

Resolution No. R-13-2022

Adopted: May 9, 2022

A Resolution of the Mayor and Town Council of Kensington Approving a Variance for a fence to exceed four (4') feet in height within the front plane of the property on land zoned for single-family use at 3910 Warner Street.

WHEREAS, an application for a fence has been filed by Ruth Hoffman, ("Applicant"), for certain real property located at 3910 Warner Street, ("the Property"); and

WHEREAS, the Variance would allow for the placement of a six (6') foot fence to be located along the property line and within the front plane of the Property and adjacent to 10317 Detrick Avenue; and

WHEREAS, Section 5-109, "Fences, Walls, and Retaining Walls", of the Town Code limits fences within the front plane of a property to a maximum height of four (4') feet; and

WHEREAS, the Town Council may grant a petition for a Variance after a hearing when the Council finds that:

1. Strict application of the Town regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;
2. The variance is the minimum reasonably necessary to overcome any exceptional conditions; and
3. The variance can be granted without substantial impairment of the intent, purpose, and integrity of this article.

WHEREAS, the Mayor and Council conducted a Public Hearing on the Variance request at the April 11, 2022, Council meeting, after due notice to the public and to the adjacent neighbors, and received testimony on the requested Variance. The Council closed the record following the Public Hearing.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Kensington, based on the testimony presented at the Public Hearing on April 11, 2022, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Ruth Hoffman ("Applicant") is the owner of 3910 Warner Street in Kensington, Maryland, which is zoned single-family residential ("Property").
2. The original dwelling dates to 1940.

- 3. The Applicant is replacing the current fence with a similar stockade and height; however, the Applicant has requested to install a six (6') foot fence along the southwest property line with 10317 Detrick Avenue.
- 4. The Town's Code requires that the maximum height of a fence shall not exceed four (4') feet within the front plane of the property, unless the residential property abuts a commercial or mixed-use property.

Conclusions of Law:

- 1. Strict application of Town regulations would result in undue hardship due to the topography along the southwest corner of the property.
- 2. The proposed Variance is the minimum necessary to overcome the unique condition of the Property to allow for the Applicant to provide privacy between the Property and 10317 Detrick Avenue.
- 3. The Variance can be granted without impairment of the intent, purpose, and integrity of this article.

BE IT FURTHER RESOLVED THAT the Variance request to install a six (6') foot fence along the southwest corner of the Property located at 3910 Warner Street be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 9th day of May, 2022.

EFFECTIVE the 9th day of May, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: *Susan C. Engels*
 Susan C. Engels, Clerk – Treasurer

Tracey C. Furman
 Tracey C. Furman, Mayor