

**GREENSBORO BOARD OF ZONING APPEALS
HEARING TO COMPLY WITH INSTRUCTIONS FROM CAROLINE COUNTY
CIRCUIT COURT TO GRANT SPECIAL EXCEPTION FOR 720 W. SUNSET AVENUE
MINUTES, FINDINGS OF FACT, AND CONCLUSION**

The Board of Zoning Appeals held a public hearing on Monday, November 24, 2025, at 6:00 p.m. in the Greensboro Commissioners Meeting Room at 111 South Main Street, Greensboro, Maryland. The purpose of the meeting was to comply with an Order from the Circuit Court for Caroline County reversing the March 10, 2025 decision of the Board of Zoning Appeals to deny an application filed by Halo Greensboro Property, LLC (the "Applicant)," for special exception approval to permit a Private Utility Facility – Major Utility Facility with capacity to produce 1.2 megawatts AC power with related equipment, transmission lines, utility poles, access areas, fencing and similar features on property located at 720 Sunset Avenue, more particularly described as Tax Map 0301, Parcels 936 & 943; and remanding the matter to the Board of Zoning Appeals with instructions to grant the application. Board members present were Chair, Kate Beebe Cunningham and members, Jim Bruce and Rich Covert. Also in attendance were Deputy Town Manager, Jaime Fowler; Public Works Director, Brandon Cunningham; and Assistant Town Attorney, Jennifer Dindinger. Brendan Mullaney, Esq., counsel and agent for the Applicant, joined via Zoom.

Board Chairperson Cunningham opened the hearing and announced that the Board was present to comply with the Order from the Circuit Court for Caroline County to grant the special exception. The Board had before it the Town's administrative file, which reflected that the notice of the hearing was published in the *Star Democrat* on November 14, 2025. Additional items in the administrative file were the Agenda, a copy of the original application and exhibits, the Applicant's Petition for Judicial Review filed in Circuit Court, and the Caroline County Circuit Court Opinion and Order remanding the matter.

Ms. Dindinger announced that no testimony or public comment would be taken so no oath needed to be sworn.

Summary of Proceedings

Ms. Dindinger read the following into the record:

- The Greensboro Board of Zoning Appeals (BOZA) held a hearing on March 10, 2025 at 6:00 p.m. to consider an application by Halo Greensboro, LLC for a special exception to permit a private utility facility – major utility facility with capacity to produce 1.2 megawatts (MW) AC power, along with related equipment, transmission lines, utility poles, access areas, fencing and similar features (the "Project") at property located at 720 W. Sunset Avenue, Greensboro, Maryland (the "Property").
- At the time of application, the Property was zoned I-2, which permits private utility facilities, including facilities that generate energy from solar, as a special exception use.
- At the hearing, the Board found, among other findings, that the "use will adversely impact adjoining properties in the area" and denied the application.
- The applicant timely appealed to the Circuit Court for Caroline County for judicial review of the Board's decision.
- The judicial review hearing was held on August 5, 2025.

- The Court published its Opinion and Order on Sept. 22, 2025.
- No appeal was filed.
- The Court reversed the Board's ruling, and remanded the matter back to the Board with specific instructions to grant the special exception, for the following reasons:
 - the record and testimony of the Applicant showed that the Applicant did meet the criteria for a special exception use under the Greensboro Land and Development Ordinance § 6.03 (Special Exception Supplemental Standards).
 - the Board's finding that "the use will adversely impact adjoining properties in the area" applied the incorrect standard; the required standard is that the adverse effects had to be "above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."
 - the record supported a finding that the Project will not cause greater harm at the proposed location compared to other I-2 zones.
 - During the hearing, two board members acknowledged that the applicant met the criteria, but then voted to deny.

Relevant Provision of the Zoning Ordinance

Article 1, Section 10.20.C of the Greensboro Land and Development Ordinance permits private utility facilities such as solar facilities by special exception in the I-2 District. Section 6.03.A. provides that the Board shall give consideration, where appropriate, to the probable effect of noise, vibration, smoke, and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties.

Findings of Fact

1. Proper notice was given to the public regarding the hearing date, time, and subject matter.
2. The Board found that Applicant met the criteria for a special exception use under the Greensboro Land and Development Ordinance § 6.03 (Special Exception Supplemental Standards) because the Project will not cause adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Conclusion

By a unanimous vote, the members of the Board determined that the Applicant met its burden to approve the special exception. Member Covert made a motion to approve the special exception. Member Bruce seconded. By a vote of 3-0, the Board granted the Applicant its request for special exception.

Record of Members Vote

Katie Beebe Cunningham	-----	Aye
Jim Bruce	-----	Aye
Rich Covert	-----	Aye

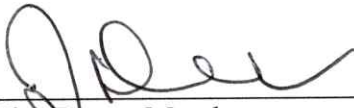
Certification of Members

The undersigned hereby certify that the foregoing Minutes, Findings of Fact, Conclusions, and Voting Record accurately sets forth the proceedings of the Greensboro Board of Appeals on November 24, 2025, concerning Special Exception Application 720 W. Sunset Avenue.

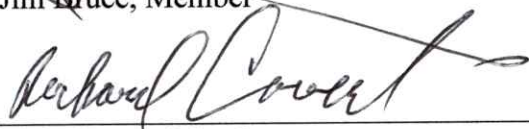
Date: 12/16/25



Katie Beebe Cunningham, Chair



Jim Bruce, Member



Rich Covert, Member