



**Board of Appeals  
Regular Meeting**  
June 24, 2026, 6:00 PM  
Council Chambers, La Plata Town Hall  
305 Queen Anne St.  
La Plata MD

**Agenda**

1. Call to Order
  - 1.1. Pledge of Allegiance
  - 1.2. Roll Call
2. Approval of Minutes
  - 2.1. Approval of minutes from meeting on May 27, 2026.
3. Old Business
  - 3.1. 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.
4. Deliberations Regarding Application
  - 4.1. Findings of the Board
5. Other Business
6. Adjourn
  - 6.1. Adjournment



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

May 27, 2026, 6:00 PM

Regular Meeting

Council Chambers, La Plata Town Hall

305 Queen Anne St.

La Plata MD

**PRESENT:** Chair Hugh Williams  
Mark Thorn

**ABSENT:** Jonathan Burruss  
Matthew Hawkins

**TOWN STAFF:** Todd Pounds, Town Attorney  
Don Dooley, Director of Planning  
Kelly Phipps, Director of Legislative Services

**GUESTS:**

1. Call to Order

Chair Williams called the meeting to order at 6:35 PM.

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. Roll Call

Chair Williams noted the absence of Jonathan Burruss.

1.3. Pledge of Allegiance

The Pledge of Allegiance was not conducted.

2. Disclosure of Closed Session

## 2.1. Disclosure of Closed Session on April 01, 2026

Chair Williams conducted the disclosure of the closed session on April 01, 2026.

## 3. Approval of Minutes

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

Thorn moved to approve the minutes as presented.

Moved By: Mark Thorn, seconded by Hugh Williams.

Ayes: Chair Williams, Thorn

Nays: None

Abstained: None

Absent: Burruss, Hawkins

**Passed**

## 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.

Naomi Henry, Mya Evertz & Ryan Mucha, the applicants for 603 Washington Avenue, were present at the meeting. Review and discussion of #VAR-0002-2025, 603 Washington Avenue, was not conducted due to the lack of a quorum of Board of Appeals members who were present at the previous meeting where the initial public hearing was held.

## 5. New Business

### 5.1. Board Member Comments

This portion of the agenda was not conducted.

### 5.2. Public Comment

No public speakers requested to speak on items other than agenda item 4.1. Chair Williams refrained from accepting public comment on item 4.1 to defer case comment until the rescheduled meeting on June 24, 2026.

## 6. Adjourn

### 6.1. Adjournment

Thorn moved to adjourn the meeting at 6:45 PM.

Moved By: Mark Thorn, seconded by Hugh Williams.

Ayes: Chair Williams, Thorn

Nays: None

Abstained: None

Absent: Burruss, Hawkins

**Passed**

Submitted by:

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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:** June 24, 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, 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 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, 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.”*

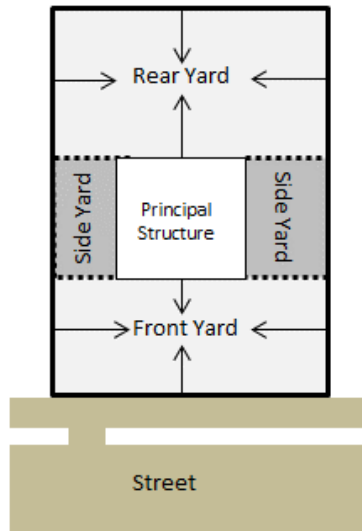
In other words, the area between the front of the applicants’ house and their front property line along Washington Avenue, including their secondary frontage street along Hawthorne Road. A side yard is defined under the same ordinance as the,

*“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.”*

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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.

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.

Board of Appeals Meeting of May 27, 2026

Although the BOA anticipated continuing to evaluate Variance (VAR) 0002-2026 at their scheduled May 27, 2026, meeting, there was not a quorum of voting members present. Therefore, Variance 0002-2026 (VAR) was continued again to June 24, 2026.

**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. While the applicants were present for

the BOA Meeting on May 27, 2026, the BOA continued Variance (VAR) 0002-2026 as there was not a quorum of voting members present.

**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
- 9) Board of Appeals Staff Report for May 27, 2026

# DRAFT

## 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**, 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

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

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 and,

**WHEREAS**, Variance (VAR) 002-2025 was continued again from the May 27, 2026, Board of Appeals Meeting to June 24, 2026, as there was not a quorum of voting members present during the meeting; and,

**WHEREAS**, the Board having reviewed all testimony, the staff reports, and the entire record for this application 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 sitting 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 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 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.

**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 June 24, 2026.

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

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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: 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 (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

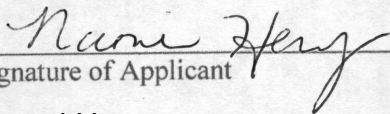
\_\_\_\_\_  
Printed Name

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

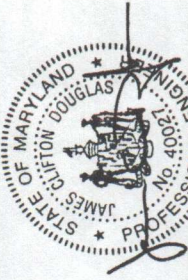
Date: \_\_\_\_\_

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

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

James C Douglas  
 Digitally signed by James C Douglas  
 Date: 2025.04.25 16:56:25 -04'00'

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: 3/15/29.



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



**SolarEnergyWorld**  
 Because Tomorrow Matters

Solar Energy World LLC  
 14860 Sweetzer Lane  
 Laurel, MD 20707  
 (888) 697-9383

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 LLC and its organization, in whole or in part, without the written consent of Solar Energy World LLC. Any reproduction or use of this drawing without the written consent of Solar Energy World LLC is strictly prohibited.

International Residential Code (IRC) 2021

National Electrical Code (NEC) 2020

105 MPH 25 PSF

(95) LONGI LR5-54HABB-400M

(2) SE11400H-USRGM

(1) SE10000H-USRGM

38,000 KW 32,800 KW

Naomi Henry  
 603 Washington Ave  
 La Plata, MD 20646

IGS

Shelton County

Equipment Location Plan

April 10, 2025

AS NOTED MD24243

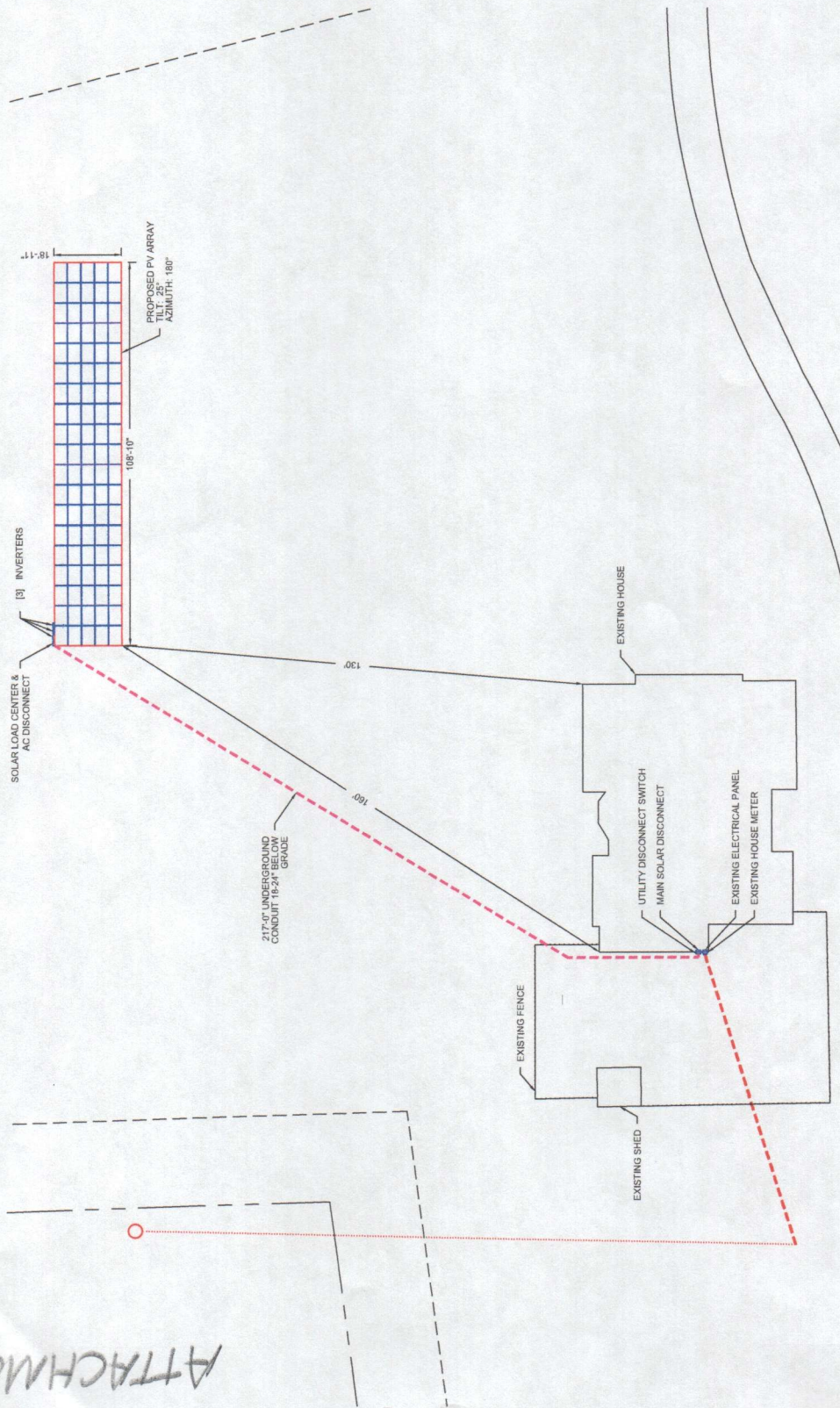
E-1

# LEGEND

- WILDLIFE & FOREST PRESERVATION
- WATER
- OVERHEAD ELECTRICAL
- UNDERGROUND ELECTRICAL
- SEWER
- GAS
- WETLANDS

# EQUIPMENT LOCATION PLAN

Scale: 1" = 30'-0"



- NOTES:**
- THIS DRAWING IS TO PROVIDE REFERENCE FOR THE INSTALLATION OF GROUND MOUNT PHOTOVOLTAIC ARRAYS.
  - THE SYSTEM SHALL INCLUDE (95) LONGI LR5-54HABB-400M MODULES (DIMENSIONS: 67.8" (L) X 44.65" (W) X 1.18" (D) AND WEIGHING 48.8 LBS (PANEL DEAD LOAD = 2.38PSF)
  - THE SOLAR FOUNDATIONS RACKING WILL BE INSTALLED PER MANUFACTURERS INSTALLATION MANUAL
  - THE PROPOSED ARRAY SHALL COVER APPROX. 2061.35SQ.FT. OF THE 6.51 AC. PROPERTY.
  - EQUIPMENT LOCATION PLAN IS APPROXIMATE. EXACT LOCATION TO BE VERIFIED WITH INSTALLATION CREW AND HOME OWNER AT THE TIME OF INSTALLATION.

ATTACHMENT 3



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.

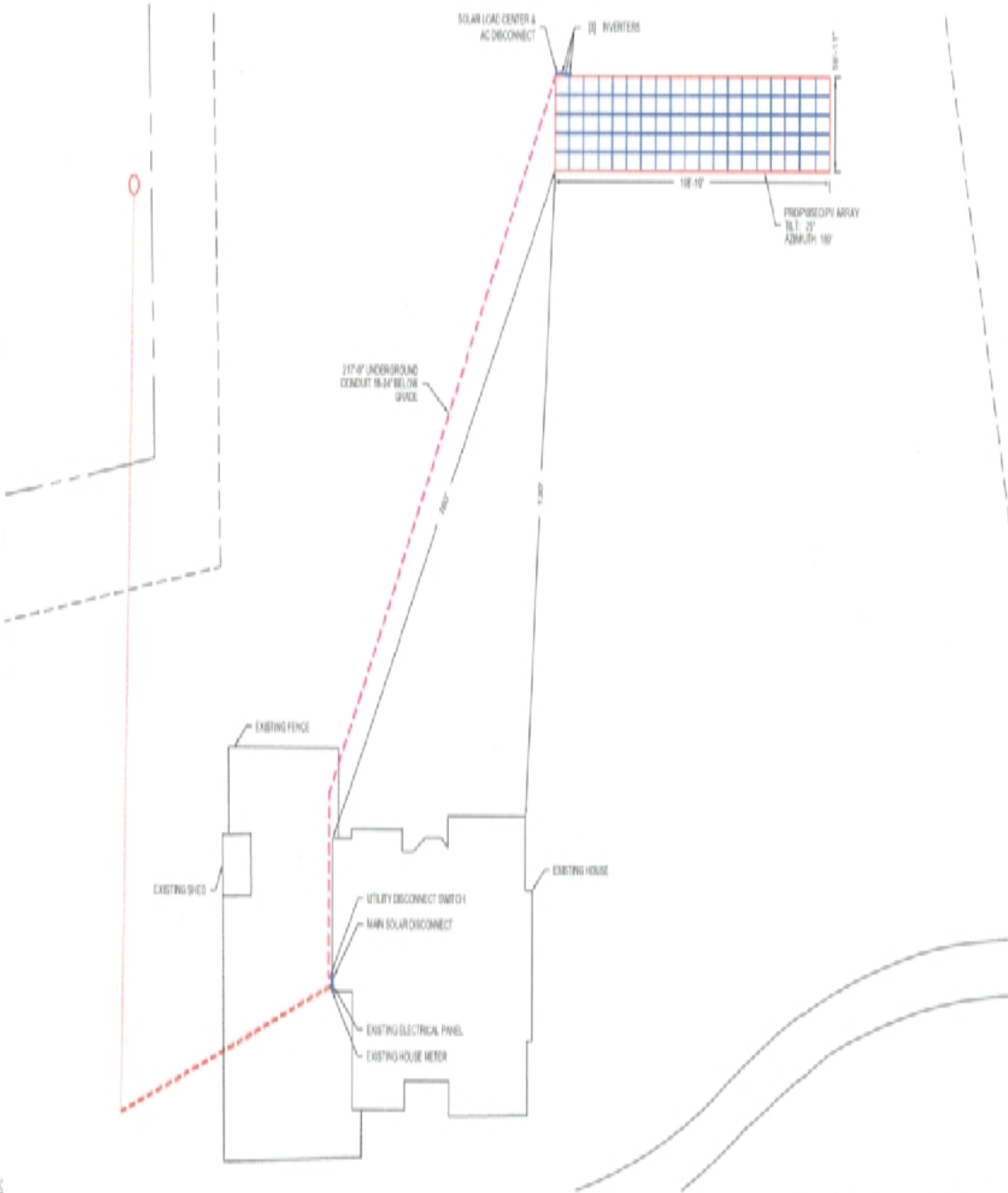


Engineering Review is Limited solely to the Structural Design of the SFDA Structure. It Excludes All Civil, Electrical, and Other Non-Structural Project Elements.

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
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:**
- 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: FGS

Client: Charles County, MD

Project Name: Equipment Location Plan

Issue Date: AT April 10, 2025

Issue No: AS NOTED MD24243

Sheet: 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



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:
------------------------------------------	--------------------------------------------------------

<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

# 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

<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

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

<u>Location</u>	<u>Land-Use</u>	<u>Zoning</u>
<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)

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)

## **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 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, 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.”*

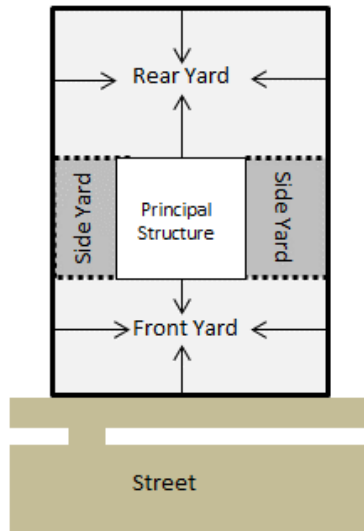
In other words, the area between the front of the applicants’ house and their front property line along Washington Avenue, including their secondary frontage street along Hawthorne Road. A side yard is defined under the same ordinance as the,

*“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.”*

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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 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:

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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 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*

## 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

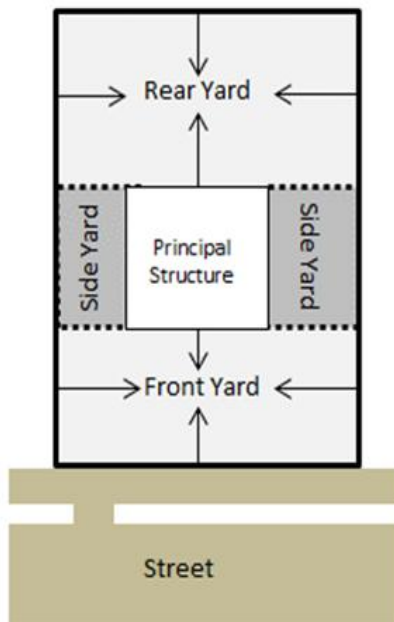


# Background

- 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

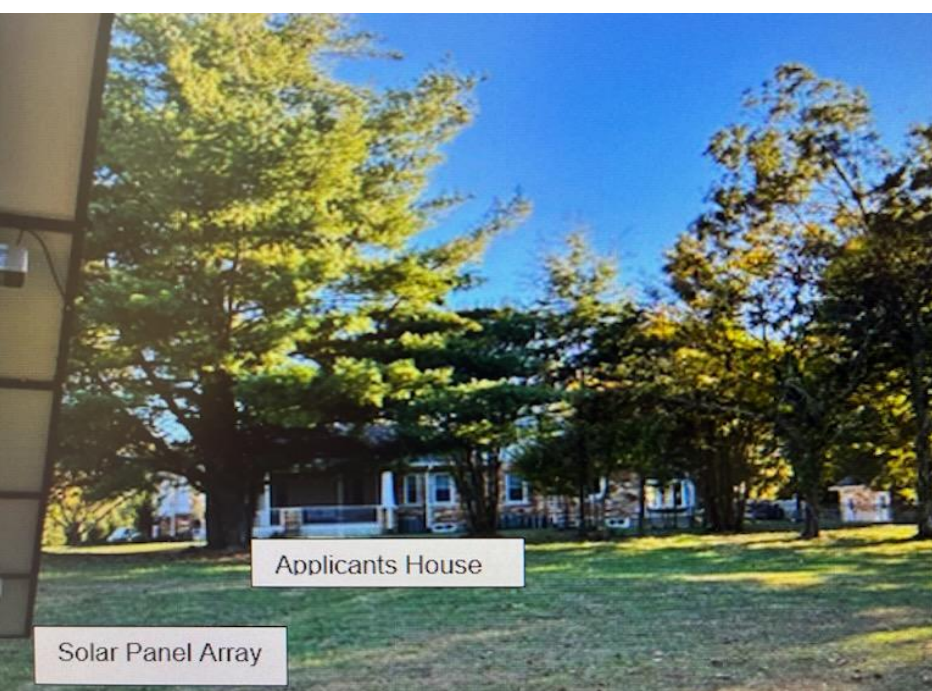
- The error occurred as the location of the solar array should not have been approved in the front yard of the property, being Washington Ave. and Hawthorne Dr. (its secondary frontage) per Section 191-42.C.2 (Accessory uses and structures) of the La Plata Zoning Code.



*“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.

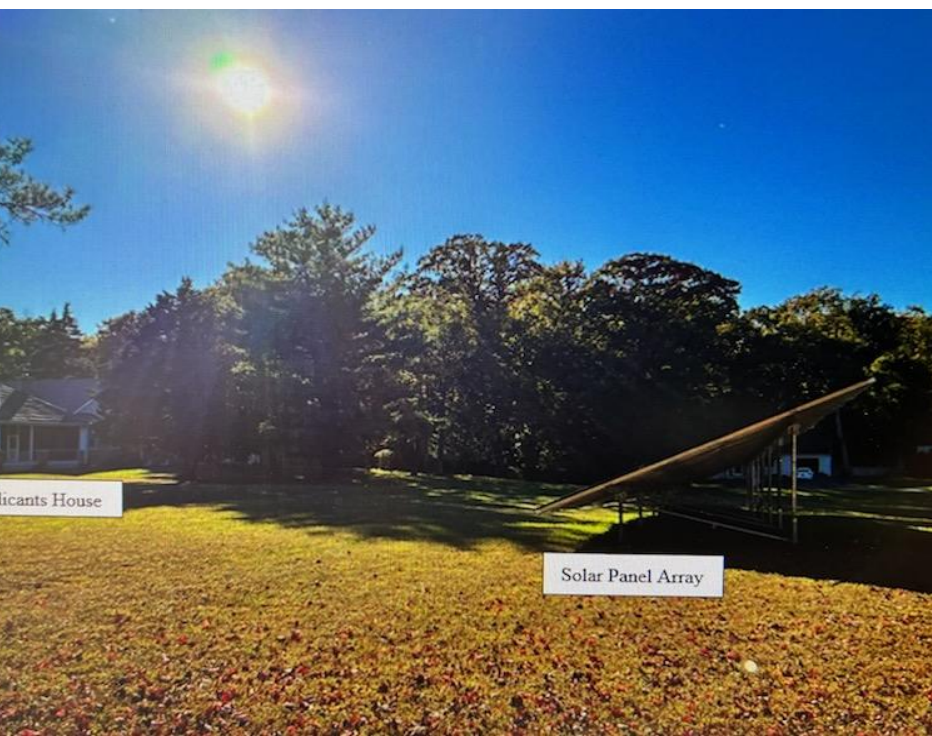


Applicants House

Solar Panel Array



Applicants House



Applicants House

Solar Panel Array

# 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.

# 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](mailto:ddooley@townoflaplata.org) or 240-682-7509.

Sincerely,

*Don Dooley*

Don Dooley,  
Director of Planning

C: Variance 002-2025 File

# Town of La Plata

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## 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

<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, 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 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, 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.”*

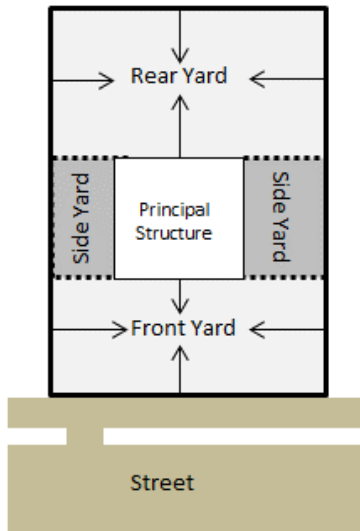
In other words, the area between the front of the applicants’ house and their front property line along Washington Avenue, including their secondary frontage street along Hawthorne Road. A side yard is defined under the same ordinance as the,

*“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.”*

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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.

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