



**Board of Appeals
Regular Meeting**
May 27, 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. 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. Roll Call

1.3. Pledge of Allegiance

2. Disclosure of Closed Session

2.1. Disclosure of Closed Session on April 01, 2026

3. Approval of Minutes

3.1. Approval of minutes from meeting on April 01, 2026

4. Old Business

4.1. Planning Department Case #VAR-0002-2025, 603 Washington Avenue, Application for Variance

Project Description: Variance application #VAR-0002-2025, at 603 Washington Avenue, is a 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.

5. New Business

5.1. Board Member Comments

5.2. Public Comment

6. Adjourn

6.1. Adjournment



**TOWN OF LA PLATA
Board of Appeals Minutes**

April 1, 2026, 6:00 PM

Regular Meeting

Council Chambers, La Plata Town Hall

305 Queen Anne St.

La Plata MD

PRESENT: Mark Thorn
Jonathan Burruss

ABSENT: Chair Hugh Williams

TOWN STAFF: Todd Pounds, Town Attorney
Don Dooley, Director of Planning
Kelly Phipps, Director of Legislative Services
Deborah Simpson, Planner I
Kenar Johnson, Senior Planner
Shelby Pritchett, Town Clerk

GUESTS: Lewis B. Jenkins Jr., Counsel for Oakwood, LLC
Staci Lagana, Lorenzi, Dodds & Gunnill, Inc.
Lloyd "Spence" Bowling Jr., Wicomico Development Corporation

1. Call to Order

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[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.

Acting Chair Jonathan Burruss called the meeting to order at 6:00 PM.

1.2. Pledge of Allegiance

Acting Chair Burruss led all assembled in the Pledge of Allegiance.

1.3. Roll Call

The Town Clerk conducted Roll Call.

2. Approval of Minutes

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

Thorn moved to approve the minutes as presented.

Moved By: Mark Thorn, seconded by Jonathan Burruss.

Ayes: None

Nays: None

Abstained: None

Absent: Chair Williams

Passed

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

Summary: Variance VAR-0001-2025 is a 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.

3.1. Review of Public Hearing Procedures (Town Clerk)

The Town Clerk conducted a review of the public hearing procedures.

3.2. Call to Order (Presiding Officer/Chair)

Acting Chair Burruss called the public hearing to order at 6:03 PM.

3.3. Review of Public Notices (Town Clerk)

The Town Clerk presented a review of the public notices.

3.4. Summary of Town Staff Report and Recommendation

Deborah Simpson, Planner I, presented the staff report, including a recommendation for the denial of VAR-0001-2025, 8 Kent Ave.

3.5. Applicant/Petitioner Presentation and Testimony

Acting Chair Burrus swore in Lewis B. Jenkins Jr., Staci Lagana, and Lloyd "Spence" Bowling, requiring them to affirm that they would respond with the whole truth and nothing but the truth. Staci Lagana delivered a PowerPoint presentation and testimony on behalf of the applicant.

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

The Board of Appeals directed questions to the applicants' representatives, Lewis B. Jenkins Jr., Staci Lagana, and Lloyd "Spence" Bowling, as well as to Director Dooley.

3.7. Written Documents are Entered into the Record

Written testimony may be submitted in advance via email to 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 Town Clerk reported that written documents had been submitted, consisting of a letter from Wayne Wilkerson and a letter from Lloyd "Spence" Bowling.

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.

No public speakers were present at this meeting.

3.9. Additional Questions from the Board

The Board of Appeals had no further questions.

3.10. Closing of Public Hearing

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

Acting Chair Burruss concluded the public hearing at 7:00 PM.

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

Thorn moved that the Board of Appeals enter closed session at 7:00 PM.

Moved By: Mark Thorn, seconded by Jonathan Burruss.

Ayes: Thorn, Burruss

Nays: None

Abstained: None

Absent: Chair Williams

Passed

The Board of Appeals returned from closed session at 7:09 PM.

5. Deliberations Regarding Application

5.1. Findings of the Board

Acting Chair Burruss moved to deny VAR-0001-2025.

Moved By: Jonathan Burruss, seconded by Mark Thorn.

Ayes: Thorn, Burruss

Nays: None

Abstained: None

Absent: Chair Williams

Passed

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

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

Summary: Variance VAR-002-2025 is a 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.

6.1. Call to Order (Presiding Officer/Chair)

Acting Chair Burruss called the public hearing to order at 7:23 PM.

6.2. Review of Public Notices (Town Clerk)

The Town Clerk presented a review of the public notices.

6.3. Summary of Town Staff Report and Recommendation

Director Dooley presented the staff report and recommendation to approve VAR-0002-2025, 603 Washington Ave.

6.4. Applicant/Petitioner Presentation and Testimony

Neither the applicants for VAR-0002-2025 nor their representatives were present at the meeting.

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

Director Dooley answered questions from the Board of Appeals.

6.6. Written Documents are Entered into the Record

Written testimony may be submitted in advance via email to 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 Clerk reported that written documents had been submitted, consisting of emails from Mark Abell and Tara Goodman.

6.7. 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 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.

Acting Chair Burrus swore in Robin Sprague and David Winkler separately, requiring them to affirm that they would respond with the whole truth and nothing but the truth.

Robin Sprague and David Winkler provided public comment in opposition to VAR-0002-2025.

Robin Sprague provided a letter and photos to Director Phipps to be entered into the public record.

6.8. Additional Questions from the Board

The Board of Appeals asked additional questions of Director Dooley regarding VAR-0002-2025.

6.9. Closing of Public Hearing

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

Acting Chair Jonathan Burruss concluded the public hearing at 8:14 PM.

7. Motion for a Closed Session

7.1. 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-0002-2025

Thorn moved to enter closed session at 8:15 PM.

Moved By: Mark Thorn, seconded by Jonathan Burruss.

Ayes: Thorn, Burruss

Nays: None

Abstained: None
Absent: Chair Williams
Passed

The Board of Appeals returned from closed session at 8:31 PM.

8. Deliberations Regarding Application

8.1. Findings of the Board

The Board of Appeals presented the findings that the applicant is required to attend the Board of Appeals meeting on May 27, 2026, and will be presented with a conditional variance approval, including stipulations of the installation of screening within 180 days, with growth potential of 7' within two years in a zig-zag pattern along both roadways. Failure to meet the conditions will require the applicant to remove the solar panels at their own expense, and the variance will be denied.

Burruss moved to approve the findings as stated.

Moved By: Jonathan Burruss, seconded by Mark Thorn.

Ayes: Thorn, Burruss

Nays: None

Abstained: None

Absent: Chair Williams

Passed

9. Other Business

The Town Clerk advised Acting Chair Jonathan Burruss that there was no other business for discussion.

10. Adjourn

10.1. Adjournment

Acting Chair Burruss moved to adjourn the meeting at 8:36 PM.

Moved By: Jonathan Burruss, seconded by Mark Thorn.

Ayes: None

Nays: None

Abstained: None

Absent: Chair Williams

Passed

Submitted by:

Shelby Pritchett, Town Clerk

Town of La Plata

Mayor
Jeannine E. James



Town Manager
Chuck Stevens

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

Assistant Town Manager
Michelle D. Miner

BOARD OF APPEALS STAFF REPORT

VARIANCE (VAR) 0002-2025

DATE: May 27, 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

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

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

Location	Land-Use	Zoning
North	Single-Family Dwelling Units	Residential 21,000 (R21)
South	Single-Family Dwelling Unit	Residential 21,000 (R21)
East	Single-Family Dwelling Unit	Residential 8,000 SF (R8) and Residential 10,000 (R10)
West	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, grounded 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 filed with the La Plata Code Enforcement Office 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 uses¹ and structures²) 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, principle 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.”

¹ 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.

² 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.

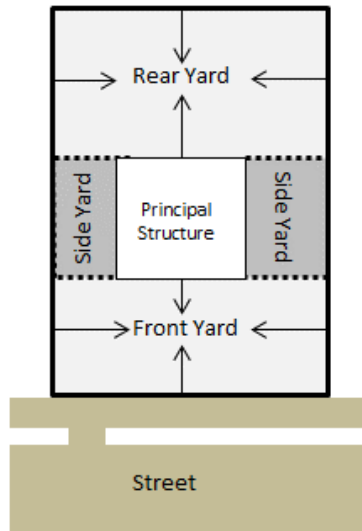


Illustration No. 1 Figure 14 from Section 191-5 (Word usage and definitions) of the La Plata Zoning Code delineating the front, sides, and rear of a lot.

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.

Board of Appeals Meeting of April 1, 2026

At the Board of Appeals (“BOA”/“Board”) meeting on April 1, 2026, the Board held a duly noticed public hearing, received public comments on the applicants’ project, and subsequently closed the hearing. The two individuals who spoke expressed opposition to the ground-mounted solar array, citing aesthetic concerns and stating that they did not believe the required findings could be made to support Variance (VAR) 0002-2025.

The BOA indicated that the findings for Variance (VAR) 0002-2025 could potentially be supported if the applicants reduced the visibility of the solar panel array from the public rights-of-way along Washington Avenue and Hawthorne Street through adequate landscape screening. However, because the applicants were not present at the meeting, the Board continued Variance (VAR) 0002-2026 to May 27, 2026. The Board determined that the applicants’ attendance was necessary to discuss the proposed landscape mitigation measures before making a final decision on the variance request.

The Board’s conceptual landscape mitigation measures, to be included as conditions of approval for Variance (VAR) 0002-2026, included the following:

1. Installation of appropriate landscape screening around the solar array within 180 days of project approval.
2. Planting landscaping materials capable of reaching a height of seven feet within two years of project approval.
3. Installation of the landscaping in a zig-zag pattern between the solar array and Washington Avenue and Hawthorne Street to create an attractive landscape design.

DISCUSSION

Based on the direction of the Board, the applicants were notified, in writing, on April 14, 2026, of the necessity of their attendance during the May 27, 2026, BOA Meeting (see Attachment No. 8). The applicants were also encouraged to watch the recording of the April 1, 2026, BOA Meeting for a detailed understanding of all comments made during the meeting concerning Variance (VAR) 0002-2026.

For the Board’s reference, staff has attached the April 1, 2026, BOA staff report and all other information previously presented to the Board for its re-review.

RECOMMENDATION

Staff recommends the Board of Appeals approve 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.
- 6) Board of Appeals Staff Report for the Meeting of April 1, 2026
- 7) April 1, 2026, Power Point Presentation to the BOA on Variance (VAR) 0002-2026
- 8) April 14, 2026, Letter to Naomi Henry and Sylvester Mitchell from Don Dooley, Director of Planning

TOWN OF LA PLATA, MARYLAND

BOARD OF APPEALS RESOLUTION NO. VARIANCE (VAR) _____

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, Variance (VAR) 0002-2025 was continued to May 27, 2026, as the applicant' did not attend the April 1, 2026, Board of Appeals Meeting. As such, the Board of Appeals through it proper to confer with the applicants on potential landscape mitigation measures to screen the solar array from the adjacent streets as part of the suggested conditions of approval for the project before making a final determination on whether or not to approve Variance (VAR) 0002-2025.

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

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–f) 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 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

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

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 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.

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

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 May 27, 2026.

Hugh Williams Chair, Board of Appeals

ATTEST:

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

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: nzevetez@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 (1st 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

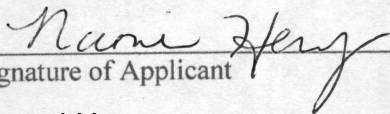
Printed Name

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.

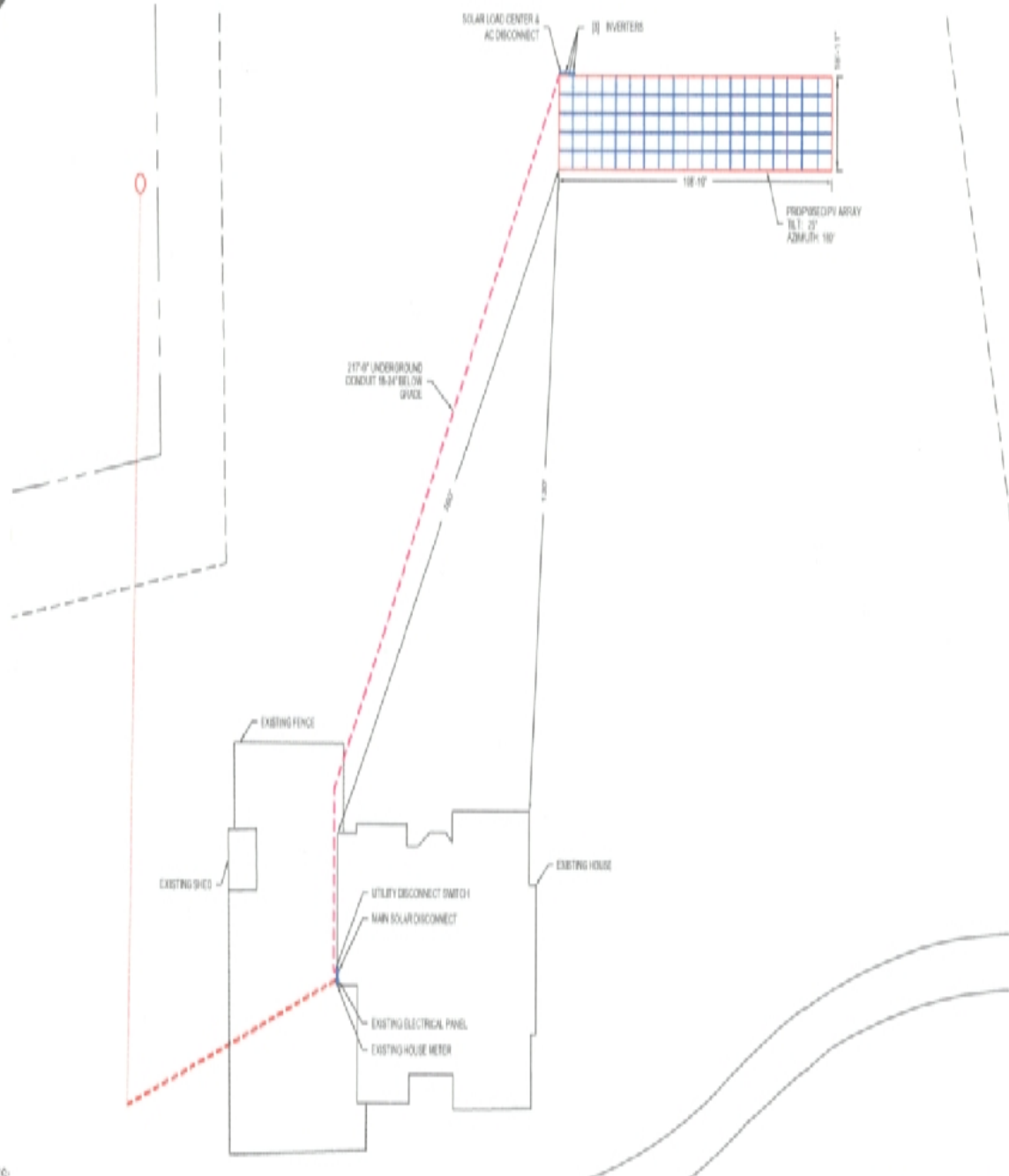


Engineering Review is Limited solely to the Structural Design of the SFDA Structure. It Excludes All Civil, Electrical, and Other Non-Structural Project Elements.

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
Module	(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:**
- THIS DRAWING IS TO PROVIDE REFERENCE FOR THE INSTALLATION OF GROUND MOUNT PHOTOVOLTAIC ARRAYS.
 - THE SYSTEM SHALL INCLUDE (95) LONGI LR5-54HAB-400M MODULES.
 - THE SOLAR FOUNDATION RACKING SHALL BE INSTALLED PER MANUFACTURERS INSTALLATION MANUAL.
 - THE PROPOSED ARRAY SHALL COVER APPROX. 2861,350 SQ. FT. OF THE SITE'S AL PROPERTY.
 - 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	E-1	
Client	AS NOTED	
City	MD24243	
State	AT	
Date	April 10, 2025	
Project Name	Equipment Location Plan	
County	Charles County	
Project No.	2025001	

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



TREES to be REMOVED by Client

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: <u>P. J.</u> <u>P. J.</u>	FINAL INSPECTIONS: BUILDING <u>8/22/25</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:
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Required Inspections: Building Final	Required Permits:	Inspections: Please contact PlanChek at 301-870-8710 or by email at PlanChek@yahoo.com 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

Town of La Plata

Mayor
Jeannine E. James



Town Manager
Chuck Stevens

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

Assistant Town Manager
Michelle D. Miner

BOARD OF APPEALS STAFF REPORT

VARAINCE (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

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

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

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

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

BACKGROUND

On May 14, 2025, the applicants obtained a building permit for the installation of a 2,059-square foot, grounded 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 filed with the La Plata Code Enforcement Office 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 uses¹ and structures²) 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, principle 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.”

¹ 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.

² 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.

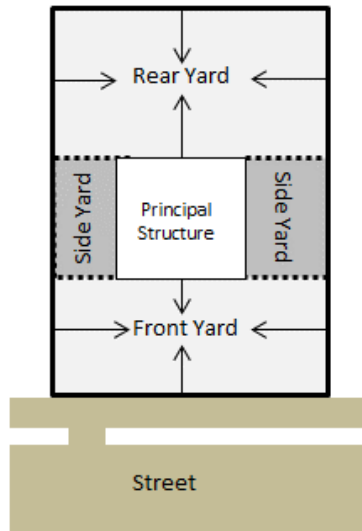


Illustration No. 1 Figure 14 from Section 191-5 (Word usage and definitions) of the La Plata Zoning Code delineating the front, sides, and rear of a lot.

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 contactor, approval of Variance 0002-2025 is required despite the Town issuing and finaling a building permit for the ground mounted solar array in error.



Photo No. 1 Ariel 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 (f). Should the Board fail to support or justify any of the required six 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:

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

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 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;

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 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–f) 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 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 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

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

April 14, 2026

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

Re: Board of Appeals Continuance of Variance 002-2025 to May 27, 2026

Dear Ms. Henry and Mr. Mitchell:

At the La Plata Board of Appeals Meeting of April 1, 2026, the Board voted to continue your application for Variance 002-2025 to May 27, 2026, at 6:00 p.m.

As neither of you were present during the meeting, the Board continued Variance 002-2025 to facilitate your attendance at the next meeting. Failure to attend the scheduled May 27, 2026, Board of Appeals Meeting may result in the Board taking action to deny your application. Your attendance is strongly encouraged to enable the Board to ask questions concerning your application and to discuss potential conditions of approval for Variance 002-2026. Staff recommends that you review the recording of the April 1, 2026, Board of Appeals Meeting using this link: <https://laplatamd.portal.civicclerk.com/event/568/files/agenda/3796>.

If you have any questions, please contact me at ddooley@townoflaplata.org or 240-682-7509.

Sincerely,

Don Dooley

Don Dooley,
Director of Planning

C: Variance 002-2025 File

Town of La Plata

VARIANCE (VAR) 0001-2025



Board of Appeals Meeting

April 1, 2025

Project Location: 603 Washington Ave. La Plata, MD.

Applicants/Property Owners: Naomi Henry and Sylvester Mitchell

Project Request

To approve Variance 002-2025 for the installation of a 2,059-square foot accessory structure (ground-mount solar array) in the front yard of the existing single-family dwelling located at 603 Washington Ave.

Background

- On May 14, 2025, the Applicants' (property owners) obtained a building permit from the Town for the installation of a 2,059-square foot, grounded mounted, solar panel array to energize their single-family home at 603 Washington Avenue.
- Although not specifically identified on the Applicants' plans, the solar array is located approximately 60-90 feet from Washington Avenue and 60-90 feet from Hawthorne Street.
- It is approximately 160 feet from the Applicants' house.

Background

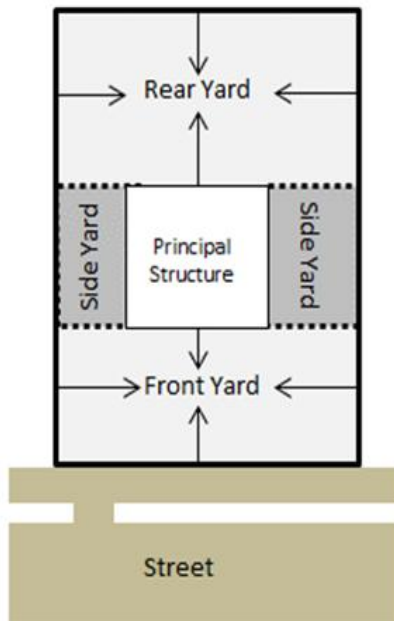


Background

- The solar array was subsequently installed, inspected, and the building permit closed-out to complete the job.
- A complaint was subsequently made to the Town concerning the location of the structure.
- Upon reviewing the building permit for the solar array, it was determined that the permit was issued in error.

Background

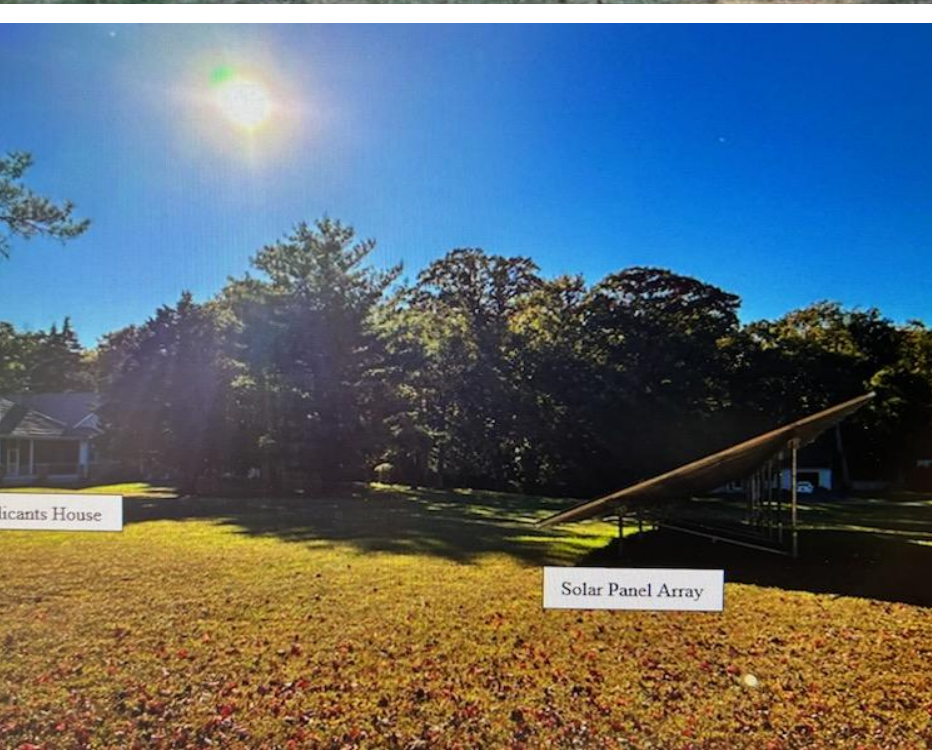
- The error occurred as the location of the solar array should not have been approved in the front yard of the property, being Washington Ave. and Hawthorne Dr. (its secondary frontage) per Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.



“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.”

Background

- Staff subsequently notified the Applicants' of the Town's error in issuing the building permit for the solar array.
- However, further analysis of the circumstances concerning the placement of the solar array suggests it qualifies for the approval of a variance.
- Specifically, there are special or unique circumstances associated with the Applicants' property that make it infeasible to place the solar array elsewhere on their parcel, including the rear of the lot.
- According to the March 20, 2025, *Ground-Mount Solar Site Feasibility Report* prepared by *Solar Energy World*, the current placement of the solar array is necessary as there are no other viable locations on the property for operational efficiency because of shading issues on the property.



Background

Since the Applicants wish to retain their solar array at its current location, as recommended in the solar site feasibility report, approval of Variance 0002-2025 is required despite the Town issuing and finaling a building permit for the ground mounted solar array in error.

Discussion

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

Findings Analysis

In summary, staff proffers of the following variance findings:

Finding 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,*

- The solar array supports the public interest in renewable energy, environmental sustainability, and energy resilience.
- The solar array has no documented adverse effects on public safety, traffic visibility, drainage, or neighboring properties.
- Strict application of §191-42.C.2 of the La Plata Zoning Code would frustrate legitimate, policy-supported, environmental objectives by making the array non-functional due to rear yard shading.

Findings Analysis

Finding B: *A variance will not permit the establishment of a use which is not permitted in that zone in that,*

- The solar array is a permitted accessory structure for the existing single-family dwelling; the variance concerns only its location, not its use.
- Granting the variance does not introduce any prohibited land-use but simply provides relief from the front-yard placement restriction in §191-42.C.2 because of significant shading at the rear of the Applicants' property.

Findings Analysis

Finding C: *The hardship is not shared generally by other land or buildings in the area in that,*

- The property is uniquely constrained by large, mature, trees that cast significant shade across the entire rear yard, making the code-preferred location for the solar array non-viable.
- Solar Energy World confirmed that no other location on the lot provides adequate sunlight exposure for the solar array, a condition not typical of surrounding properties.

Findings Analysis

Finding D: *The hardship is not self-created or self-imposed and must result from the strict application of this chapter in that,*

- The Applicants relied in good faith on a Town-issued building permit and were later advised that it was issued in error after the solar array was installed. The error was not created by discretionary actions of the Applicants;
- The on and off-site mature trees at the rear of the Applicants' property and the extant orientation of their house produce unavoidable shading constraints that are beyond their control.
- The Applicants' neither created nor can reasonably alter the existing shading constraints which creates the practical difficulty the variance seeks to remedy.

Findings Analysis

Finding 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 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 Solar Energy World Feasibility Report confirms that no alternative on-site location provides viable solar energy production;
- Variance 002-2025 cures the practical difficulty of the solar arrays' placement on the property, as dictated by the Zoning Code, while the array meets all other development standards.

Recommendation

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