

Danielle Okula  
2 Sewall Rd  
Portsmouth, NH

Dear Members of the Zoning Board fo Appeals,

I would like to request a variance to erect a 6 foot fence instead of a four foot fence along my property line and Spinney Road, which would continue along the 30 ft setback from the Spinney along the property line between 2 Sewall Rd and 148 Spinney Road. This would continue around the back side of the property.

There are three reasons I would like a variance.

1. Privacy.

My bedroom is the room that is closest to Spinney, with an approximate 15ft setback. People frequently walk this stretch of sidewalk, and have direct views into my bedroom. Because my property is significantly lower than the street, a four foot fence would not provide a decent amount of coverage.

Likewise my back deck has the same setback. People walking down the street look down into my deck.

The limited size of my lot, and the house and decks positioning close to Spinney Road makes using hedges as an alternative ineffective.

2. Dogs.

People frequently walk their dogs along Spinney Road. My dog, while she was sitting on my deck, has already been bit by a dog that got loose from its owner. I am concerned that a 4 foot fence would not be sufficient to keep another dog out and my dog in.

3. Noise

Since my bedroom is along Spinney Road that has a significant traffic, a six foot vinyl fence should improve the noise pollution, particularly at night.

I have spoken with my abutters, and they do not object to a 6 ft privacy fence.

This request respects the five principles variance enforcement as follows:

Section 10.233.20:10.233.21 The variance will not be contrary to the public interest;

As the map shows, the proposed fence would not limit light or circulating air to the abutters on 148 Spinney Street, since their house is set back 30 feet and is on the hill. The sidewalk along Spinney is fairly new, wide and the fence would not prevent anyone from coming down the street.

Other houses on Spinney towards Islington have 6ft fences, so this fence would not be "overly tall or obstruct views.

10.233.22 The spirit of the Ordinance will be observed;

The spirit of the Ordinance, to prevent unsightly, tall, fences will be respected. The uniqueness of the plot being so low in comparison with the street and the abutters, makes a four foot fence seem as tall as a 6 foot fence on a non-sunken. The intent is to provide similar privacy that an orthodox plot would benefit from a 4 foot fence and improve the lives of neighbors and pedestrians by providing sufficient separation between domestic animals.

10.233.23 Substantial justice will be done;

This request is substantiated by the lack of setback of 2 Sewall Rd and its low lying nature, not by the special need of the owner or disagreement with the ordinance in itself.

10.233.24 The values of surrounding properties will not be diminished;

The values of the surrounding properties will be improved by looking at a nice new fence rather than a neighbor's personal effects, that would typically be in a back yard. Likewise they will no longer need to be worried about my dog slipping their collar and coming into their yard, which occurred with the previous owner. The heat pump and air conditioning unit are along the sidewalk, and not seeing that would be an improvement to the pedestrians as well.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The literal enforcement of the ordinance would not provide the privacy and security intended by a four foot fence, because of the lack of setback between the house and the sidewalk, the sunken nature of the property (approximately 4 feet below grade) and the fact it is down the hill from the top of Spinney Road.

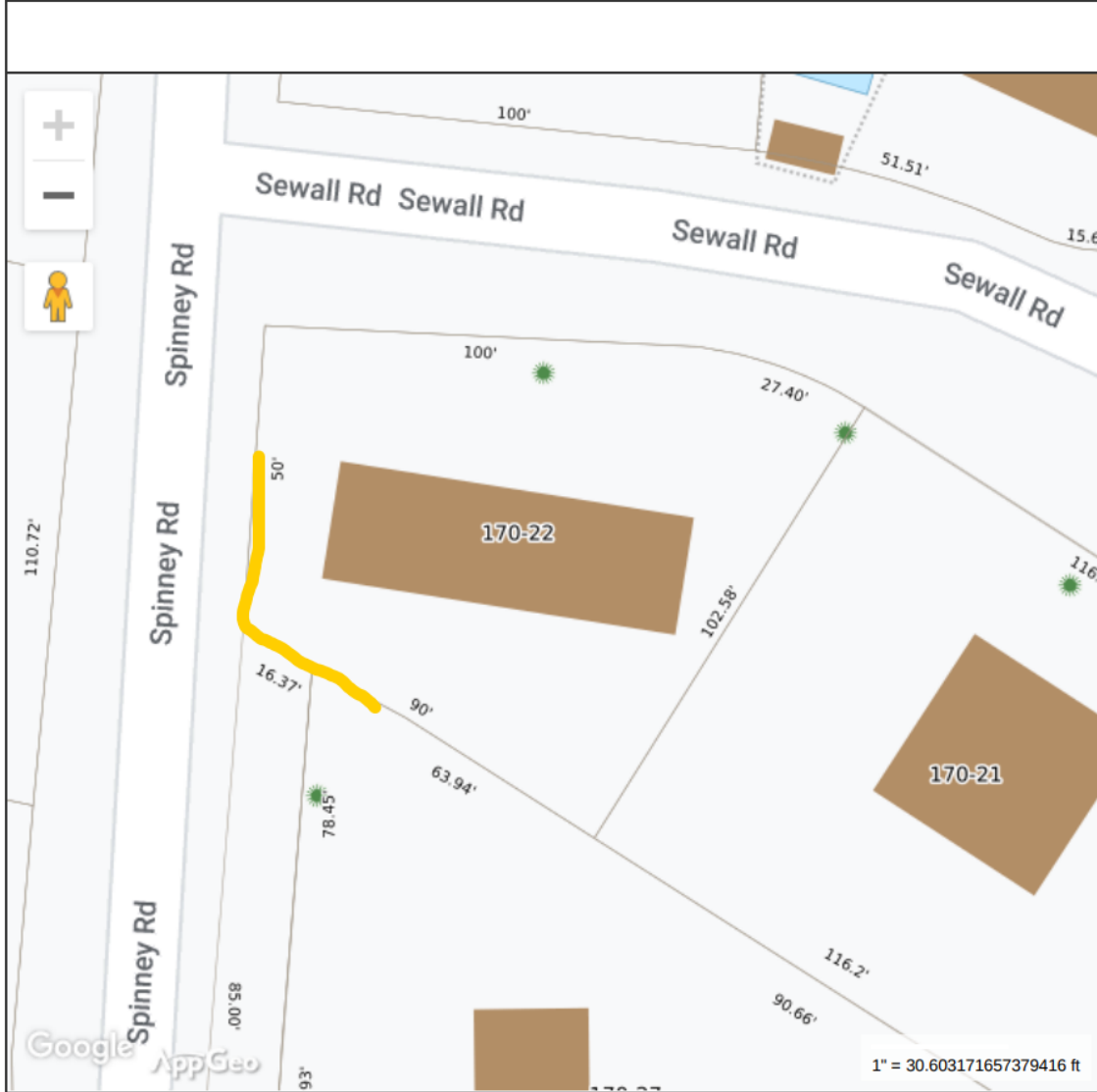
Finally due to the orientation of the house facing Sewall Road and the placement of the doors, there is no other way to create a backyard with a six foot fence that would respect the setback.

Thank you for your time,  
Danielle

Plot Plan for Variance - 28 feet along Spinney and 30 feet along the property line between 2 Sewall Rd and 148 Spinney

City of Portsmouth, NH

May 20, 2023



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Proposed Complete Fence site:

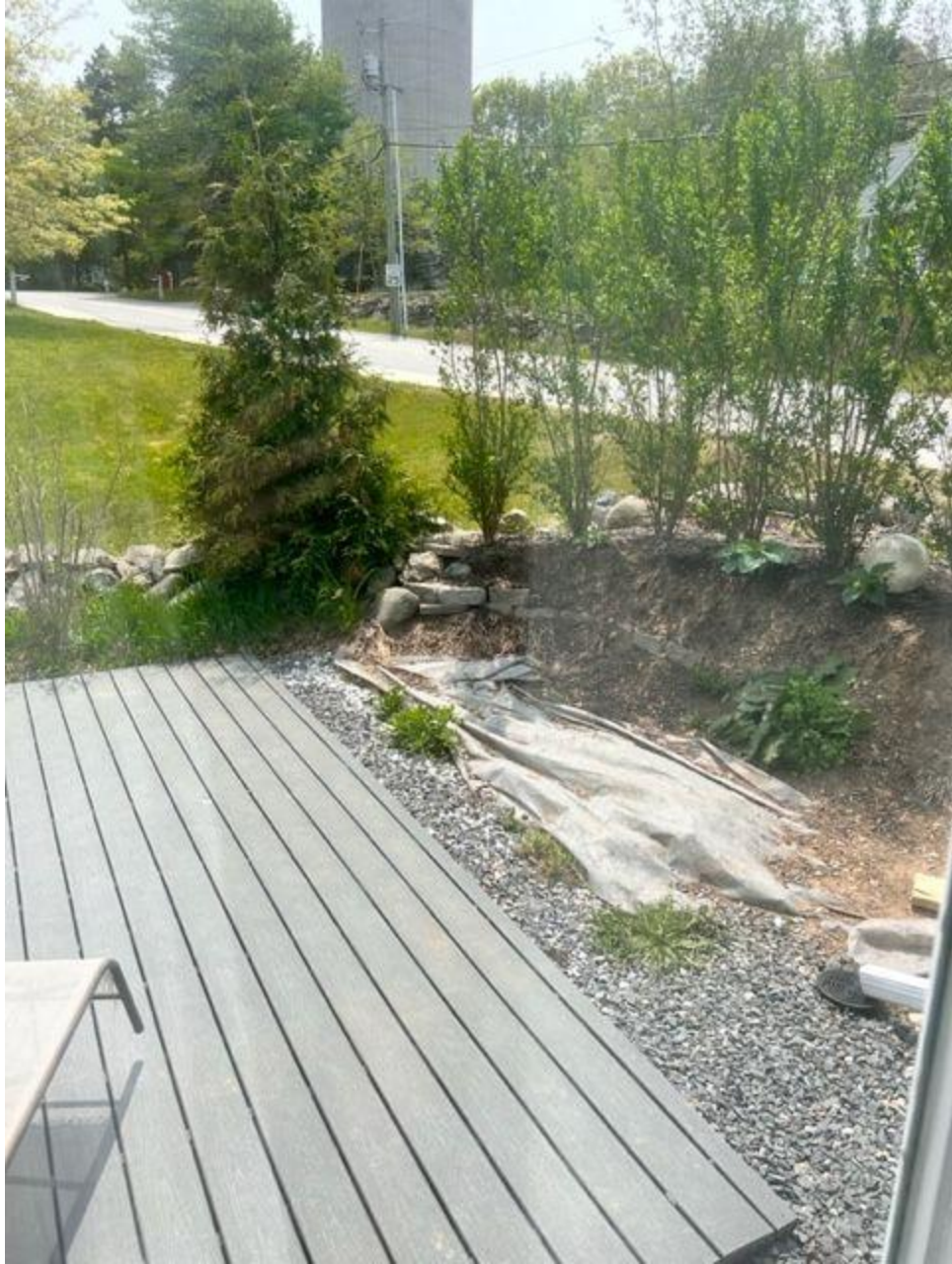


Proposed Fence Type



Views from the inside of my bedroom windows.





Views walking down Spinney sidewalk.

