

Resolution No. R-16-2024
Adopted: October 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 3417 Plyers Mill Road, 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 Rachael and Jason Leffler, ("the Applicants"), for certain real property located at 3417 Plyers Mill Road, ("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 Applicants have 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 3417 Plyers Mill Road; and

WHEREAS, the Town Council may grant a petition for a Variance after a Hearing in which 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 September 10, 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 September 10, 2024, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Rachael and Jason Leffler, (“the Applicants”), are the owners of 3417 Plyers Mill Road, Kensington, Maryland, which is zoned single-family residential (“the property”).
2. The Applicants have requested to install a six-foot (6’) fence within the front plane of the property, which would replace an existing six-foot (6’) fence, to maintain privacy between what is considered the rear yard at 3417 Plyers Mill Road, and the adjacent property at 3415 Plyers Mill Road.
3. The property at 3417 Plyers Mill Road is a corner lot, in which the eastern side lot of the property, where the fence is to be installed, is primarily used as the rear yard of the applicants and abuts the front plane of the property located at 3415 Plyers Mill Road.

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, as 3417 Plyers Mill Road is a corner lot, in which the eastern side of the property is utilized as the rear yard.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the property and would be replacing an existing six-foot (6’) fence that had been previously installed and permitted by the Town.
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 3417 Plyers Mill Road 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 October, 2024.

EFFECTIVE the 10th day of October, 2024.

ATTEST: TOWN OF KENSINGTON, MARYLAND

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

Tracey C. Furman
Tracey C. Furman, Mayor