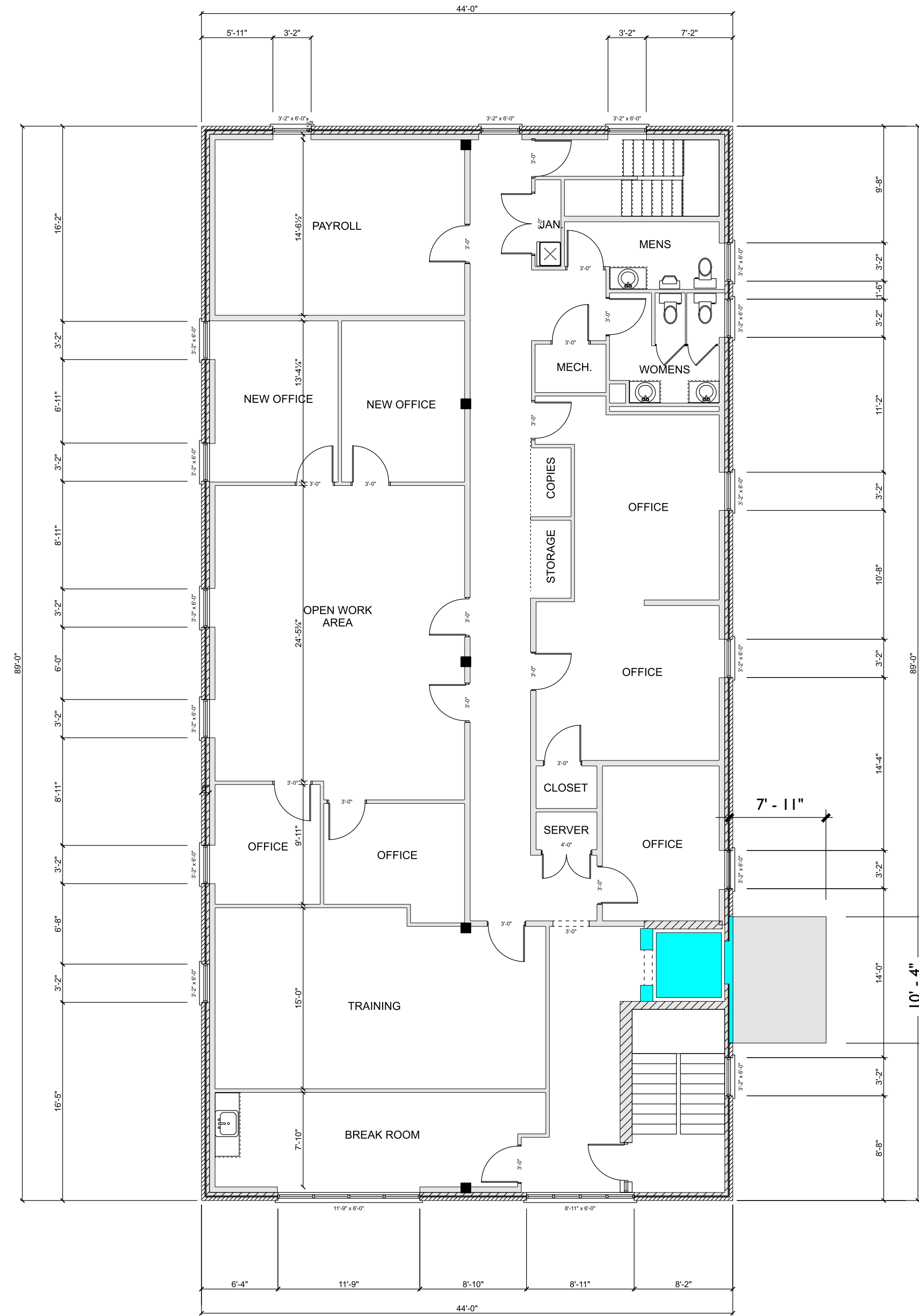
SHEET 000 of 000

**NOTE: AREAS SHADED IN BLUE ARE SCHEDULED FOR DEMOLITION & REMOVAL**



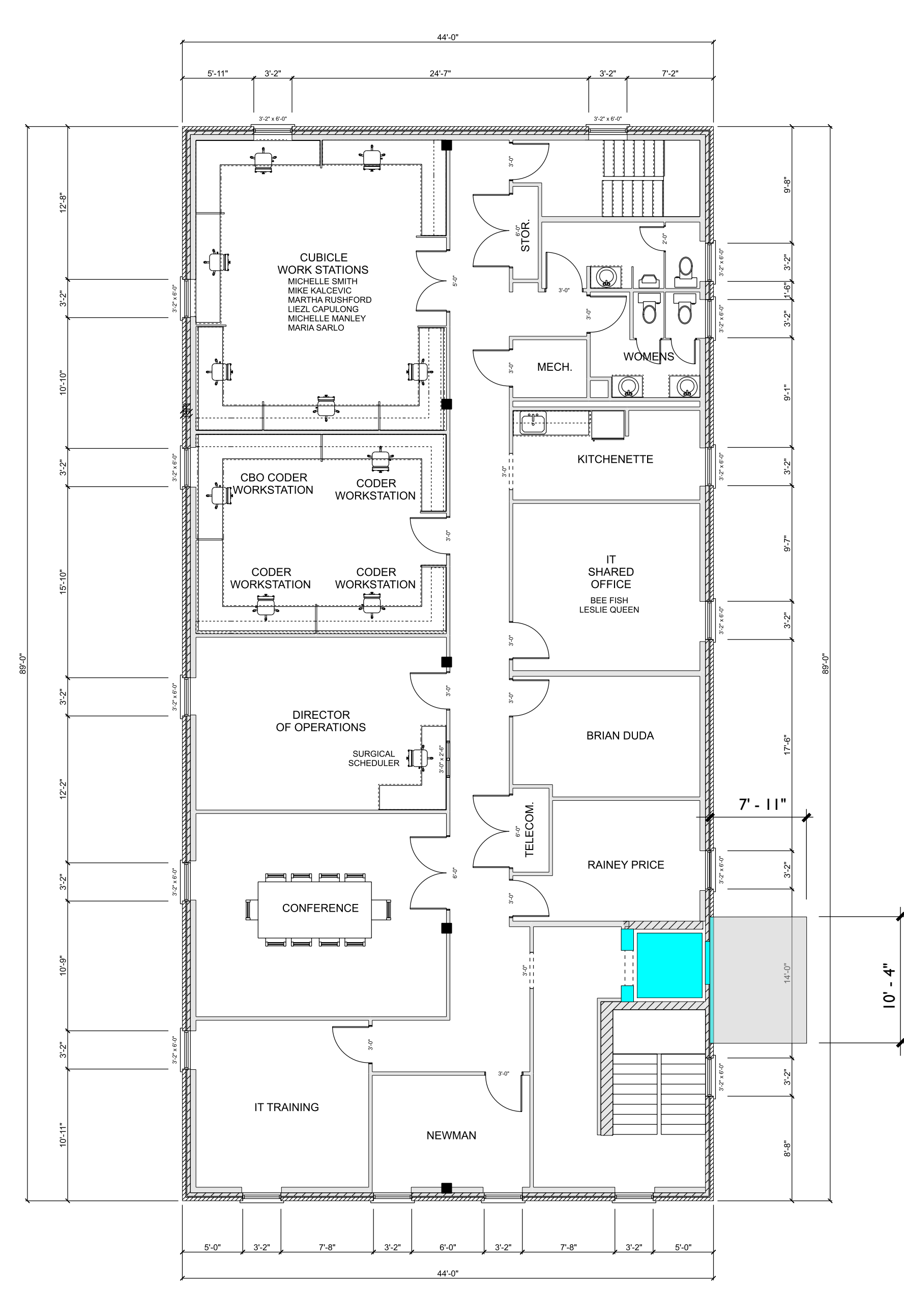
**GROUND LEVEL PLAN**

1/8" = 1' - 0"



**SECOND LEVEL PLAN**

1/8" = 1' - 0"



**THIRD LEVEL PLAN**

1/8" = 1' - 0"

**Statement of Justification:**

The applicant is requesting a variance from the Town of La Plata Code section 191-30 which requires a 10' side building restriction line to construct an elevator for the building at 8 Kent Avenue. The elevator needs to be constructed to improve accessibility, enhance safety, and provide modern convenience for the occupants. The current tenant, the University of Maryland Charles Regional Health, finance and information technology departments, would greatly benefit from this much-needed improvement.

In accordance with the Town Code, Section 191-54, Variances, *No variance shall be granted unless the following requirements are satisfied:*

- a. The appellant must show that the variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter;*

This variance is not contrary to the public interest and is in general harmony with the purposes and intent of the Town Code. The variance to construct an elevator will enhance accessibility, safety, and provide a modern convenience for the occupants.

- b. A variance will not permit the establishment of a use which is not permitted in that zone;*

Granting of this variance will not permit the establishment of a use which is not permitted in the CB zone.

- c. The hardship is not shared generally by other land or buildings in the area;*

This hardship is not generally shared by other land or buildings in the area. This building was constructed in 1972, and any multi-story buildings constructed under current standards typically have elevators.

- d. The hardship is not self-created or self-imposed and must result from the strict application of this chapter.*

This hardship is not self-created or self-imposed. This building was constructed in 1972, and the applicant would like to provide this modern convenience for the tenants.

**Statement of Justification (continued):**

- e. Greater profitability, lack of knowledge of the restrictions and other variances granted under similar circumstances shall not be considered as sufficient cause for a variance.*

Greater profitability, lack of knowledge of the restrictions and other variance granted under similar circumstances are not the reason for this variance request. As stated previously, this variance is requested to improve accessibility, enhance safety, and provide modern convenience for the occupants.

- f. The Board of Appeals may prescribe any safeguard or impose conditions as deemed necessary to secure substantially the objective of the requirements as varied.*

It is understood that the Board of Appeals may prescribe any safeguard or impose conditions as deemed appropriate.

irstyling Salon



Kent

121

Kent Ave

100

Expanding Horizons  
Counseling and Wellness

8

La Plata Train  
Station Museum

95



Rumbidzayi Nzara  
Nzara Mukurazhizha

nt Ave



**WILKERSON CONSTRUCTION, INC.**  
P.O. BOX 406  
NEWBURG, MARYLAND 20664

March 30, 2026

Town of La Plata  
Attn: Clerk, Board of Appeals  
P.O. Box 2268  
La Plata, Maryland 20646

**RE: VARIANCE REQUEST (VAR 0001-2025)**  
**OAKWOOD ASSOCIATES, LLC: 8 KENT AVENUE, LA PLATA, MD**  
**Reduction of Side Building Restriction Line**

Dear Sir/Madam:

The above variance request was filed by Oakwood Associates LLC with respect to commercially improved property located at 8 Kent Avenue, La Plata, Maryland. I am the President of Wilkerson Construction, Inc. which is the owner of the adjacent property located at 100 Oak Avenue which is the parcel directly impacted by the variance request (which would reduce the side building restriction requirement down from the required 10' to approximately 3').

Please accept this correspondence as notice of my support and approval of the requested variance. I am willing to execute an instrument to be recorded in the Land Records of Charles County, Maryland that memorializes my consent (as well as those successors and assigns of Wilkerson Construction, Inc.).

Please contact me at (301)643-8745 with any questions.

Sincerely,



P. Wayne Wilkerson  
President

Cc: Louis P. Jenkins, Jr., Esq.

# THE WICOMICO DEVELOPMENT CORPORATION

March 12, 2026

Mr. Louis Jenkins, Esq.  
Jenkins Law Firm, LLC.  
103 Centennial St  
Suite # K,  
La Plata, Maryland, 20646

Subject: Elevator Installation at #8 Kent Avenue, La Plata, Maryland

Dear Mr. Jenkins;

I am writing to you on behalf of Oakwood Associates regarding the new elevator installation proposed for Eight Kent Avenue in La Plata.

As to the background of how this project has evolved, the existing building at Eight Oak Avenue is an eleven thousand seven-hundred and fifty-square-foot (11,750 Ft<sup>2</sup>) three story structure, sited on a 0.92-acre parcel constructed in 1972 within the Central Business (CB) district of The Town of LaPlata. When initially built, along with other amenities appropriate to a building of this type, a passenger elevator, adjacent to the main entrance lobby was also included. Throughout its lifespan, the building has undergone a variety of renovations and improvements over the years although the passenger elevator has remained in its original form.

In July of last year, the partners at Oakwood Associates asked me to consult with them about the placement and installation of a new elevator to enhance the buildings amenities as well as to bring the vertical transportation components within the building into compliance with the current building codes including but not limited to the 2010 Americans With Disabilities Code (ADAG) and the Maryland Accessibility Code (COMAR 09.12.53).

The location for the new elevator as an addition to the side wall of the building between Eight Kent Avenue and 100 N Oak Avenue was deemed the most appropriate for a variety of reasons. An elevator is meant to serve both staff and visitors to the building and as such, should always be located near the existing main entrance to the building and placing the new elevator at the proposed side wall location preserves that connection.

Threading the new elevator shaft up through the building at that location, while possible, would eliminate access to one of the fire exit stairs along with existing elevator making the building non-compliant from the standpoint of the National Fire Protection Code (NFPA 101) for the duration of the construction period needed to install the new elevator. Meaning that, despite the inherent construction related disruptions that would need to be endured by the current tenants, it is unlikely that the occupants on the second and third floors could even remain within the building during construction without access to the second fire exit stair, creating an obvious hardship for the tenants. That same condition would be created were the new elevator to be positioned on the rear wall of the building adjacent to the second, existing egress stair.

## THE WICOMICO DEVELOPMENT CORPORATION

Further, as a feature to the building's security, access to the building is protected and secured at the Main Lobby entrance on the Kent Avenue side. Staff access is provided using magnetic card readers and visitors are asked to contact a staff member to escort them to their destination. For reasons of security, proper accessibility and plain sensibility any elevator needs to be co-located with what is the Main entrance. Moving the elevator away from that secured lobby has the undoubted potential of creating a breach in that security perimeter and a future latent defect or liability for the safety and security of the tenants and by extent, the owners of the property.

Lastly, the existing building is over half of a century old and while it was likely constructed using "seventies era" state of the art materials and methods then, what was considered cutting edge construction technology five decades ago has evolved dramatically since. Threading a new, ADAG compliant elevator, up through the floor and roof structure of the existing building will undoubtedly reveal that certain components of this fifty-year-old building will not accommodate such an alteration. Components such as the bar joists supporting the floors and roof along with the metal decking and concrete that the second and third floors are made of were not designed fifty years ago to endure the temporary bracing, cutting and blocking that would be required for such an installation. A simple analogy would be to consider the modifications needed if one were to install a new, modern-day engine into an automobile that is over fifty years old, the chassis, suspension and entire drive system would also need to be modified or strengthened to accommodate that new engine.

In summary, the decision to locate the new elevator as an addition to the side of the building nearest to 100 North Oak Avenue was proposed for the following reasons, a) preserving tenant safety and security by locating it adjacent to the secure portion of the buildings Main Entrance Lobby, b) placing the new elevator where it would typically and sensibly be located; again near the Main Entrance, in a building of this type, c) allowing the second and third levels of the building to remain occupied during the construction period in accordance with the current edition of the National Fire Protection Code and d) the compatibility of attempting to integrate a major, new, vertical component into the fabric of a fifty-four year old structure.

Hopefully this creates a better understanding as to why the elevator was proposed as an addition to the exterior of the building and effectively illustrates that placing the new elevator in the location proposed has to do with maintaining the functionality and security that currently exists to benefit the current and future tenants. If you have questions or require additional information, please do not hesitate to contact me.

Sincerely;

THE WICOMICO DEVELOPMENT CORPORATION



Spence Bowling, AIA  
Principal

# THE WICOMICO DEVELOPMENT CORPORATION

March 12, 2026

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103 Centennial St  
Suite # K,  
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In July of last year, the partners at Oakwood Associates asked me to consult with them about the placement and installation of a new elevator to enhance the buildings amenities as well as to bring the vertical transportation components within the building into compliance with the current building codes including but not limited to the 2010 Americans With Disabilities Code (ADAG) and the Maryland Accessibility Code (COMAR 09.12.53).

The location for the new elevator as an addition to the side wall of the building between Eight Kent Avenue and 100 N Oak Avenue was deemed the most appropriate for a variety of reasons. An elevator is meant to serve both staff and visitors to the building and as such, should always be located near the existing main entrance to the building and placing the new elevator at the proposed side wall location preserves that connection.

Threading the new elevator shaft up through the building at that location, while possible, would eliminate access to one of the fire exit stairs along with existing elevator making the building non-compliant from the standpoint of the National Fire Protection Code (NFPA 101) for the duration of the construction period needed to install the new elevator. Meaning that, despite the inherent construction related disruptions that would need to be endured by the current tenants, it is unlikely that the occupants on the second and third floors could even remain within the building during construction without access to the second fire exit stair, creating an obvious hardship for the tenants. That same condition would be created were the new elevator to be positioned on the rear wall of the building adjacent to the second, existing egress stair.

## THE WICOMICO DEVELOPMENT CORPORATION

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Sincerely;

THE WICOMICO DEVELOPMENT CORPORATION



Spence Bowling, AIA  
Principal

**BOARD OF APPEALS OF THE TOWN OF LA PLATA, MARYLAND**

IN THE MATTER OF THE APPLICATION OF:

**CASE NUMBER:** VAR-0002-2025  
**APPLICANT:** Naomi Henry and Sylvester Mitchell  
**PROPERTY ADDRESS:** 603 Washington Ave.  
**APPLICATION FOR:** Variance  
**CURRENT ZONING:** R-21

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**AFFIDAVIT**

I **HEREBY AFFIRM** under the penalties of perjury that the following is true to the best of my knowledge, information and belief:

***Publication in Newspaper of General Circulation***

I caused to be published in the Southern Maryland News, a newspaper of general circulation in the Town of La Plata, a notice of the public hearing in this case scheduled for April 01, 2026. The notice was published on March 13, 2026. The Certification of Publication from Adams MultiMedia containing a copy of the published notice is attached to the case file.

Through a scrivener's error, the date indicated in the body of the notice stated that the case was scheduled to be heard April 01, 2025. The title of the notice stated the correct date of April 01, 2026.

***Notice to Contiguous and Opposite Properties***

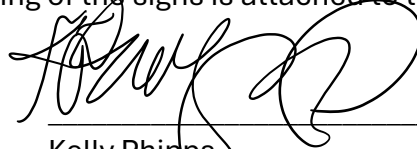
I caused a notice of the time and place of the public hearing in this case scheduled for April 01, 2026, to be mailed, by registered mail, to the owners of all properties contiguous to and opposite the property which is the subject of the application in this case. A copy of the notice and a list of the entities to whom the notice was sent are attached to the case file.

Through a scrivener's error, the date indicated in the body of the notice stated that the case was scheduled to be heard April 01, 2025. The date of issue of the letter reflected March 9, 2026.

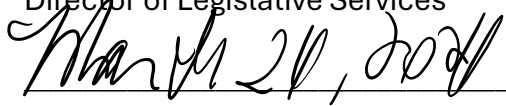
A subsequent notice dated March 25, 2026, corrected the date of the public hearing in this case to April 01, 2026. A copy of the corrected notice was mailed on March 25, 2026, by first class mail, to the owners of all properties contiguous to and opposite the property which is the subject of the application in this case. An additional copy of the corrected notice was hand-delivered to all properties with mail boxes or accessible structures and was posted on the Town's webpage and meeting management platform.

**Posting of Signs**

I caused sign(s) giving notice of the time and place of the public hearing in this case scheduled for April 01, 2026, to be posted by Don Dooley, in a conspicuous place on the subject property, visible from Washington Avenue and East Hawthorne Drive, adjoining public rights-of-way. The sign(s) were posted on March 17, 2026, and are still in place today. The affidavit of Don Dooley regarding the posting of the signs is attached to the case file.



\_\_\_\_\_  
Kelly Phipps  
Director of Legislative Services



\_\_\_\_\_  
Date

29088 Airpark Drive  
Easton, MD 21601

# CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND  
COUNTY OF: Charles County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "NOTICE - BOA-VAR-002-2025 ..." was published in the:

**Southern Maryland News 03/13/26**



**Orestes Baez  
President & Publisher**

<p><b>NOTICE OF PUBLIC HEARING TOWN OF LA PLATA BOARD OF APPEALS April 01, 2026</b></p> <p>The Town of La Plata Board of Appeals has received a petition from Naomi Henry and Sylvester Mitchell requesting a variance approval for a ground-mounted solar panel array located on their property at 603 Washington Avenue, La Plata, Maryland contrary to Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.</p> <p>The Board of Appeals will hold a public hearing on this matter in the La Plata Town Hall located at 305 Queen Anne Street, La Plata, Maryland, on April 1, 2025, at 6:00 PM, or as soon thereafter as possible. During the public hearing, all interested parties will have an opportunity to make public comments on Variance (VAR) 02-2025 to the Board of Appeals. Special accommodation for persons with disabilities will be made upon request.</p> <p>Copies of the petition and site plan are on file at the La Plata Town Hall and are available for review during normal business hours, 9:00 AM to 4:00 PM.</p> <p style="text-align: right;">Don Dooley Director of Planning</p> <p>3100562 IN <span style="float: right;">3/13/2026</span></p>
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# Town of La Plata

Mayor  
Jeannine E. James

Council  
Paul C. Guttenberg  
Patrick McCormick  
Gregory Sampson, Jr.  
Tyjon C. Johnson



Town Manager  
Chuck Stevens

Assistant Town Manager  
Michelle D. Miner

## **CORRECTED PUBLIC HEARING NOTICE**

March 25, 2026

**CASE NUMBER:** Variance (VAR) 0002-2025

**PETITIONERS:** Naomi Henry and Sylvester Mitchell  
603 Washington Avenue  
La Plata, Maryland 20646

**PROJECT SITE:** 603 Washington Avenue, La Plata Maryland 20646

**TAX MAP NO.**108

**GRID NO.:** 18

**PARCEL NO.**102

**ZONING:** Residential 21,000 (R21)

Dear Resident:

**This is a CORRECTED PUBLIC HEARING NOTICE to advise you that the prior public hearing notice you received stated that Variance (VAR) 0002-2025 is to be heard before the La Plata Board of Appeals on April 1, 2025, at 6:00 P.M. Please be advised that the correct meeting date is April 1, 2026, at 6:00 P.M. All other public notice information is correct.**

This public hearing notice is to inform you that the Town of La Plata Board of Appeals has received a petition from Naomi Henry and Sylvester Mitchell requesting approval of **Variance (VAR) 02-2025** to permit and retain the existing ground-mounted solar panel array located in the front yard of their property at 603 Washington Avenue, La Plata, Maryland, contrary to Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.

The Board of Appeals will hold a public hearing on this matter in the La Plata Town Hall located at 305 Queen Anne Street, La Plata, Maryland, on April 1, **2026**, at 6:00 PM, or as soon thereafter as possible. During the public hearing, all interested parties will have an opportunity to make public comments on Variance (VAR) 02-2025 to the Board of Appeals. Special accommodation for persons with disabilities will be made upon request.

Copies of the petition and site plan are on file at the La Plata Town Hall and are available for review during normal business hours, 9:00 AM to 4:00 PM.

Sincerely,  
*Don Dooley*  
Don Dooley  
Director of Planning

# Town of La Plata

*Mayor*  
Jeannine E. James

*Council*  
Paul C. Guttenberg  
Patrick McCormick  
Gregory Sampson, Jr.  
Tyjon C. Johnson



*Town Manager*  
Chuck Stevens

*Assistant Town Manager*  
Michelle D. Miner

March 9, 2026

**CASE NUMBER:** Variance (VAR) 0002-2025

**PETITIONERS:** Naomi Henry and Sylvester Mitchell  
603 Washington Avenue  
La Plata, Maryland 20646

**PROJECT SITE:** 603 Washington Avenue, La Plata Maryland 20646

**TAX MAP NO.**108

**GRID NO.:** 18

**PARCEL NO.**102

**ZONING:** Residential 21,000 (R21)

Dear Resident:

This public hearing notice is to inform you that the Town of La Plata Board of Appeals has received a petition from Naomi Henry and Sylvester Mitchell requesting approval of **Variance (VAR) 02-2025** to permit and retain the existing ground-mounted solar panel array located in the front yard of their property at 603 Washington Avenue, La Plata, Maryland, contrary to Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.

The Board of Appeals will hold a public hearing on this matter in the La Plata Town Hall located at 305 Queen Anne Street, La Plata, Maryland, on April 1, 2025, at 6:00 PM, or as soon thereafter as possible. During the public hearing, all interested parties will have an opportunity to make public comments on Variance (VAR) 02-2025 to the Board of Appeals. Special accommodation for persons with disabilities will be made upon request.

Copies of the petition and site plan are on file at the La Plata Town Hall and are available for review during normal business hours, 9:00 AM to 4:00 PM.

Sincerely,

*Don Dooley*

Don Dooley  
Director of Planning

**BEFORE THE BOARD OF APPEALS OF  
THE TOWN OF LA PLATA, MARYLAND**

**IN THE MATTER OF THE APPLICATION OF:**

**CASE NUMBER:** Variance 002-2025  
**PETITIONERS:** Naomi Henry and Sylvester Mitchell

**PROJECT SITE:** 603 Washington Avenue  
**TAX MAP NO.:** 108  
**GRID NO.:** 18  
**PARCEL NO.:** 102  
**ZONING:** Residential 21,000 SF (R21)

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**AFFIDAVIT**

**I HEREBY AFFIRM** under the penalties of perjury that the following is true to the best of my knowledge, information and belief:

I posted signs giving notice of the time and place of the public hearing in this case scheduled for **April 01, 2026**, in a conspicuous place on the property, which is the subject of this application, clearly visible from East Hawthorne Road and Washington Avenue in front of the subject property at 603 Washington Avenue, the adjoining public rights-of-way. The signs were posted on **March 17, 2026**.

  
\_\_\_\_\_  
Signature  
Don Dooley

\_\_\_\_\_  
Printed name

\_\_ March 17, 2026 \_\_\_\_\_  
Date



WARNING  
SOLAR PANELS  
DANGER  
DO NOT TOUCH  
OR CLIMB ON  
THE PANELS  
OR STRUCTURE  
UNLESS YOU ARE  
A QUALIFIED  
TECHNICIAN  
OR A LICENSED  
ELECTRICIAN  
OR A LICENSED  
MECHANICAL  
ELECTRICAL  
PLUMBING  
ENGINEER  
OR A LICENSED  
CONTRACTOR  
OR A LICENSED  
ARCHITECT  
OR A LICENSED  
LANDSCAPE  
ARCHITECT  
OR A LICENSED  
CIVIL ENGINEER  
OR A LICENSED  
SURVEYOR  
OR A LICENSED  
GEOLOGIST  
OR A LICENSED  
GEOGRAPHIC  
INFORMATION  
SYSTEMS  
ENGINEER  
OR A LICENSED  
ENVIRONMENTAL  
ENGINEER  
OR A LICENSED  
ENVIRONMENTAL  
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MONITORING  
AND ASSESSMENT  
AUDITOR  
OR A LICENSED  
ENVIRONMENTAL  
HEALTH  
AND SAFETY  
MONITORING  
AND ASSESSMENT  
INSPECTOR

**TOWN OF LA PLATA  
LAND USE DECISION**  
This property is the subject of a  
*BOARD OF APPEALS APPLICATION (VAR-0022-2025)*  
A public hearing will be held  
*APRIL 01, 2026 6:00 PM*  
at La Plata Town Hall  
305 Queen Anne Street, La Plata, Maryland  
For further information contact the La Plata Town Hall  
Phone (301) 834-8421 or (301) 870-3377  
LEGISLATIVE BOARD - LA PLATA, MD

# Town of La Plata

*Mayor*  
Jeannine E. James



*Town Manager*  
Chuck Stevens

*Council*  
Paul C. Guttenberg  
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Tyjon C. Johnson

*Assistant Town Manager*  
Michelle D. Miner

## BOARD OF APPEALS STAFF REPORT

### VARIANCE (VAR) 0002-2025

**DATE:** April 1, 2026

**TO:** Honorable Chair and Members of the Board of Appeals

**PREPARED BY:** Don Dooley, Director of Planning

**APPLICANT:** Naomi Henry and Sylvester Mitchell

**PROPERTY OWNER:** Naomi Henry and Sylvester Mitchell

**PROJECT LOCATION:** 603 Washington Avenue, La Plata, MD. 20546

**REQUEST:** To approve the installation of a 2,059-square foot accessory structure (ground-mount solar array) in the front yard of an existing single-family dwelling.

### SITE INFORMATION

<b>Tax Map, Block, Parcel</b>	Tax Map 108, Grid 18, Parcel 102
<b>Existing Zoning</b>	R21
<b>Existing Land Use</b>	Single-Family Residential
<b>Proposed Land Use</b>	Single-Family Residential

<b>Location</b>	<b>Setback Requirements - Residential 21,000 SF (R21) Zone</b>
<b>Front</b>	25
<b>Side</b>	15
<b>Rear</b>	25

<b>Location</b>	<b>Land-Use</b>	<b>Zoning</b>
<b>North</b>	Single-Family Dwelling Units	Residential 21,000 (R21)
<b>South</b>	Single-Family Dwelling Unit	Residential 21,000 (R21)
<b>East</b>	Single-Family Dwelling Unit	Residential 8,000 SF (R8) and Residential 10,000 (R10)
<b>West</b>	Single-Family Dwelling Unit	Residential 21,000 (R21)

## **BACKGROUND**

On May 14, 2025, the applicants obtained a building permit for the installation of a 2,059-square-foot, ground-mounted, solar panel array (“solar array”) to provide renewable energy for their extant single-family home located at 603 Washington Avenue. Although not specifically identified on the applicants’ plans, the solar array is located approximately 60-90 feet from Washington Avenue, 60-90 feet from Hawthorne Street, and 160 linear feet from the applicants’ house (see Photo No. 1).

The solar array was subsequently installed, inspected, and the building permit closed-out to complete the job. Shortly thereafter, a complaint was received by the Town concerning the location of the structure. Upon reviewing the building permit that was issued by the Town for the solar array, it was determined that the building permit was issued in error. In this circumstance, the location of the solar array should not have been placed in the front yard of the property, adjacent to Washington Avenue and its secondary frontage along Hawthorne Road. Under Section 191-42.C.2 (Accessory uses<sup>1</sup> and structures<sup>2</sup>) of the La Plata Zoning Code,

*“No detached accessory structure shall occupy any portion of the required front or side yard or be located within five (5) feet of any other accessory structure, principal structure, or lot line.” [emphasis added].*

In short, accessory structures are restricted for development to the rear of a lot. Under Section 191-5 (Word Usage and definitions) of the La Plata Zoning Code, the front yard of a property is defined as the

*“Open space extending across the full width of a lot between the front lot line and the nearest projection of the principal structure.”*

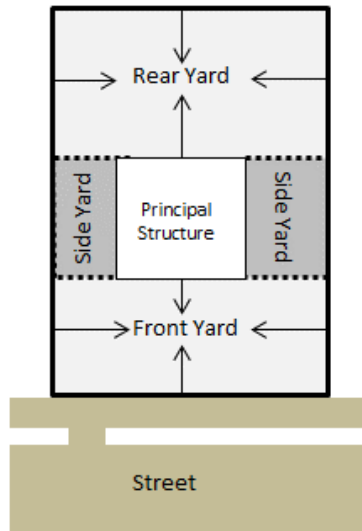
In other words, the area between the front of the applicants’ house and their front property line along Washington Avenue, including their secondary frontage street along Hawthorne Road. A side yard is defined under the same ordinance as the,

*“Open space between a side lot line and the nearest projection of a principal structure and extending from the front yard to the rear yard.”*

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<sup>1</sup> Under Section 191-5 (Word Usage and definitions) of the La Plata Zoning Code an “Accessory Use” is defined as, “A use only allowed with the principal use on the same lot or within the same structure with and of a nature customarily incidental and subordinate to the principal use.

<sup>2</sup> Section 191-5 (Word Usage and definitions) of the La Plata Zoning Code defines an “Accessory Structure” as “A structure that is customarily incidental and subordinate to the principal structure on a property and may include, but is not limited to sheds, decks, detached garages, and gazebos.” In this case, the ground-mounted solar panel array is incidental to the house as its sole function is to provide energy to power electricity for the principal use of the property which is a single-family dwelling.



**Illustration No. 1** Figure 14 from Section 191-5 (Word usage and definitions) of the La Plata Zoning Code delineating the front, sides, and rear of a lot.

Staff subsequently notified the property owners of the Town’s error in issuing the building permit for the solar array. However, upon further analysis of the circumstances pertaining to the rationale for the placement of the solar array, staff encouraged the applicants to pursue a Variance Application approval as there are special or unique circumstances associated with their property that make it infeasible to place the solar array anywhere else on the property, include the rear of their lot, as directed by Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.

According to the March 20, 2025, *Ground-Mount Solar Site Feasibility Report* (“Report”) prepared by Solar Energy World (the applicants’ solar energy contractor) the current placement of the existing solar array on the applicants’ property is necessary at its extant location as there are no other viable locations to place solar panels on the property for operational efficiency. In this case, there are large, mature, trees in the rear yard of the applicants’ property that create undo shading onto the rear of the lot that prevent the solar panel arrays from operating properly as they need direct sunlight for operational efficiency. On Page No. 2 of the Report, it states that,

*“Upon inspection of the potential locations for this array, We [sic] have come to the conclusion that the only viable location for this array is the north yard.”*

Therefore, based on Solar Energy World’s professional evaluation, if the solar array cannot be granted a variance for its placement in the front yard, the solar array provides no benefit to the property owners as their property is restricted by the natural features of the site to which they have no control. Specifically, the location of the property and the undo shade from on and off-site mature trees. Additionally, there are no documented adverse effects on public safety, traffic visibility, drainage, or neighboring properties as of this writing.

**DISCUSSION**

Since the applicants wish to retain their solar array at its current location in their front yard, as recommended by their solar energy contractor, approval of Variance 0002-2025 is required despite the Town issuing and finalizing a building permit for the ground-mounted solar array in error.



**Photo No. 1: Aerial view of 603 Washington Avenue with solar panel array location.**



**Photo No. 2** East (front) yard elevation of the applicants' house with the solar panel array to the right.



**Photo No. 3** North (side/rear) elevation of the applicants' property with extreme shading from trees.



**Photo No. 4 South (side/rear) elevation of the applicants' property with extreme shading from mature trees.**

To consider a Variance request, Section 191-54 (Variances) of the La Plata Zoning Code requires that the Board of Appeals ("BOA") make all the findings contained in Section 191-54(B)(1)(a) through (e). Should the Board fail to support or justify any of the required findings, Variance 0002-2025 must be denied. Staff proffers the following findings:

Findings

- 1. No variance shall be granted unless the following requirements and standards are satisfied:**
  - a. The appellant must show that the variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter;***

Staff Analysis:

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La Plata Town Hall, 305 Queen Anne Street, P.O. Box 2268, La Plata, Maryland 20646  
(301) 934-8421 (301) 870-3377 Fax: (301) 934-3965  
Web site: [www.townoflaplata.org](http://www.townoflaplata.org)

Granting the applicants' variance advances recognized public interests in renewable energy, environmental sustainability, and energy resilience by allowing a lawful accessory use/structure (a renewable-energy installation) to function as designed. The Town issued a valid building permit, the owner relied in good faith, and the completed array operates without documented adverse effects on public safety, traffic visibility, drainage, or neighboring properties. The solar array's profile, the existing mature trees along Washington Avenue and Hawthorne Road, as well as the substantial setbacks for the solar array from Washington Avenue and Hawthorne Street (approximately 60-90 feet), help preserve the streetscape and neighborhood character—the core purposes behind front-yard limitations for accessory structures.

The Town's zoning framework seeks orderly development and compatibility; here, the array's design and location were chosen strictly for solar performance to harmonize with those intents. Strict application of §191-42.C.2 would frustrate legitimate, policy-supported environmental objectives by making the array non-functional due to rear yard shading. Thus, the requested variance relief aligns with the chapter's purposes and produces a net public benefit (clean energy) without countervailing harm.

***b. A variance will not permit the establishment of a use which is not permitted in that zone;***

Staff Analysis

The solar array is an accessory structure/use serving an existing single-family home and is permitted in principle within the Applicant's zoning district; only its placement in the required front yard conflicts with §191-42.C.2. Granting the variance does not introduce a new or prohibited land-use or change the property's primary residential use. It simply authorizes siting relief to accommodate unique physical constraints while keeping all other dimensional and performance standards intact.

***c. The hardship is not shared generally by other land or buildings in the area;***

Staff Analysis

The hardship arises from site-specific natural conditions: large, mature, rear-yard trees that cast substantial shading across the only code-preferred location (rear yard), thereby eliminating the solar array's operational feasibility. The *Ground-Mounted Solar Site Feasibility Report* by Solar Energy World (dated March 20, 2025) determined that no other location on the lot can produce sufficient solar performance; only the north/front yard is viable. These circumstances are peculiar to this parcel and are not generally shared with similarly situated properties, which have different lot orientations, a lack of excessive tree cover, or open rear yards.

***d. The hardship is not self-created or self-imposed and must result from the strict application of this chapter.***

Staff Analysis

The owners followed the Town's process, obtained a valid building permit, and completed the solar panel installation under Town inspection before learning the permit had been issued in error. The conflict stems from the strict application of the accessory-structure front-yard prohibition in §191-42.C.2 in the La Plata Zoning Ordinance and not from any voluntary, discretionary act that created the hardship. The on and off-site mature trees at the rear of the Applicants' property (a natural, beneficial resource) and the home's orientation produce unavoidable shading constraints; the owners neither created nor can reasonably alter those conditions without undermining tree canopy values, the root structure of other trees on the property (if removed to accommodate the solar array), and neighborhood character. Staff recommended seeking a variance due to the unique site conditions, underscoring that the hardship is a product of the ordinance's strict siting rule interacting with peculiar physical constraints, not the Applicants' actions.

***e. Greater profitability, lack of knowledge of the restrictions and other variances granted under similar circumstances shall not be considered as sufficient cause for a variance.***

Staff Analysis

The request does not seek economic advantage or invoke ignorance of the Town's Zoning Ordinance. It seeks only the minimum siting relief necessary to allow a previously permitted, fully inspected, clean-energy accessory structure/use to function as intended. The owners are not requesting increases in height, area beyond the approved 2,059 sq ft, or reductions to lot-line separations; the relief pertains solely to front-yard placement of the solar array compelled by immutable shading constraints. The Applicants' March 20, 2025, Feasibility Report confirms that no alternative on-site location provides viable solar production; therefore, authorizing this specific placement is the least deviation that cures the practical difficulty while continuing to meet all other development standards.

**CONCLUSIONS**

Each required finding (a–e) is satisfied as follows:

- The relief advances public interests in clean energy and harmonizes with the ordinance's purposes (streetscape compatibility, neighborhood character).

- It does not authorize a prohibited land-use or structure—only location relief for a permitted accessory renewable-energy installation.
- The hardship is unique, not widely shared, and arises from on and off-site mature-tree shading and the site orientation of the lot.
- The hardship is not self-induced; it results from the strict application of the Town's Zoning Ordinance siting requirement interacting with natural site conditions and a Town permitting error on which the owners relied in good faith when constructing their ground-mounted solar panel array.
- The request is the minimum necessary to retain the solar array in its current location while allowing it to operate efficiently on the property, as intended and engineered. No broader waivers are sought under Variance (VAR) 002-2025.

### **RECOMMENDATION**

Staff recommends the Board of Appeals approve Variance (VAR) 0002-2025, as submitted.

### **ATTACHMENT(S)**

- 1) Draft Board of Appeals Resolution
- 2) Board of Appeal Application (Variance VAR-0002-2025)
- 3) Site Plan
- 4) Ground-Mounted Solar Site Feasibility Report from Solar Energy World dated March 20, 2025
- 5) Town Building Permit Issued on May 14, 2025, for the Installation of a Ground-Mounted Solar Panel Array at 603 Washington Avenue

**TOWN OF LA PLATA, MARYLAND**

**BOARD OF APPEALS RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF APPEALS OF THE TOWN OF LA PLATA, MARYLAND APPROVING VARIANCE (VAR) 0002-2025 TO PERMIT THE INSTALLATION OF A 2,059-SQUARE FOOT GROUND-MOUNTED SOLAR PANEL ARRAY IN THE FRONT YARD OF THE PROPERTY LOCATED AT 603 WASHINGTON AVENUE, LA PLATA, MARYLAND.**

**WHEREAS**, Naomi Henry and Sylvester Mitchell ("Applicants") are the property owners of 603 Washington Avenue, La Plata, Maryland who submitted Variance (VAR) 0002-2025 for the prior installation of a ground mounted solar panel array (accessory structure) within the front yard of their property; and

**WHEREAS**, the Applicants obtained a building permit on May 14, 2025, for the installation of a 2,059-square foot ground-mounted solar panel array in their front yard; and

**WHEREAS**, the ground-mounted solar panel array was approved by the Town, installed, inspected, and the building permit finalized (closed-out) before the Town determined the permit was issued in error because Section 191-42.C.2 of the La Plata Zoning Code prohibits detached accessory structures in the front yard of their property. Instead, detached accessory structures must be located in the rear yard of their property; and

**WHEREAS**, the property owners' solar installation company (Solar Energy World, LLC) submitted a *Ground-Mounted Solar Site Feasibility Study*, dated March 20, 2025, determined that substantial shading in the rear yard, caused by mature trees, make the front yard the only viable location for functional solar energy production on the applicants' property. Therefore, the ground mounted solar panel array must be located within the applicants' front yard; and

**WHEREAS**, a public hearing on Variance (VAR) 0002-2025 was duly noticed to the public, scheduled, and held before the Board of Appeals on April 1, 2026, in accordance with the Town Code; and,

**WHEREAS**, the Board having reviewed all testimony, the Staff Report, and the entire record, makes the following findings pursuant to Section 191-54(B)(1)(a–e) of the La Plata Zoning Ordinance:

- a. The appellant must show that the variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter in that, granting the applicants' variance**

**Variance (VAR) 0002-2025 - Naomi Henry and Sylvester Mitchell**  
**Board of Appeal Resolution No. \_\_\_\_\_**

advances recognized public interests in renewable energy, environmental sustainability, and energy resilience by allowing a lawful accessory use/structure (a renewable energy installation) to function as designed. The Town issued a valid building permit, the owner relied in good faith, and the completed array operates without documented adverse effects on public safety, traffic visibility, drainage, or neighboring properties. The solar array's profile, the existing, mature, trees along Washington Avenue and Hawthorne Road, as well as the substantial setbacks for the solar array from Washington Avenue and Hawthorne Street (approximately 60-90 feet) help preserve the streetscape and neighborhood character which are the core purposes behind front yard limitations for accessory structures. The Town's zoning framework seeks orderly development and compatibility; here, the array's design and location were chosen strictly for solar performance to harmonize with those intents. Strict application of §191 42.C.2 would frustrate legitimate, policy supported, environmental objectives by making the array nonfunctional due to rear yard shading. Thus, the requested variance relief aligns with the chapter's purposes and produces a net public benefit (clean energy) without countervailing harm.

- b. A variance will not permit the establishment of a use which is not permitted in that zone in that,** The solar array is an accessory structure/use serving an existing single-family home and is permitted in principle within the Applicants' zoning district; only its placement in the required front yard conflicts with §191-42.C.2. Granting the variance does not introduce a new or prohibited land-use or change the property's primary residential use. It simply authorizes siting relief to accommodate unique physical constraints while keeping all other dimensional and performance standards intact.
- c. The hardship is not shared generally by other land or buildings in the area in that,** the hardship arises from site-specific natural conditions: large, mature, rear-yard trees that cast substantial shading across the only code-preferred location (rear yard), thereby eliminating the solar array's operational feasibility. The *Ground-Mounted Solar Site Feasibility Report* by Solar Energy World (dated March 20, 2025) determined that no other location on the lot can produce sufficient solar performance; only the north/front yard is viable. These circumstances are peculiar to this parcel and are not generally shared with similarly situated properties which have different lot orientations, a lack of excessive tree cover, or open rear yards.
- d. The hardship is not self-created or self-imposed and must result from the strict application of this chapter in that,** the owners followed the Town's

**Variance (VAR) 0002-2025 - Naomi Henry and Sylvester Mitchell**  
**Board of Appeal Resolution No. \_\_\_\_\_**

process, obtained a valid building permit, and completed the solar panel installation under Town inspection before learning the permit had been issued in error. The conflict stems from strict application of the accessory-structure front-yard prohibition in §191-42.C.2 of the La Plata Zoning Ordinance and not from any voluntary, discretionary act that created the hardship. The on and off-site mature trees at the rear of the Applicants' property (a natural, beneficial resource) and the home's orientation produce unavoidable shading constraints; the owners neither created nor can reasonably alter those conditions without undermining tree canopy values, the root structure of other trees on the property (if removed to accommodate the solar array), and neighborhood character. Staff recommended seeking a variance due to the unique site conditions, underscoring that the hardship is a product of the ordinance's strict siting rule interacting with peculiar physical constraints, not the Applicants' actions.

- e. Greater profitability, lack of knowledge of the restrictions and other variances shall not be sufficient cause in that,** the request does not seek economic advantage or invoke ignorance of the Town's Zoning Ordinance. It seeks only the minimum siting relief necessary to allow a previously permitted, fully inspected, clean-energy accessory structure/use to function as intended. The owners are not requesting increases in height, area beyond the approved 2,059 sq ft, or reductions to lot-line separations; the relief pertains solely to front-yard placement of the solar array compelled by immutable shading constraints. The Applicant's March 20, 2025, Feasibility Report confirms that no alternative on-site location provides viable solar production; therefore, authorizing this specific placement is the least deviation that cures the practical difficulty while continuing to meet all other development standards.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Appeals of the Town of La Plata, Maryland hereby approves Variance (VAR) 0002-2025, as submitted.

**PASSED AND ADOPTED** by the Board of Appeals on April 1, 2026.

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Chair, Board of Appeals

ATTEST:

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Don Dooley, Director of Planning



# Board of Appeals Application

Town of La Plata  
305 Queen Anne Street • P.O. Box 2268  
La Plata, MD 20646  
301-934-8421 • Fax: 301-934-3965  
[www.townoflaplata.org](http://www.townoflaplata.org)

## FOR BOARD OF APPEALS USE ONLY

Received with Application Fee: Amount \$ _____	Hearing Date: _____
Date: _____ Check # _____	Case Number: <u>VAR-002-2025</u>
<input type="checkbox"/> Complete on _____	Board of Appeals Action: _____
<input type="checkbox"/> Incomplete/With Deficiencies on: _____	_____
Returned to applicant on: _____	_____
Planning Commission Recommendation: _____	Resolution Prepared for Signature on: _____
_____	Date: _____
_____	_____
Date: _____	_____

Please complete the information below prior to Board of Appeals submission. This application will be required in order to accept and process your submission. **All information must be complete or the submission will be returned to the applicant. You are encouraged to contact Town Staff to discuss your application prior to your submission with all required copies.**

### A. Project Information:

File Number: VAR-002-2025 (To be completed by The Town of La Plata)

Project Name: Henry Solar Panel Array Date: 10/8/25

### Action Requested: (Please check appropriate box)

- Variance (§ 191-51)
  - Density Lot Area Lot Width
  - Front Yard
  - Side Yard
  - Side Yard
  - Lot Coverage
  - Rear Yard
  - Lot Coverage
- Height
- Other Acc. Structure (Solar Array
- Appeal of Administrator's Decision in Front Yard)
- Appeal of Design Review Board Decision
- Special Exception
- Special Exception for Home Occupation

Owner/Contract Purchaser: Naomi Henry  
Address: 603 Washington Ave., La Plata, MD, 20646  
Phone #: 860-796-8262 E-Mail Address: nzevertez@yahoo.com

Authorized Agent: Same as above  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**B. Site Information:**

Address: 603 Washington Ave., La Plata, MD, 20646  
Tax ID Account Number: 01-002155 Election District: N/A  
Tax Map: 0108 Block: \_\_\_\_\_ Parcel (s): 0901002155 Lot: 2.00 AC  
Zoning: R-21 Zoning Overlays (if applicable): N/A Acreage: 1,425

**C. Submission Requirements:**

- Complete application form
- Electronic file of all documents and exhibits (*Adobe Acrobat format preferred*)
- Fee & Deposit for Actual Expenses; Submit separate payments for
  - Non-refundable application fee in the amount of \$328.00; and
  - Deposit for actual expenses

*Make checks payable to the Town of La Plata. The applicant shall pay actual expenses to process the application, including legal fees, advertising fees, and any other related costs, which shall be deducted from the deposit amount. Any amounts in excess of the deposit will be invoiced by the Town Finance Department and shall be due upon receipt. Funds remaining following the close of the case will be refunded once all expenses have been paid.*
- Tax Map displaying the subject property and properties contiguous to and opposite the subject property.
- The written decision of the Town Zoning Administrator requiring that a variance be obtained
- Detailed Site Plan showing current and proposed improvement(s) and clearly showing how the Code requirement is requested to be varied or how special exception standards are being met  
**Site plan must include:** *details to indicate compliance with all other requirements for the current or proposed improvement to the property, including location of all structures, parking spaces (parking spaces must meet Code size requirements and all parking areas must be all-weather surfaced), all recorded easements and/or rights-of-way; and names of property owners and parcel/lot numbers of properties contiguous to and opposite the property for which the variance or special exception is asked.*
- Current Recorded Deed of the subject property
- Relevant Portion of the Town Zoning Map (*zoning map available from Town staff or website*)
- Provide a list of owner's names, their mailing addresses, and the lot or parcel numbers of properties contiguous to and opposite the property for which the variance is being requested, and the current use of each of those properties. Applicants are encouraged to provide copies of the data pages located on the State Department of Assessment's (SDAT) web site located at <http://www.dat.state.md.us/> for each property on the list.
- Provide pre-addressed and postage paid (1<sup>st</sup> class mail) #10 (business size) envelopes for each of the property owners on the list requested.

**D. Statement of Owner/Agent**

I (We) \_\_\_\_\_, am (are) the  Owner(s),  Contract Purchaser(s),  Tenant/Lessee,  
 Other (specify) \_\_\_\_\_, of the property whose address is \_\_\_\_\_  
containing \_\_\_\_\_ acres of land  unimproved or improved by a  single family detached,  single-family attached,  
 multi-family dwelling,  other structure (specify) \_\_\_\_\_ located in the subdivision (if any) known  
as \_\_\_\_\_. The deed describing this property is recorded in the Land  
Records of Charles County, Maryland at Liber \_\_\_\_\_, folio \_\_\_\_\_.

**The action requested is described as:**

To obtain a variance for an existing solar panel array (ground mounted)  
within the front yard of the property at 603 Washington Ave., La Plata.

\_\_\_\_\_, which is provided for in Town Code Section \_\_\_\_\_, which requires

**Considering the terms and conditions under which  variances  special exceptions may be approved, as outlined in Town Code, explain how the action requested complies with those terms and conditions:**

**Has the property in question been subject to previous petition? NO If so, give date of petition or hearing and action requested and taken:**

**E. Authorization:**

*By my/our signature(s) below, I/we certify under the penalties of perjury that the statements contained in this application for a variance to the Town Code or special exception are true and complete to the best of my/our knowledge, information and belief. Further, I/we understand that this application will be entered as evidence in a hearing to be held on this application by the Town of La Plata Board of Appeals.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number:  
(Daytime) \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

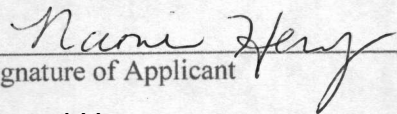
\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number:  
(Daytime) \_\_\_\_\_

**► SIGNATURE(S) OF PROPERTY OWNER(S) IF APPLICANT NOT OWNER.** All owners of the property must sign this application (use other side if more space is needed):

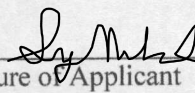
  
\_\_\_\_\_  
Signature of Applicant

Naomi Henry  
\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number:  
(Daytime) \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Applicant

Sylvester Mitchell  
\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_

Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number:  
(Daytime) \_\_\_\_\_



**James C. Douglas**  
 Digitally signed by James C. Douglas  
 Date: 2025.04.25 16:50:25 -0400

Professional Certification. I hereby certify that these documents were prepared or approved by me and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 40027, Expiration Date 3/1/23.

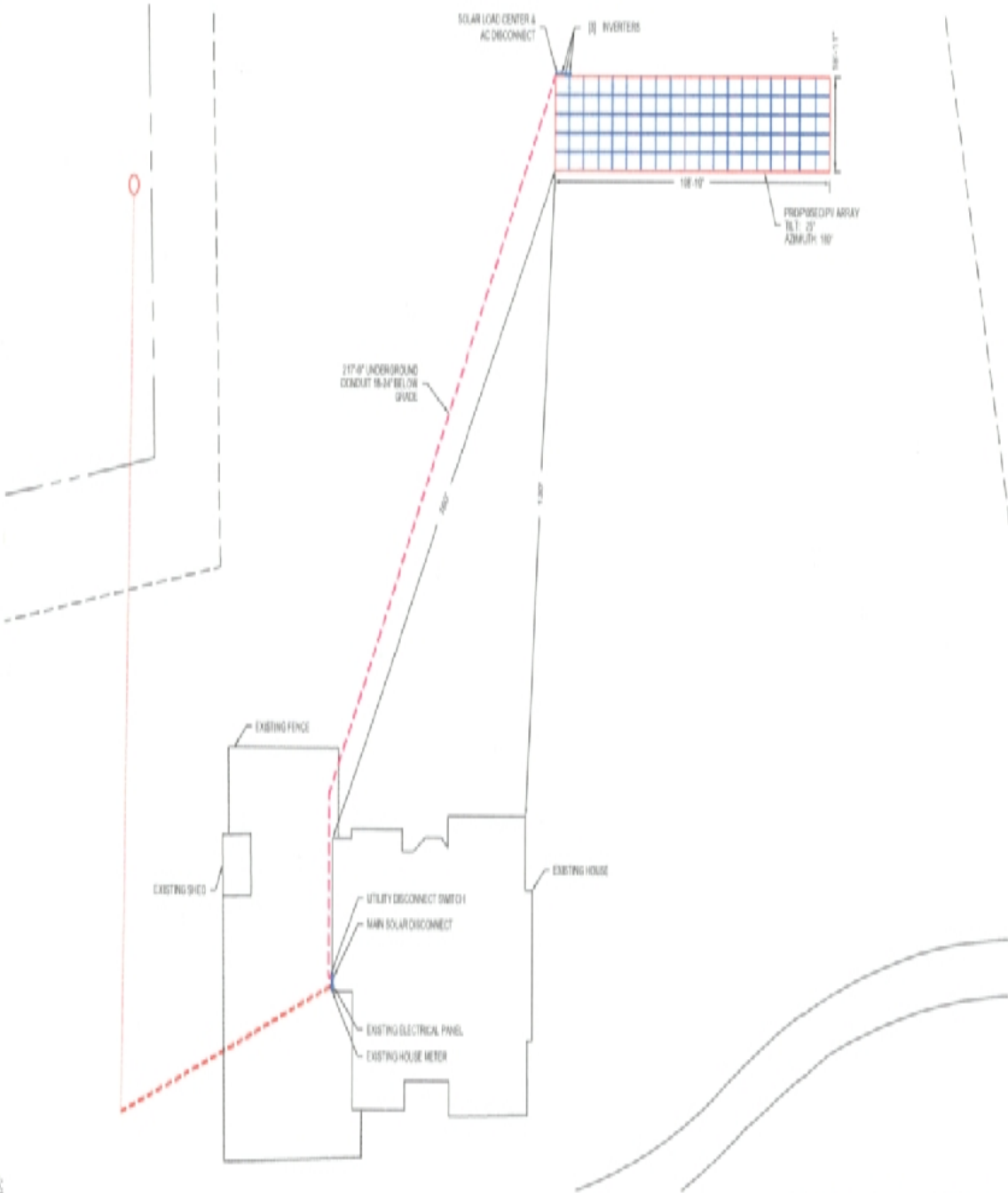


Engineering Review is Limited solely to the Structural Design of the SFDMA Structure. It Excludes All Civil, Electrical, and Other Non-Structural Project Elements.

Solar Energy World LLC  
 14000 Souter Lane  
 Laurel, MD 20707  
 (888) 487-5733

This drawing is the property of Solar Energy World LLC. The information herein contained shall be used for the sole benefit of Solar Energy World, it shall not be disclosed to others outside the recipient's organization, in whole or in part, without the written permission of Solar Energy World, except in connection with the sale and use of the respective Solar Energy equipment.

Code Book	International Residential Code (IRC) 2021
Code Book	National Electrical Code (NEC) 2020
Wind Speed	105 MPH
Roof Load	25 PSF
Panel	(95) LONGI LR5-54HAB-400M
Mounting	(2) SE11400H-USRGM (1) SE10000H-USRGM
System Capacity	38,000 kW
System Capacity	32,800 kW
Address	Naomi Henry 603 Washington Ave La Plata, MD 20646



- NOTES:**
1. THIS DRAWING IS TO PROVIDE REFERENCE FOR THE INSTALLATION OF GROUND MOUNT PHOTOVOLTAIC ARRAYS.
  2. THE SYSTEM SHALL INCLUDE (95) LONGI LR5-54HAB-400M MODULES.
  3. THE SOLAR FOUNDATION RACKING SHALL BE INSTALLED PER MANUFACTURER'S INSTALLATION MANUAL.
  4. THE PROPOSED ARRAY SHALL COVER APPROX. 281,350 SQ. FT. OF THE SITE'S AL. PROPERTY.
  5. EQUIPMENT LOCATION PLAN IS APPROXIMATE. EXACT LOCATION TO BE VERIFIED WITH INSTALLATION CREW AND HOME OWNER AT THE TIME OF INSTALLATION.

**EQUIPMENT LOCATION PLAN**

SCALE: 1" = 30'-0"

**LEGEND**

	WILDLIFE & FOREST PRESERVATION		SOLAR CONDUIT
	WATER BODIES & FLOOD PLAINS		WATER
	WETLANDS		OVERHEAD ELECTRICAL
			UNDERGROUND ELECTRICAL
			SEWER
			GAS

Project: FGS

Client: Charles County, MD

Project Name: Equipment Location Plan

Issue: AT

Date: April 10, 2025

Sheet: AS NOTED

Project No: MD24243

Sheet No: E-1

# GROUND-MOUNT SOLAR SITE FEASIBILITY REPORT

## 1. Project Information

- Customer Name: Naomi Henry
- Site Address: 603 Washington Avenue
- Date of Assessment: 03/20/2025
- Assessor/Technician: Brian Waudby
- AHJ / County: La Plata - Charles County

## 2. System Overview

- Type: Ground-Mount PV System
- Proposed Array Size (kW): 38 kW
- Module Model: LongI 400watt
- Inverter Model: SolarEdge
- Racking System: Ground Mount.
- Number of Arrays / Rows: 1 array - 5 panels high by 19 long.

## 3. Site Conditions Summary

- Soil Conditions (Compaction/Rockiness): Buildable.
- Ground Slope (%): < 10degrees at location.
- Drainage Considerations: Site is not waterlogged.
- Access for Machinery: Accessbile.
- Trenching Requirements: Will work for "Mole"

## 4. Setbacks & Clearances

- Distance to Property Line: See Diagrams
- Distance to Septic/Well: See Diagrams
- Distance to Structures: 180'
- Fire / Utility Access Path: N/A
- Any zoning restrictions noted: N/A

## 5. Electrical Assessment

- Distance to Main Service Panel: 216'
- Conduit Routing Path: From array to panel.
- Trench Depth (min 18–24" depending on local code): 24"
- Existing Service Size (e.g., 200A): 200A
- Busbar Rating / Backfeed Calculation: 40a (120% Rule)

## 6. Ground-Mount Structural Notes

- Post Material (Steel/Pipe/IBC Rated): Steel Tube.
- Post Depth (Frost Line Compliance): Compliant
- Concrete Requirements: None.
- Wind Exposure Category: Low
- Soil Report (if applicable): N/A

## 7. Shading / Solar Access

- Method (e.g., Solmetric, Aurora, iPhone App): SolarGraf
- Average Annual Shade %: <5% - Ground Mount South Facing.
- Notes on trees or obstructions: Trees between home and array come down

## 8. Photos & Diagrams (Attach)

- Ground area overview photo
- Proposed array layout placeholder
- Conduit/trench route photo
- Electrical service panel photo
- Optional: Compass orientation image

## 9. Inspector Notes / Additional Requirements

Customer Property only allows for a ground mount to meet their consumption.  
Ground Mount only viable in suggested location due to number of panels + Shading.  
Structure cannot go behind home. Unable to build project there.

## 10. Final Recommendation

- Site is Feasible
- Site is Feasible with Modifications
- Site is Not Feasible

Notes: Site is Feasible using Yard to the North of Home. No other location works. South Yard is adjacent to lot being sold.

Upon inspection of potential locations for this array. We have come to the conclusion that the only viable location for this array is the north yard. Septic and Sewer plans will show that even with the slight slope, this site will produce the necessary production to offset clients usage. - Ryan Mucha Solar Energy World LLC

PRELIM SITE PLAN



**PLANCHEK, INC.**  
301-870-8710 or 301-645-3302

**USE AND OCCUPANCY APPLICATION**

Charles County  
 Town of Indian Head  
 Town of La Plata

BUILDING PERMIT NUMBER(S) SCA 8/2025

PLUMBING PERMIT NUMBER(S) \_\_\_\_\_

ELECTRICAL PERMIT NUMBER(S) LEL 227/2025

MECHANICAL PERMIT NUMBER(S) \_\_\_\_\_

INSPECTOR CERTIFIES FINAL INSPECTION: \_\_\_\_\_ DATE: \_\_\_\_\_

INSPECTOR:	FINAL INSPECTIONS:	
<u>P. J.</u>	BUILDING	<u>8/22/25</u>
<u>P. J.</u>	PLUMBING	
	ELECTRICAL	<u>8/22/25</u>
	MECHANICAL	

IMPORTANT!!! This is NOT the Use and Occupancy Certificate. This APPLICATION must be taken to the Codes Permits & Inspection Services Department in the Charles County Government Building, The Indian Head Town Hall - OR - The La Plata Town Hall. With the exception of a Single Family Dwelling Permit, this application may be mailed to Codes, Permits & Inspection Services: P.O. Box 2150, La Plata, MD 20646 - OR - Indian Head Town Hall: 4195 Indian Head Hwy, Indian Head, MD 20640. Town of La Plata cannot be mailed.

APPROVAL FOR APPLICATION OF PERMANENT USE AND OCCUPANCY.

APPROVAL FOR APPLICATION OF TEMPORARY USE AND OCCUPANCY. (NOTE: A temporary U & O requires the payment of an additional inspection fee)

COMMENTS 603 Washington Ave.



La Plata, MD  
 305 Queen Anne Street La Plata,  
 Maryland 20646  
 Phone: 301-934-8421  
 www.townoflaplata.org

<h1>Permit</h1>	Permit No: SOLAR-0008-2025
	Permit Type: Solar Arrays
	Work Classification:
	Permit Status: Issued
Issue Date: 05/14/2025	Expiration Date: 11/10/2025

Location Address	Parcel Number	Project
603 WASHINGTON AVE	0901002155	

**Contacts**

Owner: Naomi Henry 603 Washington Ave LaPlata, MD 20646	Applicant: Solar Energy World 14880 Sweitzer Ln Laurel, MD 20707
--	---

Description: ground mounted solar panels	Total Square Feet: 38142 Sprinkler System Required:
--	--

<b>Required Inspections:</b> Building Final	<b>Required Permits:</b>	<b>Inspections:</b> Please contact PlanChek at 301-870-8710 or by email at <a href="mailto:PlanChek@yahoo.com">PlanChek@yahoo.com</a> to schedule the required inspections.
--	--------------------------	--

POST THIS PERMIT VISIBLE FROM THE STREET

This placard allows for the proposed scope of work for the above permit to be completed at the above address only. No other work by the recipient of this card shall be undertaken unless approved through a properly executed permit from the Town of La Plata.

Approved Plans must be retained on the job site and this card posted until a final inspection has been completed. A Major Facility Fee Permit and Occupancy Permit are required and this building shall not be occupied until the Occupancy Permit is issued and the Major Facility Fee has been paid.

This permit will become null and void if construction is not started within six (6) months of the permit issuance date.

*Debra Simpson*

Town Signature

05/14/2025

Date

## Shelby Pritchett

---

**From:** Mark <yamr699@yahoo.com>  
**Sent:** Monday, March 30, 2026 11:07 AM  
**To:** Don Dooley  
**Cc:** Legislative  
**Subject:** Re: Public Hearing 603 Washington Avenue - Solar Panels

Some people who received this message don't often get email from yamr699@yahoo.com. [Learn why this is important](#)

**CAUTION: This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.**

Thanks Doug. Below are the comments that can be put into the public record.

My name is Mark Abell and my wife and I live at 305 Washington Avenue. I'm writing to express my wish for the Board of Appeals to deny the special permit for the solar panel installation located at 603 Washington Avenue and that it be removed completely.

My first concern is that this was even allowed by the town to get to this point given the proper permits were not obtained. But now that we are here, I can only say how displeased we are with this eyesore of a structure. Washington Avenue is an historic street and this type of structure does not fit into the aesthetics. Many of us take pride in our historic homes and if the town officials have any sense of still trying to keep some parts of the town charm they will see that a structure like this should not be allowed.

Beyond that the sheer size of the structure is unnecessary even if were to be allowed. The home at 603 Washington Ave is listed at 3,482 sq ft. At that size and with a standard solar panel being 18 sq ft the max number of panels that need to be installed should range from 30-45 panels. If I've counted correctly this current structure has 95 panels. This is more than two or three times what is necessary and can be considered a commercial solar project generating power way beyond it's need intention in order to generate revenue. This should be another concern that the town considers when making it's decision about the structure.

Sincerely,

Mark Abell

On Monday, March 30, 2026 at 10:29:55 AM EDT, Don Dooley <doooley@townoflaplata.org> wrote:

Dear Mr. Abell:

If you have additional comments, you are welcome to send them back to me and the Town Clerk, who I have copied on this email. Otherwise, I will use the email you have provided below to forward to the Board of Appeals which will be made as part of the public record.

All comments will be delivered to the La Plata Board of Appeals for consideration as part of the public hearing. You're name, address and comments will be identified to the Board during the meeting.

Let me know if you have any additional questions.

Best,

Don



**Don Dooley** MPA, MHP

**Director of Planning**

Town of La Plata

305 Queen Anne Street

La Plata, Maryland 20646

Phone: 240.682.7509

[ddooley@townoflaplata.org](mailto:ddooley@townoflaplata.org)

---

**From:** Mark <yamr699@yahoo.com>

**Sent:** Monday, March 30, 2026 10:11 AM

**To:** Don Dooley <ddooley@townoflaplata.org>

**Subject:** Public Hearing 603 Washington Avenue - Solar Panels

You don't often get email from [yamr699@yahoo.com](mailto:yamr699@yahoo.com). [Learn why this is important](#)

**CAUTION: This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.**

Hi Doug,

My name is Mark Abell and I live at 305 Washington Avenue. It has come to my attention there is a public hearing Wednesday at 6pm regarding 603 Washington Avenue and the solar panels that were apparently put up without the proper permit(s) in place.

Unfortunately I am unable to attend that meeting but I would like to voice my opinion on the matter against allowing this structure to remain in writing. Am I able to do that and if so who can I send this to specifically? (Please list all parties). If I am allowed to send something in writing will it be read publicly at the meeting?

Thanks.

-Mark Abell

## Shelby Pritchett

---

**From:** Don Dooley  
**Sent:** Monday, March 30, 2026 3:31 PM  
**To:** Tara Goodman  
**Cc:** Legislative  
**Subject:** RE: Case Number: Variance (VAR) 0002-2025

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Goodman:

As part of open government, all information submitted to the town of La Plata regarding a public hearing matter becomes part of the public record and is disclosed to the Board of Appeals.

I hope this helps address your question.

Best,

Don



*Don Dooley* MPA, MHP

**Director of Planning**

Town of La Plata

305 Queen Anne Street

La Plata, Maryland 20646

Phone: 240.682.7509

[ddooley@townoflaplata.org](mailto:ddooley@townoflaplata.org)

---

**From:** Tara Goodman <tara.goodman@beazer.com>

**Sent:** Monday, March 30, 2026 1:41 PM

**To:** Don Dooley <ddooley@townoflaplata.org>

**Subject:** Case Number: Variance (VAR) 0002-2025

You don't often get email from [tara.goodman@beazer.com](mailto:tara.goodman@beazer.com). [Learn why this is important](#)

**CAUTION: This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.**

Hi Don,

I received the public hearing notice regarding the solar panels at 603 Washington Avenue. I am unable to attend the hearing, due to prior commitments, but I was hoping there'd be a way for me to voice my concerns anonymously. I'm their neighbor and not in favor of the panels, but do not wish to stir up any negative feelings between neighbors. Is there a way for me to do that before Wednesday, the 1<sup>st</sup>?

I look forward to hearing from you!



**Tara Goodman**

*Sr. New Home Information Manager*

Maryland - Delaware

---

6085 Marshalee Dr., Elkridge, MD 21075 | 667.701.2294

**At Beazer Homes, providing outstanding customer service is a top priority for us. You will be receiving a brief survey from GuildQuality about this online experience. We appreciate your feedback!**

If you no longer wish to receive email communications from Beazer Homes, please reply to this email and include the phrase "Unsubscribe" in the subject line. We appreciate your interest and hope that you will consider Beazer Homes when choosing your next brand-new home.