Resolution No. R-15-2026
Adopted: October 21, 2026

A Resolution of the Mayor and Town Council of Kensington Approving a Variance to encroach one-foot (1') into the ten-foot (10') side yard setback for a dwelling on land zoned for single-family use at 10311 Summit Avenue, in accordance with Section 5-104 (b) of the Town Code.

WHEREAS, the Town received a permit application for an addition by Kristi Pappalardo and Kevin Jones, ("the Applicants"), for certain real property located at 10311 Summit Avenue, ("the Property"); and

WHEREAS, the proposed addition encroaches one-foot (1') into the ten-foot (10') side yard setback of the northeast corner of the property, as regulated within Section 5-104, "Building Lines", of the Town Code; and

WHEREAS, the Applicants have filed a Variance request before the Town Council to encroach one-foot (1') into the ten-foot (10') side yard setback for a dwelling on land zoned for single-family use; 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/shallowness); (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 16, 2026, 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 16, 2026, and evidence submitted, adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Kristi Pappalardo and Kevin Jones ("Applicants") are adding a screened in deck at the rear of the existing dwelling.
2. The one-foot (1') encroachment is on the northeast corner of the property.
3. The proposed addition meets the requirement of maintaining a distance of at least fifteen (15) feet to any other dwelling.

Conclusions of Law:

1. Strict application of Town regulations would result in undue hardship due to the positioning of the house in relation to the lot line.
2. The proposed Variance is the minimum necessary to overcome the unique condition of the Property.
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 one-foot (1') into the required ten-foot (10') side yard setback at the Property located at 10311 Summit Avenue be and it is hereby granted.

ADOPTED by the Town Council of Kensington, Maryland at the regular public meeting assembled on the 21st day of October, 2026.

EFFECTIVE the 21st day of October, 2026.

ATTEST: **TOWN OF KENSINGTON, MARYLAND**

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

Tracey C. Furman, Mayor