

**Resolution No. R-13-2024**

**Adopted: July 10, 2024**

A Resolution of the Mayor and Town Council of Kensington approving a Sign Variance to allow the existing freestanding (monument) sign at 10335 Kensington Parkway to be modified, in accordance with Section 6-104 (l), "Variance Procedure", of the Town's Sign Ordinance.

**WHEREAS**, the Town received a permit application for the modification of an existing freestanding (monument) sign by Glen Kessler, ("the Applicant"), for certain real property located at 10335 Kensington Parkway ("the Property"); and

**WHEREAS**, the existing sign exceeds the maximum allowable height of six feet (6'), in accordance with Section 6-104, "Signs on Private Property – CRT, CRN, and Industrial Zones", of the Town Code; and

**WHEREAS**, the Applicant has filed a Variance request before the Town Council to allow the modification of the existing monument sign, which exceeds the maximum height of six feet (6'), located at 10335 Kensington Parkway; 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 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 the consideration of:
  - a) one or more of the following elements: size, shape, color, design
  - b) elements, location or cost of the sign;
  - c) b. the compatibility of the proposed sign with the surrounding property,
  - d) the proximity of other signs, and the characteristics of the area;
  - e) c. confirmation that the property and all other signs on the property are in
  - f) conformance with the Article.
  - g) 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 Variance request at the June 12, 2024, Council meeting, after due notice to the public and to the adjacent neighbors, and did not receive public comment 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 June 12, 2024, and evidence submitted, adopts the following findings of fact and conclusions of law:

**Findings of Fact:**

1. Glen Kessler, (“the Applicant”), is the tenant at 10335 Kensington Parkway, Kensington, Maryland (“the property”).
2. The Applicant has requested to modify the existing six-foot, four-inch (6’, 4”) freestanding (monument) sign at 10335 Kensington Parkway, since the existing sign has been there for many years, and replacing the entire sign would be an unexpected cost for the business.
3. There was no public comment.

**Conclusions of Law:**

1. The Strict application of the Town’s regulations would result in peculiar and unusual practical difficulties due to the age of the existing sign and cost of installing a new sign.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the topography.
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 modify the existing six-foot, four-inch (6’, 4”) freestanding monument sign located at 10335 Kensington Parkway 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, 2024.

**EFFECTIVE** the 10th day of July, 2024.

**ATTEST: TOWN OF KENSINGTON, MARYLAND**

By:   
Susan C. Engels, Clerk – Treasurer

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Tracey C. Furman, Mayor