

Resolution No. R-01-2025
Adopted: January, 8, 2025

A Resolution of the Mayor and Town Council of Kensington approving a Variance to allow a driveway width of 17 feet, 8.5 inches (17', 8.5") for the property located at 10609 Wheatley Street, in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code.

WHEREAS, the Town received a retroactive permit application for the installation of a 17-foot, 8.5-inch (17', 8.5") driveway from Kabir and Lindsey Archuletta, ("the Applicants"), for certain real property located at 10609 Wheatley Street, ("the Property"); and

WHEREAS, the driveway would exceed the allowed width of eleven feet (11') in accordance with Section 5-107, "Driveways and Parking Surfaces – Single Family Residential Zones", of the Town Code; and

WHEREAS, the Applicants have filed a Variance request before the Town Council to allow for a 17-foot, 8.5-inch (17', 8.5") driveway, using turfstone permeable concrete pavers, for the property located at 10609 Wheatley Street; 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; and
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 December 18, 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 December 18, 2024, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Kabir and Lindsey Archuletta, (“the Applicants”), are the owners of 10609 Wheatley Street, Kensington, Maryland, which is zoned single-family residential (“the property”).
2. The Applicants have requested a Variance and retroactive permit to install a 17-foot, 8.5-inch (17’, 8.5”) driveway, using turfstone permeable concrete pavers, due to the width, grade, and curvature of Wheatley Street.
3. The property at 10609 Wheatley Street has an existing curb cut for a driveway, and the Applicants installed the turfstone permeable concrete pavers in conjunction with the width of the existing curb cut.

Conclusions of Law:


1. The Strict application of the Town’s regulations would result in peculiar and unusual practical difficulties due to the width, grade, and curvature of Wheatley Street along the 10600 block.
2. The proposed Variance is the minimum necessary to overcome the width, grade, and curvature of Wheatley Street, and would allow two vehicles to park off-street.
3. The Variance can be granted without impairment of the intent, purpose, and integrity of this article, especially considering that turfstone permeable concrete pavers were used instead of an impermeable surface.

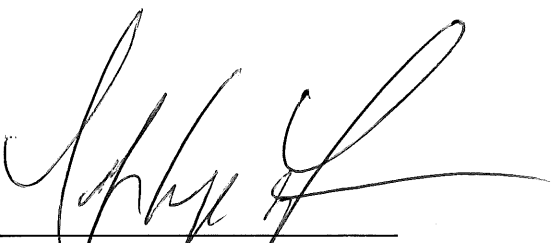
BE IT FURTHER RESOLVED THAT the Variance request to install a 17-foot, 8.5-inch (17’, 8.5”) driveway, using turfstone permeable concrete pavers, for the property located at 10609 Wheatley Street be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 8th day of January, 2025.

EFFECTIVE the 8th day of January, 2025.

ATTEST: TOWN OF KENSINGTON, MARYLAND

By: 
Susan C. Engels, Clerk – Treasurer


Tracey C. Furman, Mayor