

Resolution No. R-27-2022
Adopted: October 11, 2022

A Resolution of the Mayor and Town Council of Kensington Approving a Variance at 10025 Frederick Avenue to allow an Encroachment of approximately two (2') feet into the allowed ten (10') foot side yard setback.

WHEREAS, an application for a front plane addition has been filed by Reva and Aaron Snow, ("Applicants"), for certain real property located at 10025 Frederick Avenue ("the Property"); and

WHEREAS, the Variance would allow for a front plane addition on the northwest side of the property by encroaching approximately two (2') feet in the required ten (10) foot side yard setback, as regulated within Section 5-104, "Building Lines", of the Town Code; and

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

1. There are specific situations or conditions that are peculiar to the property that makes it unique from neighboring properties, including, but not limited to: (i) shape (narrowness/shalowness); (ii) topography; (iii) historic significance; (iv) environmental features; or (v) other extraordinary conditions unique to that property. The conditions must result from the application of building or zoning standards and not from the action, inaction or the personal circumstances of the property owner or the owner's predecessor(s); and
2. The requested variance is the minimum necessary to overcome the unique condition of the property; and
3. The requested variance is not detrimental to neighboring properties or the community as a whole.

WHEREAS, the Mayor and Council conducted a Public Hearing on the Variance request at the September 12, 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 September 12, 2022, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. The proposed addition is 733 square feet, one story, and within the front plane of the house.
2. The property owners also plan to add a 205 square-foot covered porch within the front plane.
3. A total of 15.6 square feet of the addition encroaches within the ten-foot side yard setback on the southwest corner of the property.
4. The proposed addition does not encroach on the 15-foot minimum distance between dwellings.

Conclusions of Law:

1. Strict application of Town regulations would result in undue hardship due to the peculiar narrowness of the lot and the existing front setback of the dwelling unit.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the Property to allow for the Applicant to maximize the proposed addition.
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 encroach two (2') feet into the required ten (10') side yard setback at the Property located at 10025 Frederick Avenue be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland, at the regular public meeting assembled on the 11th day of October, 2022.

EFFECTIVE the 11th day of October, 2022.

ATTEST: TOWN OF KENSINGTON, MARYLAND

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

Tracey C. Furman
Tracey C. Furman, Mayor