

Resolution No. R-13-2023

Adopted: July 10, 2023

A Resolution of the Mayor and Town Council of Kensington Approving a Sign Variance to allow a Limited Duration Sign at 10800 Connecticut Avenue to be placed for an Additional 90 Days.

WHEREAS, the Town received a permit application for the placement of a Limited Duration Sign by Amy Hamilton, (“the Applicant”), for certain real property at 10800 Connecticut Avenue, which was approved February 3, 2023; and

WHEREAS, in accordance with Section 6-104 (f), “Limited Duration Signs”, of the Town Code, a Limited Duration Sign larger than ten (10) square feet may not be posted for more than sixty (60) days in a Calendar year; and

WHEREAS, the Applicant has requested a Variance to extend the placement of the Limited Duration Sign an additional ninety (90) days in accordance with Section 6-104 (l), “Variance Procedure”, of the Town Code; and

WHEREAS, the Town Council may grant a petition for a Sign Variance after a Hearing when the Council finds the following:

- (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 or owner of such sign;
- (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. A variance decision must be based on consideration of:
 - a. (a) one or more of the following elements: size, shape, color, design elements, location or cost of the sign;
 - b. (b) the compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area;
 - c. (c) confirmation that the property and all other signs on the property are in conformance with the Article.
 - d. (d) recommendation of the HPC if located in the Historic District and if requested by the Council or offered by the HPC.

WHEREAS, the Mayor and Council conducted a Public Hearing on the Sign Variance request at the June 12, 2023, Council meeting, after due notice to the public and to the adjacent neighbors. 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 June 12, 2023, and the evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

- (1) 10800 Connecticut Avenue, LLC, represented by Amy Hamilton (“the Applicant”) is the owner of 10800 Connecticut Avenue in Kensington, Maryland.
- (2) The applicant filed and was permitted a Limited Duration Sign to be placed beginning February 3, 2023.
- (3) The applicant has requested an extension to the placement for an additional ninety (90) days due to both current economic challenges in selling commercial real estate and the uncertainty of the property’s future with regards to acquisition by Montgomery County for the proposed Summit Avenue Extended project.

Conclusions of Law:

- (1) The strict application of the Town regulations would result in peculiar and unusual practical difficulties considering the uncertainty of the property and the failure of Montgomery County to adequately and clearly state their intent for the property located at 10800 Connecticut Avenue within the proposed Summit Avenue Extended project.
- (2) The requested Sign Variance to extend the placement of the Limited Duration Sign an additional ninety (90) days will allow the Town staff to clarify the storm water management responsibilities of 10800 Connecticut Avenue within the proposed Summit Avenue Extended project.
- (3) The Sign Variance can be granted without substantial impairment of the intent, purpose, and integrity of this Article.

BE IT FURTHER RESOLVED that the Sign Variance request to extend the placement of the Limited Duration Sign an additional ninety (90) days on the property located at 10800 Connecticut Avenue be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 10th day of July, 2023.

EFFECTIVE the 10th day of July, 2023.

ATTEST: TOWN OF KENSINGTON, MARYLAND

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

Tracey C. Furman
Tracey C. Furman, Mayor