



ADVISORY NEIGHBORHOOD COMMISSION 3E
TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS
CHEVY CHASE WAKEFIELD FORT GAINES
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015
www.anc3e.com

RESOLUTION REGARDING APPLICATION FOR CURB CUT (DDOT TRACKING # 358869)

WHEREAS:

1. An application has been filed with DDOT's Public Space Committee (PSC) for permission to add a curb cut and driveway in public space for the property located at 4315 Fessenden Street NW, at which an existing bungalow is being replaced with a new three-story house. A full-size tennis court also occupies the lot and will remain.
2. Current zoning law does not require properties such as the subject property, that do not adjoin an alley, to have off-street parking.
3. Curb cuts are disfavored because, among other things, they expose pedestrians to moving traffic, and remove valuable right-of-way that could be used for trees, planting, or other desirable purposes.
4. The applicant seeks to connect the curb cut to an underground garage via a 10-foot wide driveway at a steep grade.
5. An existing gravel driveway at 4317 Fessenden directly adjoins the property. The owner's contractor denied that the driveway was shared with the subject property.¹
6. ANC 3E understands, however, that residents at the property have shared access to the driveway for many years. Indeed, on the evening before the ANC meeting at which this resolution was passed, a car was parked behind the existing house on the property, having used the existing driveway to get there.²
7. Other properties on this block of Fessenden successfully share driveways.
8. The ANC reviewed documents connected with the adjoining house at 4317 Fessenden, and found what appears to be an easement explicitly permitting residents of the subject property to use the existing driveway at 4317 for ingress or egress.³
9. Moreover, the ANC understands that the subject property is owned by Mr. Todd Boley. Although the property at 4317 is nominally owned by an LLC, online research suggests that Mr. Boley is, for all intents and purposes, the owner through the LLC of the subject property.⁴

¹ See Exhibit 1, "E-mail from Landsman to Bender," 10/7/2020

² See Exhibit 2, photograph of car parked at back of house on subject property.

³ See Exhibit 3, apparent deed language granting ingress/egress easement right to residents of subject property using existing driveway at 4317 Fessenden

⁴ See, Exhibit 4, printout from search of OTR records for 4317 Fessenden

10. The existing driveway and parking area permit drivers to turn their cars around before exiting onto Fessenden Street, on which there is often considerable traffic. The proposed driveway will apparently require drivers to back out onto Fessenden Street or back into the driveway, both potentially hazardous movements.

11. ANC 3E Commissioners have frequently observed users of steep driveways leaving their car parked near the top of the driveways because it is more convenient than any alternative. This often impedes public space. Most such driveways are in alleys, but at least one such alley does front a street, as the proposed driveway would, and the residents of the property frequently block the sidewalk.⁵

NOW THEREFORE BE IT RESOLVED:

12. For all the reasons above, ANC 3E opposes the application. The property has successfully shared an adjoining driveway for many years. There not only appears to be an existing easement permitting such sharing to continue, but it appears that the owner of the subject property and the adjoining driveway are one and the same. Thus, there is no legal or practical impediment to continuing to share the existing driveway and curb cut. Such an approach best protects pedestrians, motorists, and the environment

13.

The resolution passed by a vote of ___ - ___ - ___ at a properly noticed meeting held on October 15, 2020, at which a quorum was present, with Commissioners Bender, Hall, McHugh, Quinn, in attendance.

ANC 3E

by Jonathan Bender
Chairperson

⁵ See Exhibit 5, photographs of cars blocking sidewalk on driveway similar to the one the applicant seeks to build.

Exhibit 2

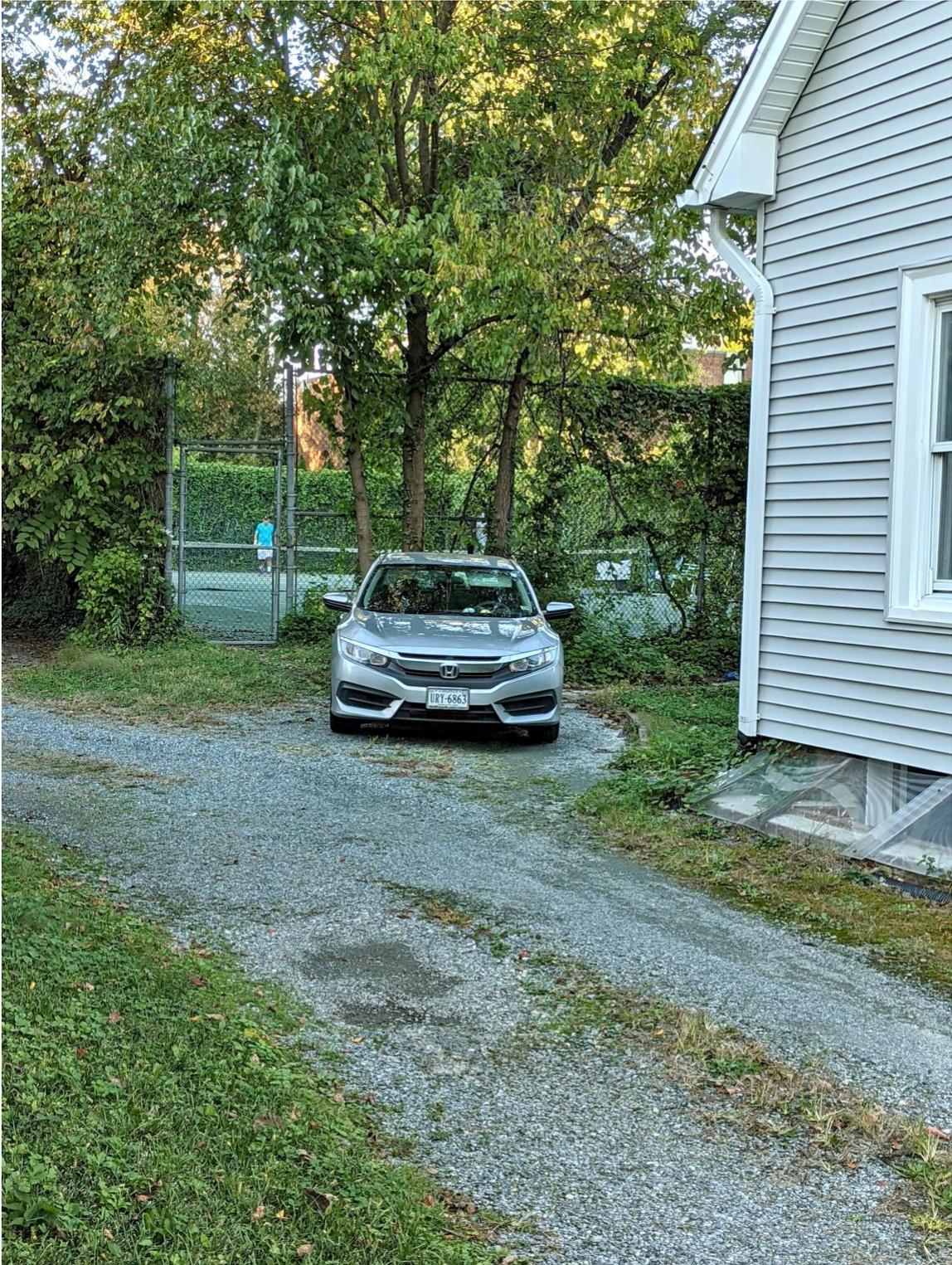


Exhibit 5

