



ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.org

RESOLUTION REGARDING DDOT TRACKING # 94106, APPLICATION FOR OVERHEIGHT FENCE IN PUBLIC SPACE AT 4121 BRANDYWINE STREET, NW

WHEREAS:

1. In 1870, Congress designated the right-of-way next to private property as park areas to be maintained by the land owner.
2. Although under the care and keeping of adjacent landowners, such “public parking” is supposed to benefit the public at large. As such, fences around public parking may not exceed 42 inches absent specific permission from the Mayor (the authority to grant such permission has been delegated to the Public Space Committee).
3. The homeowner at 4121 Brandywine Street, NW seeks to erect a 5 foot metal fence around public parking adjacent to her house (“Lot”), which fronts River Road and Brandywine Street, NW.
4. A wooden fence approximately 48 inches high currently surrounds the Lot.
5. Although the current fence exceeds the 42 inches permissible as a matter of right, and the ANC is not aware of a PSC order permitting an exception to the height rule, the ANC understands that the fence existed when the current homeowner bought the house, and the ANC has no reason to believe the homeowner did not purchase the property in good faith without knowledge that the fence was overheight.
6. The homeowner states that she needs the higher fence because River Road and Brandywine Streets are busy.
7. The vast majority of homes and apartments fronting River Road (the busier street) do not have overheight fences, however.
8. The homeowner notes that a commercial property across the street from her has a fence attached to a retaining wall that rises about 5 feet from the sidewalk; accordingly, the homeowner states, she should be entitled to a 5 foot fence.
9. The public space in front of this property, however, is at a severe grade. Thus, the retaining wall appears necessary (rather than a ploy to gain more fence height). The metal fence attached to the retaining wall measures approximately 42 inches.
10. The homeowner’s Lot is relatively flat and neither has nor appears to need a retaining wall.
11. While the ANC recognizes the addition of this fence will not dramatically change the character of the neighborhood, if the ANC supports the application for the Lot, other homeowners may cite it as precedent for overheight fences.
12. If enough overheight fences are erected, the character of the neighborhood could be adversely affected.

13. Given that the vast majority of homes on River Road – many of which are closer to River Road than is the applicant’s home – do not have overheight fences, the ANC does not believe the basis cited by the homeowner for her application is compelling.

NOW THEREFORE BE IT RESOLVED:

1. ANC 3E does not support the above-referenced application.

The resolution passed by a vote of 3-0-0 at a properly noticed meeting held on July 17, 2014, at which a quorum was present, with Commissioners Bender, Frumin, and Quinn in attendance.

ANC 3E

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by Jonathan Bender
Vice-Chair