

**Resolution No. R-14-2024****Adopted: July 10, 2024**

A Resolution of the Mayor and Town Council of Kensington approving a Variance to allow a six-foot (6') fence within the front plane of the property located at 3401 Ferndale Street, in accordance with Section 5-109, "Fences, Walls, and Retaining Walls", of the Town Code.

**WHEREAS**, the Town received a permit application for the installation of a six-foot (6') fence in the front plane of the property by Zakary "Zak" Boyer, ("the Applicant"), for certain real property located at 3401 Ferndale Street, ("the Property"); and

**WHEREAS**, the fence would exceed the allowed height of a fence within the front plane of a residential property, in accordance with Section 5-109, "Fences, Walls, and Retaining Walls", of the Town Code; and

**WHEREAS**, the Applicant has filed a Variance request before the Town Council to allow for a six-foot (6') fence within the front plane of the property located at 3401 Ferndale Street; 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 June 12, 2024, 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 June 12, 2024, and evidence submitted, adopts the following findings of fact and conclusions of law:

**Findings of Fact:**

1. Zakary "Zak" Boyer, ("the Applicant"), is the owner of 3401 Ferndale Street, Kensington, Maryland, which is zoned single-family residential ("the property").
2. The Applicant has requested to install a six-foot (6') fence within the front plane of the property to create privacy from Mannakee Street, since the lot has frontage on Ferndale Street and Mannakee Street.
3. The property owner at 3405 Ferndale Street, Peter Halbrook, provided a letter in support of the Variance.
4. The property owner at 10419 Mannakee Street, Kathleen Mulholland, provided a letter in support of the Variance.

**Conclusions of Law:**

1. The Strict application of the Town's regulations would result in peculiar and unusual practical difficulties due to the unique layout of the property, curvature of the streets, and frontage on three sides of the property.
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 install a six-foot (6') fence within the front plane of the property located at 3401 Ferndale Street 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