

STEPHANIE AND MICHAEL FEBONIO
9 SHEAFE ST.
VARIANCE REQUEST FOR BACKYARD FENCE
SUBMISSION FOR MEETING ON OCTOBER 20,2026

AGENDA

1. Project Narrative
 - Request
2. Yard Dimensions, History and Pictures
3. Portsmouth NH GIS Parcel Viewer /Lot 107-13
4. Unnecessary Hardship – Special Conditions of the Property
5. Analysis Criteria and Responses
 - 10.233.21 – The variance will not be contrary to the public interest
 - 10.233.22 – The spirit of the Ordinance will be observed
 - 10.233.23 – Substantial justice will be done
 - 10.233.24 – The values of surrounding properties will not be diminished
 - 10.233.25 – Literal enforcement of the Ordinance would result in an unnecessary hardship

PROJECT NARRATIVE

Request:

Approval of a variance to install an 8-foot privacy fence along the rear and side lot lines abutting Custom House Lane.

YARD DIMENSIONS, HISTORY AND PICTURES

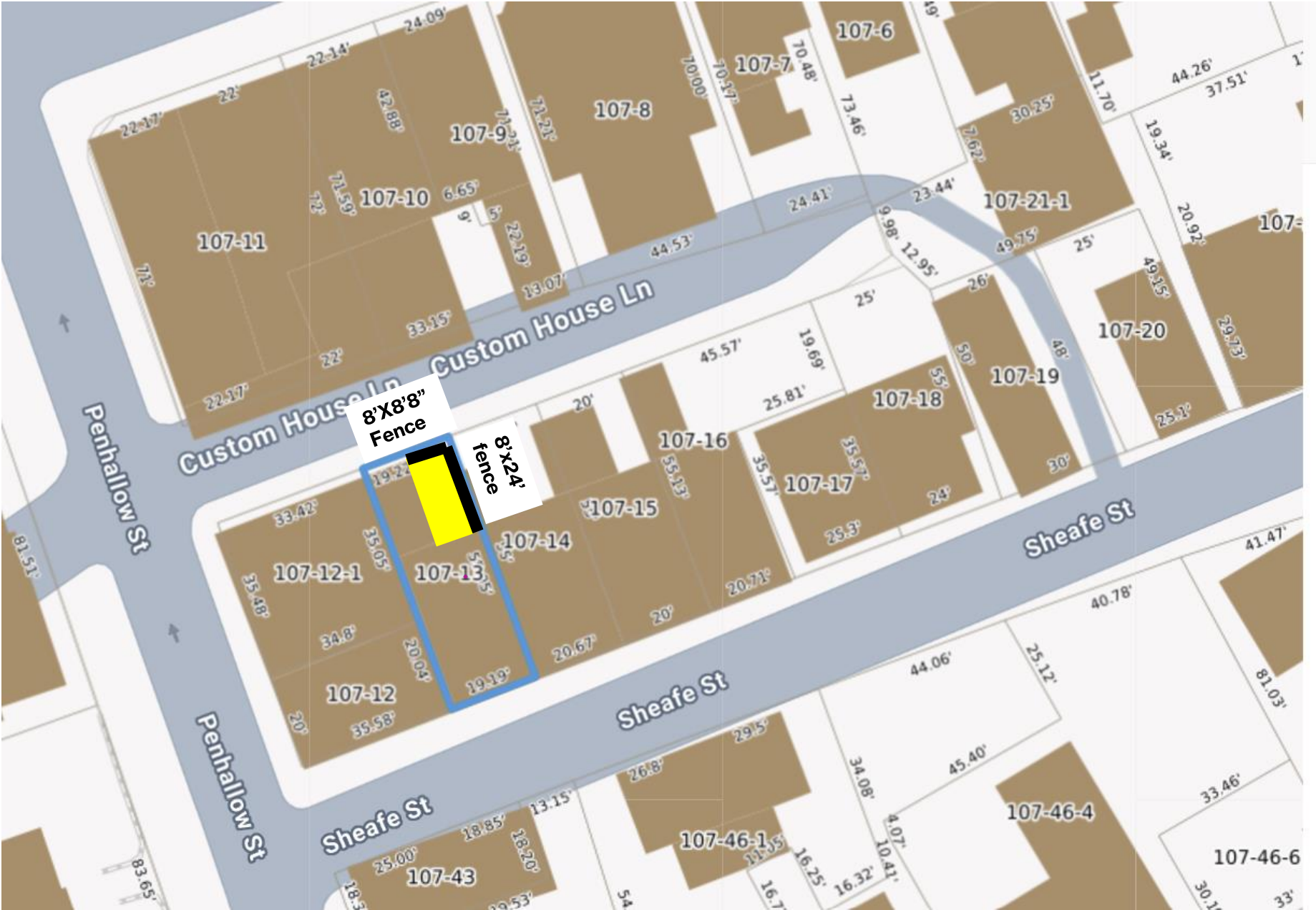
- Yard is 8'8" x 24'
- The 24' side of yard was bordered by a building in the back of 11 Sheafe St. which was recently torn down. This structure acted as a boundary for the side lot line of the backyard of 9 Sheafe St. The 8'8" side of the yard has a 6'x 8'8in wrought iron fence that was damaged when the back building at 11 Sheafe St. was torn down. Picture A.
- Picture B shows how my yard looks today after my neighbor's demolition.
 - My side yard is completely exposed.
 - The wrought-iron fencing is damaged and being held up by 2x4's.
 - The gate no longer opens.



GIS PARCEL VIEWER

LOT 107-13

-  Fence Placement
 - Front lot line 8'x8'8"
 - Side lot line 8'x24"
-  Backyard - 9 Sheafe St.



UNNECESSARY HARDSHIP – SPECIAL CONDITIONS OF THE PROPERTY

- I. The area behind the building does not meet the functional or legal definition of a “street” under Portsmouth’s ordinance framework. Portsmouth classifies streets as public ways intended for vehicular travel and circulation, forming part of the city’s transportation network. In contrast, the rear alley is a dead-end service corridor used for trash storage, linen pickup, deliveries, and staff access. It does not support public vehicular movement, does not provide through-access, and does not function as a transportation route for the public. Because it is not a public way designed or used for travel, it cannot be considered a street and therefore cannot create a secondary front yard under the zoning ordinance.
- II. The rear alley functions exclusively as a commercial service area and does not serve any transportation purpose for the public. It is used for restaurant trash barrels, dirty linen pickup, vendor deliveries, and staff access, and it terminates in a dead end with no through-traffic or circulation. The alley’s physical design, limited access, and commercial utility use demonstrate that it is not intended for vehicular travel or public movement. Because it operates solely as a service corridor rather than a transportation route, it does not meet the functional criteria of a street or public way under the zoning ordinance, and therefore cannot impose a secondary front yard classification on the abutting property.
- III. In the past, trash has blown into my yard, and I have found drug paraphernalia and vomit on my property. These conditions present legitimate health and safety concerns that a 4-foot fence cannot mitigate. Additionally, people coming from nearby bars and restaurants have attempted to pet or feed my dogs over the existing fence, creating safety risks for both the public and the animals. One of my dogs is 120 lbs and capable of jumping a 4-foot fence, which further increases the risk of unwanted interactions. An 8-foot fence will prevent these interactions, reduce the likelihood of injury or conflict, and create a necessary buffer between a residential property and intensive commercial operations. The fence will not obstruct public access or interfere with any municipal function.

ANALYSIS CRITERIA AND RESPONSES:

10.233.21 – THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST

The proposed fence supports the public interest by improving the visual quality and safety of the shared alley environment. It will create a more attractive and orderly boundary between private residential space and the service corridor, reducing opportunities for unwanted interaction between pedestrians and my dogs. The fence will also provide a consistent, well-maintained appearance that complements nearby properties and enhances the overall character of the area. By defining private and service spaces more clearly, the project contributes to a safer, cleaner, and more visually cohesive neighborhood setting.

ANALYSIS CRITERIA AND RESPONSES:

10.233.22 – THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED

The spirit of the Ordinance is to maintain visibility in true front yards while allowing greater height in side and rear yards for privacy and screening. My home's only true front yard is on Sheafe Street. My backyard has no access to Sheafe Street; I must walk through my house to reach it. Custom House Lane should not be classified as a street – it is a one-car-width commercial service alley used for waste storage and deliveries. Because it does not meet the physical or functional definition of a street, it cannot create a secondary front yard.

The fence is therefore located in side and rear yards, where the Ordinance already permits fences up to 8 feet. Given the commercial intensity surrounding my property – including trash barrels, drug paraphernalia, vomit, and late-night foot traffic – an 8-foot fence is consistent with the Ordinance's intent. It provides necessary screening without creating any adverse impact on the streetscape.

ANALYSIS CRITERIA AND RESPONSES:

10.233.23 – SUBSTANTIAL JUSTICE WILL BE DONE

Granting the variance results in substantial justice because the benefit to the applicant greatly outweighs any potential harm to the public. Without the variance, my residential property remains exposed to trash, drug paraphernalia, vomit, and frequent interactions from intoxicated individuals approaching or attempting to feed my dogs. These are not conditions typical of a residential neighborhood.

Granting the variance imposes no burden on the public or neighboring properties. It simply allows me to reasonably protect my home, pets, and family from ongoing commercial impacts. Denying the variance would result in a significant injustice by forcing a residential property to endure conditions created by surrounding commercial uses.

ANALYSIS CRITERIA AND RESPONSES:

10.233.24 – THE VALUES OF SURROUNDING PROPERTIES WILL NOT BE DIMINISHED

A well-maintained 8-foot fence will improve the appearance and functionality of the area by screening trash barrels, loading activity, and back-of-house operations from view. This enhances the environment for both residential and commercial neighbors.

The neighboring property at 11 Sheafe Street is constructing a garage on its rear lot along Custom House Lane. A privacy fence along this shared boundary will not negatively affect that project. The commercial establishments across the alley already operate in a service-alley environment where privacy fencing is common and expected.

By creating a more orderly and visually consistent boundary and preventing public interaction with my dogs, the fence will contribute positively to the appearance and desirability of surrounding properties.

ANALYSIS CRITERIA AND RESPONSES:

10.233.25 – LITERAL ENFORCEMENT OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP

Literal enforcement of the 4-foot height limit creates an unnecessary hardship because my property is uniquely impacted by surrounding commercial uses. Unlike typical residential lots, my backyard abuts a one-car-width service corridor used for restaurant trash barrels, dirty linens, deliveries, and staff entrances. Although the City classifies it as a street, its physical layout and use pattern function as a rear service alley with no public pedestrian circulation and no outlet. My backyard has no access to Sheafe Street; I must walk through my row house to reach it. I share a party wall with Ceres Bakery, and the neighbors across the alley are Massimo's, The Press Room, and Kafe Vonsolin, which increases exposure to commercial activity.

A 4-foot fence is insufficient to protect my property from these impacts. It does not prevent people from reaching over to pet or feed my dogs, nor does it prevent my 120-lb dog from jumping over it. These conditions create legitimate safety, sanitation, and liability concerns that are not shared by the general public.

The hardship arises from the property's location and surrounding commercial activity – not from personal preference. An 8-foot fence is the minimum height necessary to provide reasonable privacy, safety, and protection in this unique environment. The fence will not alter the neighborhood's character, as it will be consistent with the existing pattern of rear-lot structures, garage access, and service-area functions along the alley.

ADDITIONAL PICTURES OF CUSTOM HOUSE LANE TRASH



PROPOSED FENCING STYLE APPROVED BY HDC

- Traditional Board Cedar Fencing
- 8' Tall Privacy Fence
- If looking from Custom House Lane the gate will be installed on the width of the backyard to the left of the garage.

