

Zoning Board of Adjustment  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: 70 Sheffield Road, Portsmouth  
MLB 0233-0046-0000  
PID 30413 SRB

Section 10.521 variance relief requested:

1. Front-Yard Setback: Allow a 20-foot front-yard setback where a 30-foot setback is specified.
2. Rear-Yard Setback: Allow a 28-foot rear-yard setback where a 30-foot setback is specified.
3. Building Coverage: Allow 24.7% coverage where 20% coverage is specified.

**1. Front-Yard Setback**

We respectfully request a front-yard setback variance to construct a 22 x 8-foot farmer’s porch to be located on the front of our home at 70 Sheffield Road. The proposed covered porch, with white vinyl railings, gray composite decking and a roof with black architectural shingles to match those used on the house, will blend beautifully with the cape cod style of our home and will add considerable charm and curb-appeal. The proposed farmer’s porch also matches in style those that are common in our greater neighborhood and similar neighborhoods throughout Portsmouth. The porch will provide us with a shaded outdoor space.

10.233.21 The variance will not be contrary to the public interest and  
10.233.22 The spirit of the ordinance will be observed

Granting a front-yard variance will neither be contrary to the public interest nor threaten the health, safety, or general welfare of the public. The proposed 20-foot setback will not impact views, traffic, or neighborhood density.

The intent and spirit of the ordinance is to reduce impacts to neighborhood density, light and air, and the essential character of the neighborhood. By allowing the front setback variance, the density, light, and air are not impacted. The requested setback will not alter the essential character of the neighborhood as many other houses along this street have less setback than 70 Sheffield Road, and our adding a porch will not affect the openness and space along the street. One reason why 70 Sheffield Road is a suitable candidate for a front setback variance is based on the fact that a 14-foot city-owned strip of grass lies between the front property line and Sheffield Road, creating an enhanced permanent buffer between the front property line and the street. The distance from the dwelling to the street is 42 feet, so adding an 8-foot deep porch would still yield a 34-foot distance between the dwelling and the street. The 34-foot distance between the proposed farmer’s porch and the street is still larger than the distance between several neighboring properties and the street. Because of the 14-foot city-owned strip of land between the front property line and the street, the addition of the proposed farmer’s porch will not cause the overall dwelling to appear any closer to the street than what the ordinance was intended to achieve.

10.233.23 Substantial justice will be done by granting the variance

There would be no benefit to the public in denying this variance that is not outweighed by the hardship upon the owner. We, along with our immediate neighbors (letters and emails attached), believe the requested front setback relief is reasonable. None of our neighbors will suffer the loss of any privacy, light or air. The dwelling of 64 Sheffield Road is 33 feet from the side of the proposed farmer's porch, and the dwelling of 74 Sheffield Road is 63 feet from the proposed porch. Our direct abutting neighbors, on each side and across the street, enthusiastically support our adding a farmer's porch, as evidenced by their letters/emails of support. As homeowners, we would greatly benefit from having a front porch to provide us with a shady covered outdoor space and to improve the look and value of our property.

10.233.24 The values of surrounding properties will not be diminished

The proposed farmer's porch and new landscaping will improve the look of the property and will increase its value. As individual properties are improved in an area, the overall appearance of the neighborhood is improved, as well. Several homes in this neighborhood have farmer's porches, and our adding one will be in character with other nearby houses. The values of surrounding properties will not be diminished in any way. We do not anticipate that any information to the contrary will come before the Board.

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

Application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any fair and substantial way. The purpose of the ordinance is to ensure that properties are not overbuilt, and that buildings remain a reasonable distance from the road providing open space. The proposed porch is not an enclosed addition, it is an open porch and will not have the visual closed-in impact that an enclosed addition would have. People passing by will still see the house including its door, windows and siding.

One reason why 70 Sheffield Road is a suitable candidate for a front setback variance is based on the fact that a 14-foot city-owned strip of grass lies between the front property line and Sheffield Road, creating an enhanced permanent buffer between the front property line and the street. Given that the house is 42 feet from the road (including the 14-foot strip of city-owned land between our front property line and the road), if the variance is granted for our 8-foot deep open porch, the grassed front lawn area will be 34 feet from the porch to the road. Even with a porch, our house will still be set further back from the road than many homes on our street as other houses on this street are built much closer to their front property lines, and many do not have the city-owned buffer or have a narrower city-owned buffer.

We believe that our request for a 20-foot front-yard setback from the property line is reasonable, will allow ample open space in the front yard, and remain in character with the

neighborhood. If the ordinance were applied literally, it would not factor in the 14-foot city-owned grassed buffer between our property line and the road, which would not further the purpose of the rule.

## **2. Rear-Yard Setback**

We respectfully request an after-the-fact two-foot variance to the rear-yard setback ordinance for an existing deck located on the back of the house. The rear of the dwelling is 44 feet from the rear boundary. The existing rear deck is 28 feet from the rear boundary. A setback of 30 feet is specified by the ordinance.

The rear deck measures 16 x 16 feet, with an elevation that ranges from 13 inches to 23 inches from the ground. The deck's non-compliance with the rear setback ordinance is minimal as only part of the deck exceeds 18 inches above the ground (which brings it within the purview of the ordinance), and the deck is only two feet out of compliance with the 30-foot rear setback specification. Privacy fences and shrubbery obscure all of the abutters' views of the rear deck. A photograph of the existing rear deck is attached.

10.233.21 The variance will not be contrary to the public interest, and

10.233.22 The spirit of the ordinance will be observed

Granting a rear-yard variance would not be contrary to the public interest or threaten the health, safety or general welfare of the public. The spirit of the ordinance is to not impact views, open area, air and light, neighborhood density or the essential character of the neighborhood. The existing 28-foot setback where a 30-foot setback is specified does not impact any of the goals for which the rule was written. The deck sits low to the ground on gently sloping land and is only 13 inches from the ground at its lowest point, and 23 inches at its highest. Our neighbors on both sides and behind us are in support of this variance request. The neighbor located behind us has an extra-deep back yard, measuring 70 feet from his house to the property line. That 70 feet combined with our 44-foot setback, less the 16-foot deck, leaves an open space distance of 98 feet. Having a backyard deck does not alter the essential character or residential characteristics of the neighborhood as several houses have backyard decks similar in appearance and size relative to the boundaries.

10.233.23 Substantial justice will be done by granting the variance

There is no benefit to the public in denying this variance, and substantial justice will be done by granting the variance. We believe a 28-foot setback is reasonable, which is only 2 feet shy of the specified rear-yard setback. Our abutters agree, as reflected in the attached letters. The abutters also agree that granting this variance will have no impact on backyard neighboring properties.

10.233.24 The values of surrounding properties will not be diminished

Granting the 28-foot rear-yard setback variance will in no way diminish surrounding property values. The abutters agree, and we expect no contrary information to be presented to the Board. The deck is accessed from the kitchen through a sliding glass door,

and adds value to the house (and hence, to the neighborhood) by providing a sunny, private outdoor living space.

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

The spirit and intent of the ordinance is to keep property from being overbuilt and maintain open space. The property behind us has a rear-yard setback of 70 feet which combined with our rear-yard 28-foot setback from the deck to the property line makes a 98-foot open space. Also, our open uncovered deck sits low to the ground. With the shrubbery and privacy fences, the deck is virtually invisible to abutters. An observer on Sheffield Road cannot see the rear deck as it is completely obscured by the dwelling. It is not going to further achieve the purpose of the rule to deny the variance and will be an unnecessary hardship to the homeowner.

### **3. Building Coverage**

We respectfully request a variance to allow 24.7% coverage where 20% is specified.

10.233.21 The variance will not be contrary to the public interest and

10.233.22 The spirit of the ordinance will be observed

Granting a 24.7% coverage variance would not be contrary to the public interest or threaten the health, safety or general welfare of the public. The spirit of the ordinance is to not impact perceived neighborhood density, light and air, and not alter the essential character of the neighborhood. None of these things will be affected by increasing the coverage allowed, especially given that part of the additional coverage requested is in the back of the house, and part is in the front of the house.

There is no location an observer could stand where he or she could simultaneously see the back deck and the proposed front farmer's porch at the same time. The presence of both the existing rear deck and the proposed front farmer's porch therefore will not increase the apparent building density of 70 Sheffield Road in an additive way. The spirit of the ordinance will be followed because the objectives of the coverage ordinance will not be threatened.

10.233.23 Substantial justice will be done by granting the variance

There is no benefit to the public in denying this variance that is not outweighed by the hardship upon the owner. We believe the requested coverage relief is reasonable. None of our neighbors will suffer the loss of any privacy, light or air. Our direct abutting neighbors, on each side, across the street, and behind us enthusiastically support our variance requests, as evidenced by their letters/emails of support. Substantial justice will be done in approving the coverage variance as it is a reasonable request and given that the projects contributing to the proposed amount of coverage are divided between the front and back yards.

10.233.24 The values of surrounding properties will not be diminished

The increased coverage requested will not diminish the values of surrounding properties. The abutters agree, and we expect no contrary information to be presented to the Board. The visual impact of additional coverage is minimal, and is outweighed by the increased value of the home, which ultimately increases values in the neighborhood.

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

If the ordinance were applied literally it would not further the purpose of the rule and would impose an unnecessary hardship on the homeowner. Application of the ordinance provision to this property would not advance the purposes of the ordinance provision in any fair and substantial way. The purpose of the ordinance is to ensure that properties are not overbuilt, that open areas are preserved and that the essential character of the neighborhood will not be adversely affected. There will remain significant open space in the front yard and rear yard. That is particularly true as the front yard has a permanent 14-foot strip of city-owned land between the front boundary and the street, and the rear abutter's dwelling is 70 feet from our rear boundary. Moreover, an observer on Sheffield Road cannot simultaneously see the front and rear yard of Sheffield Road as the dwelling obscures the observer's view of the rear yard. The presence of both the existing rear deck and the proposed front farmer's porch will not, in an additive way, increase the perceived density of 70 Sheffield Road. As compared to other properties in the neighborhood, our property has and will continue to have an above-average amount of open space. The character of the neighborhood will therefore be unaffected by this minimal allowance of additional coverage. The requested coverage variance also is reasonable, as it will allow for the presence of the existing rear deck and the proposed front farmer's porch that are both, for the reasons stated above, reasonable uses of the property in the context of the neighborhood.

In conclusion, based on the information provided above, we respectfully request that the Board grant the variances we are seeking. Thank you for your consideration.

James and Jeanne Prendergast  
70 Sheffield Road



### Measurements-70 Sheffield



**Property Information**

**Property ID** 0233-0046-0000  
**Location** 70 SHEFFIELD RD  
**Owner** PRENDERGAST FAMILY REVOC TRUST OF 2012

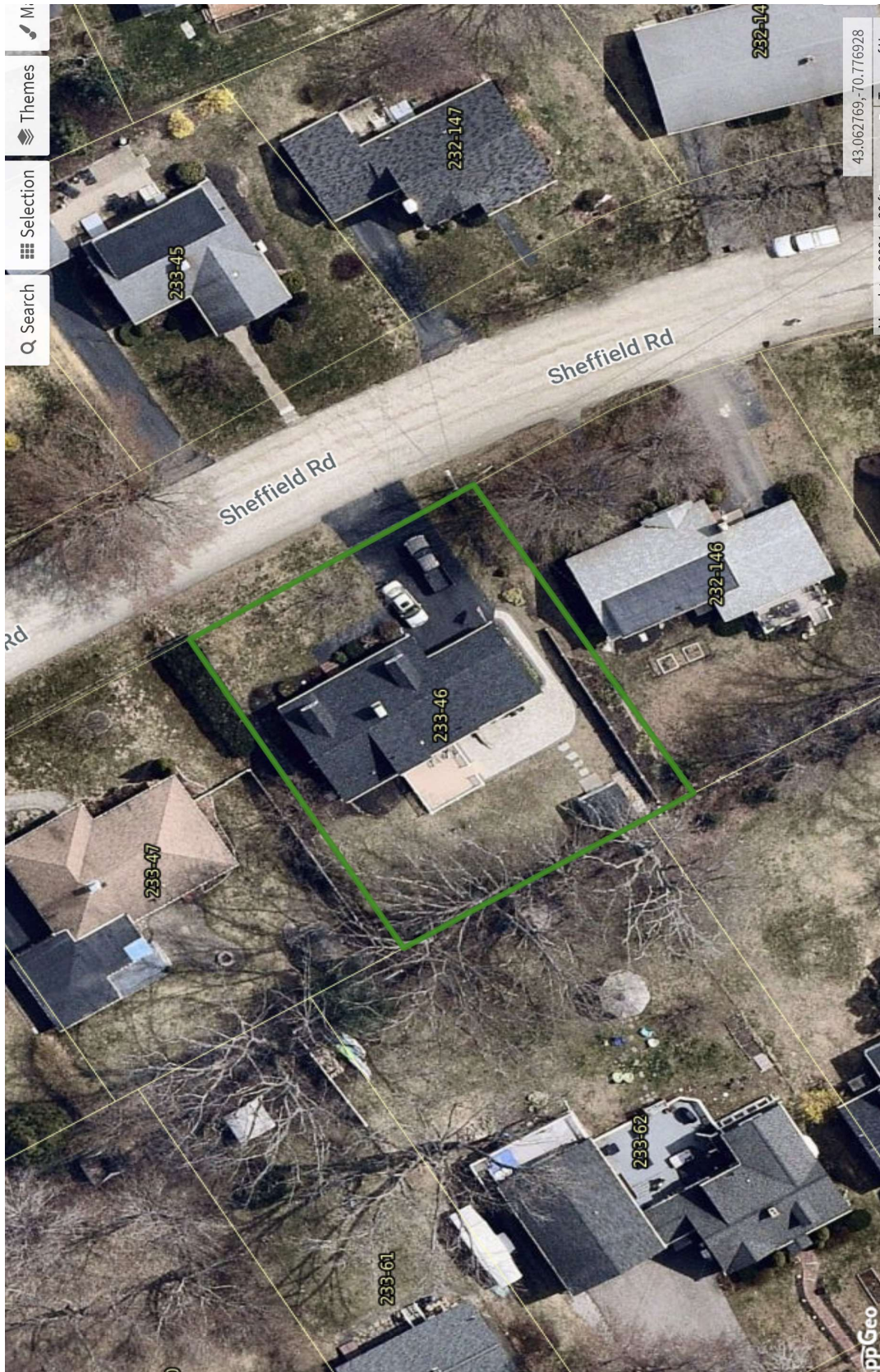


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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 4/1/2019  
Data updated 7/17/2019





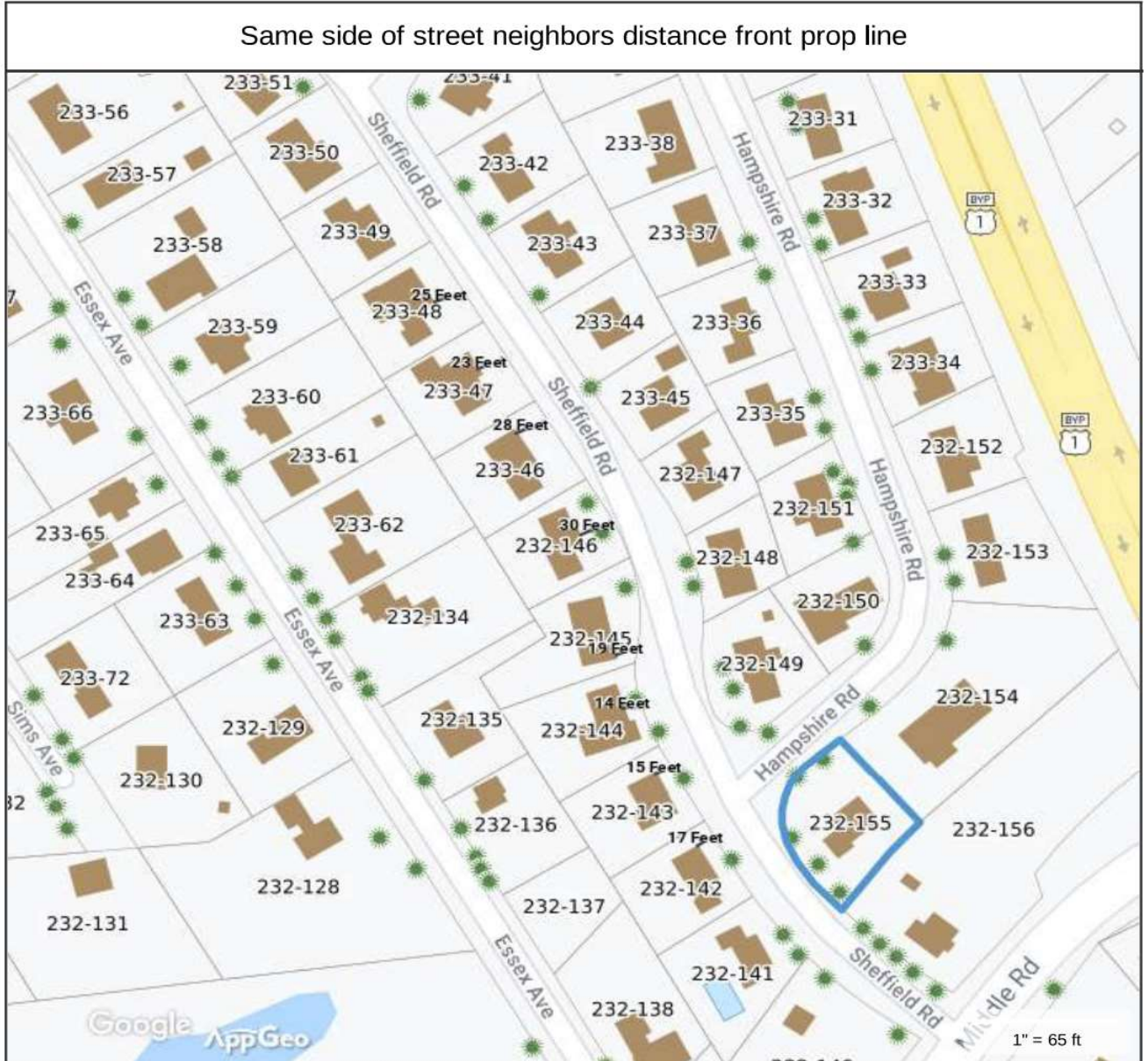
70 Sheffield (center property with black roof)



This picture shows properties near 70 Sheffield Road (233-46) and their front yard setback measurements

City of Portsmouth, NH

March 20, 2021



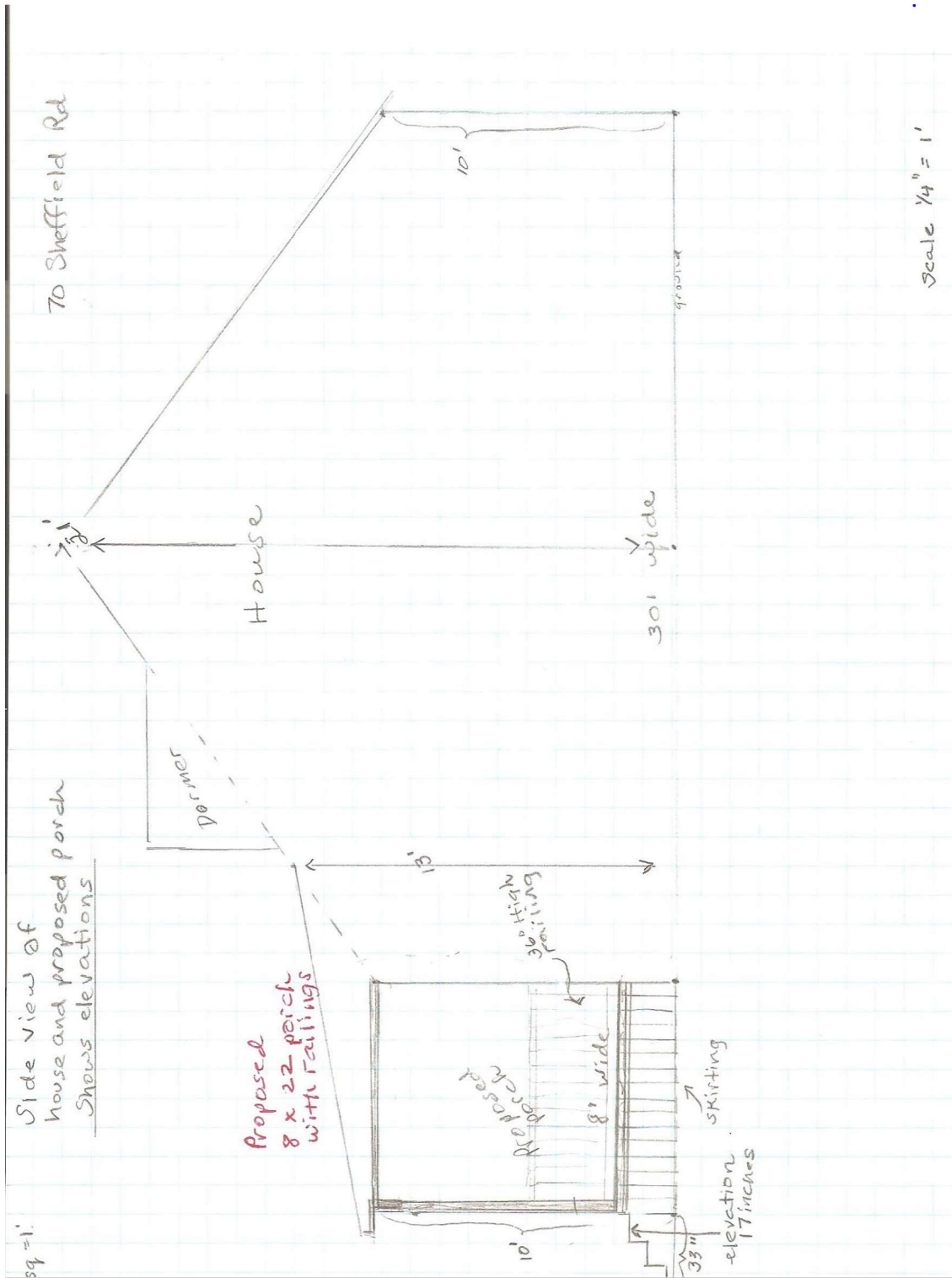


70 Sheffield Road, Street View

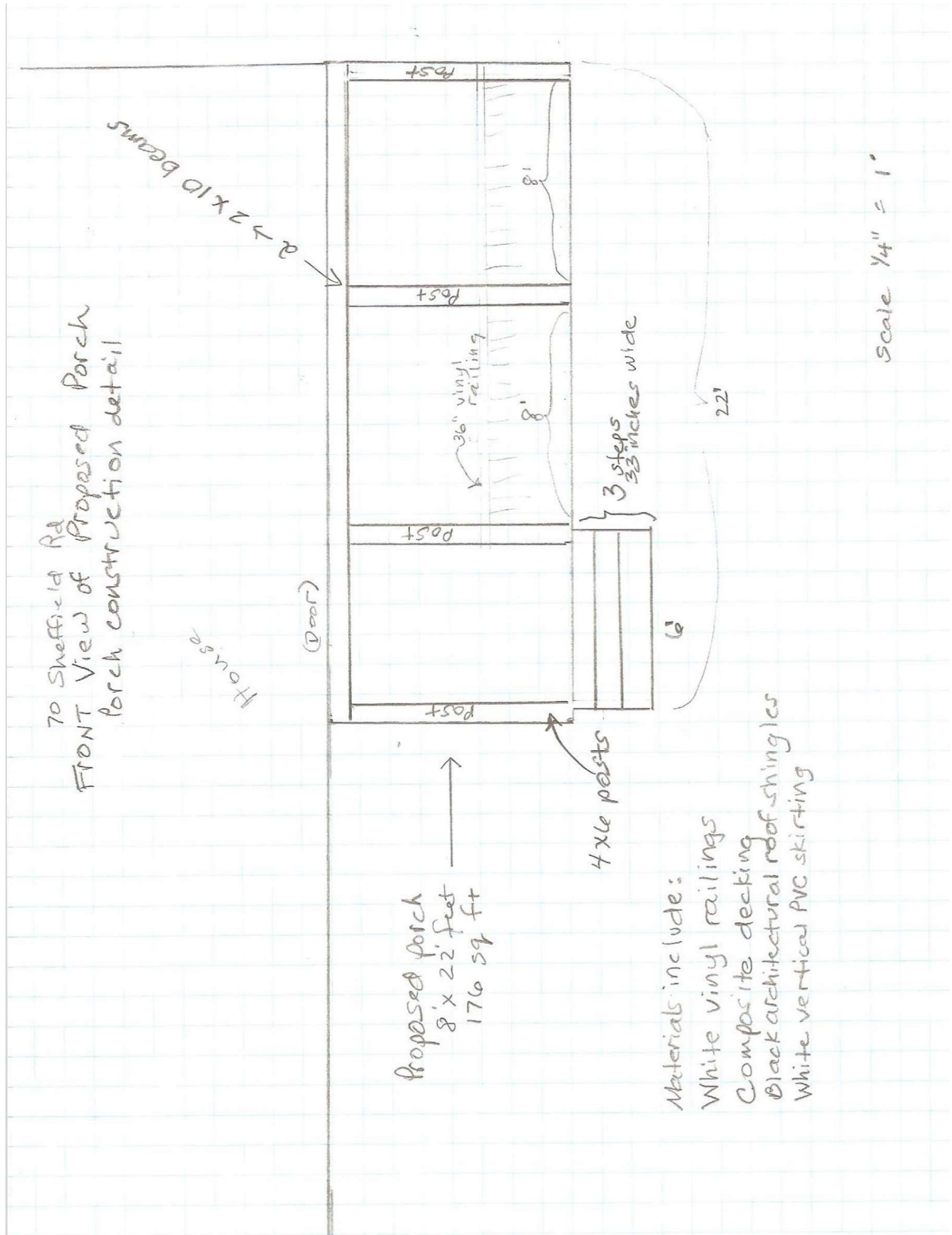




70 Sheffield Road - Rear Yard

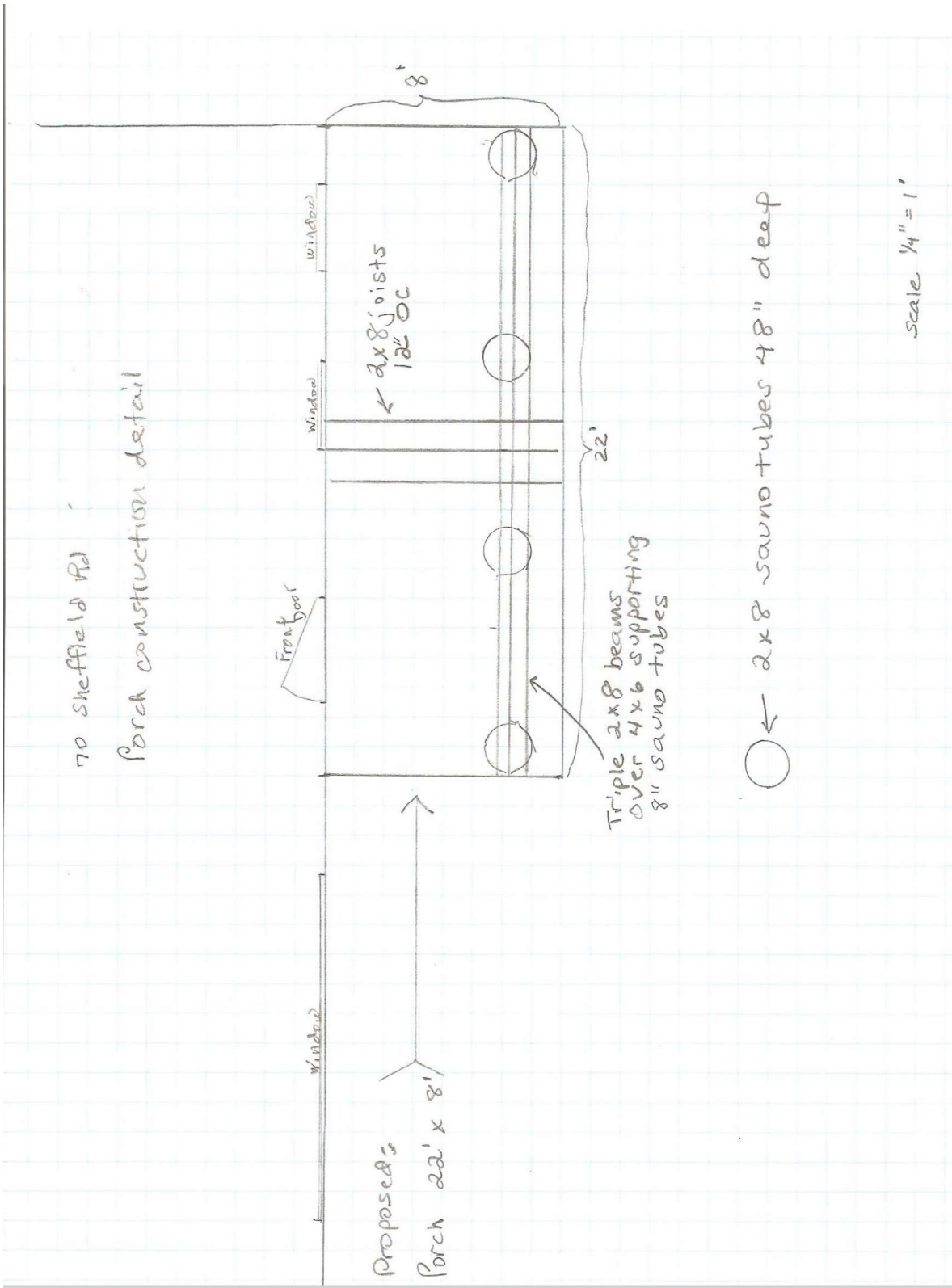


Side view of house showing the proposed front porch  
70 Sheffield Road

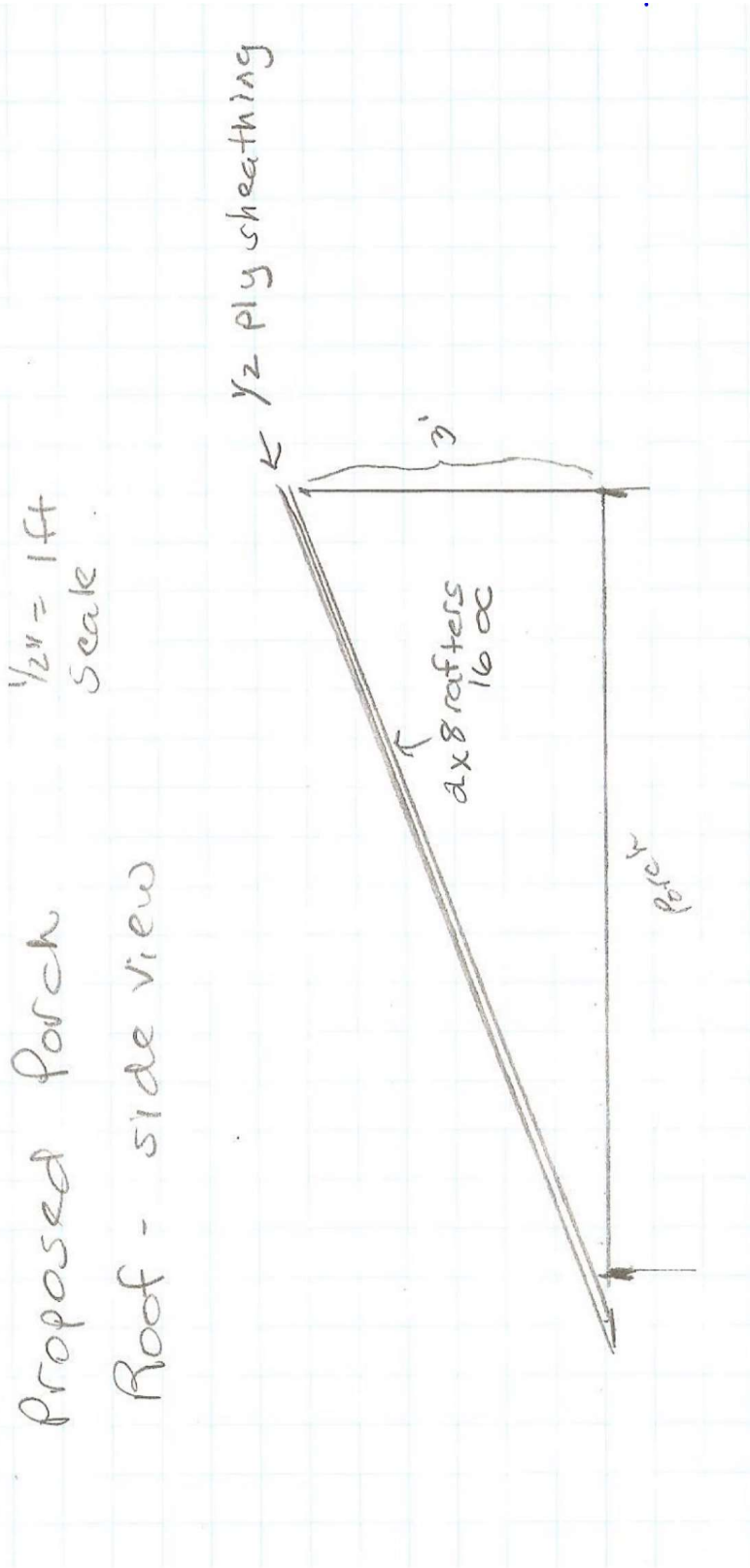


Front view with details of proposed porch  
70 Sheffield Road



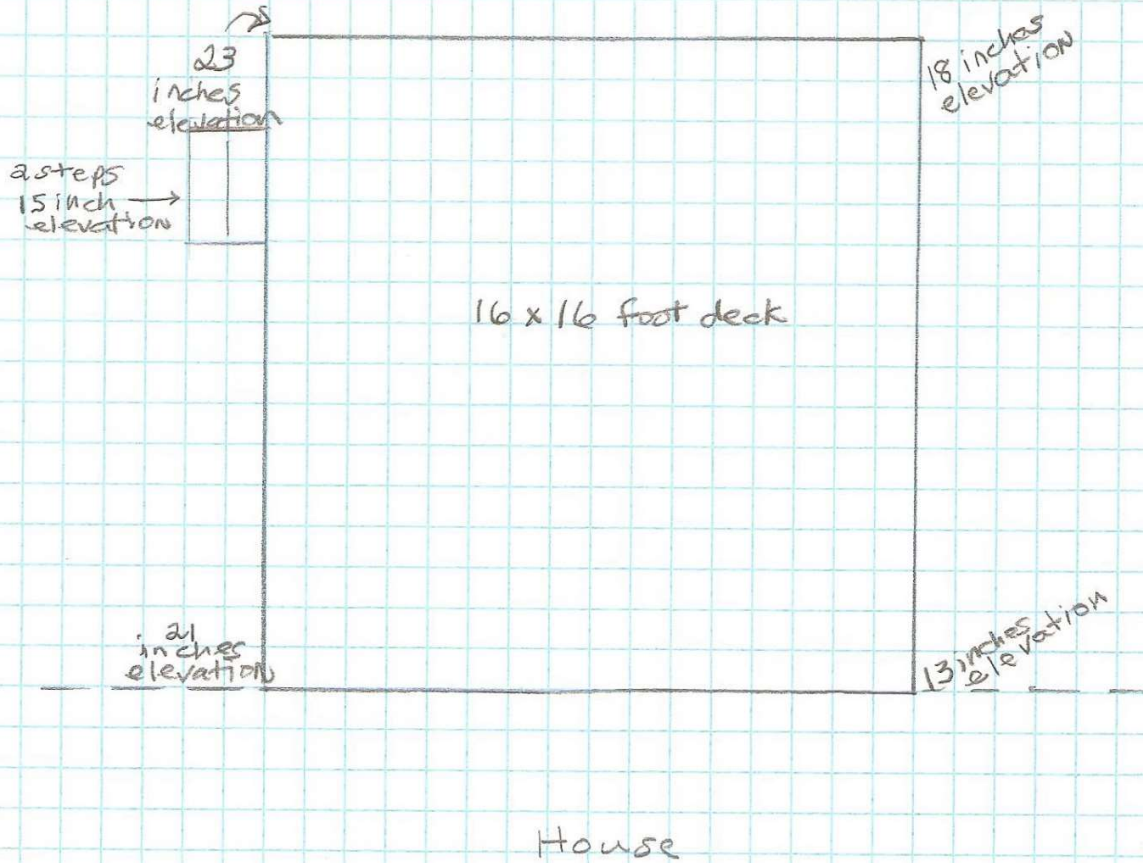


Proposed porch construction detail  
70 Sheffield Road



Proposed Porch Roof Detail  
70 Sheffield Road

Deck is built on a sloping lot



Existing backyard deck measurements  
70 Sheffield Road



This porch is located at 79 Sheffield Road and is similar to the one proposed for 70 Sheffield Road



## Neighbors' support for front farmer's porch



● **Elisabeth Kennedy** <lkjknk@aol.com>

To: pmstith@cityofportsmouth.com

Cc: J. Prendergast



Sun, Feb 7 at 10:48 PM



Mr. Stith,

I am writing to you in support of my neighbors, Jeanne & James Pendergast, request for a variance to build a farmers porch onto the front of their property at 70 Sheffield Road.

Jeanne has kept me and our immediate community informed of their proposed plans and I see no reason why it would adversely affect our neighborhood. I always enjoy sitting on my front porch, engaging with the neighbors passing by, and hope that they will be able to do the same.

Should you have any questions please don't hesitate to contact me.

Elisabeth Kennedy  
64 Sheffield Road  
Portsmouth, NH 03801  
(603)770-2522

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**From:** Fay Ham <[fayham@icloud.com](mailto:fayham@icloud.com)>  
**Date:** February 7, 2021 at 4:01:01 PM EST  
**To:** [pmstith@cityofportsmouth.com](mailto:pmstith@cityofportsmouth.com)  
**Subject:** 70 Sheffield Rd.

Dear Peter Stith and the planning department of the City of Portsmouth,

My name is Fay Ham and I am a resident of 71 Sheffield Rd. Directly across from the Prendergast residence. They have done an outstanding job on their home and understand they would like to add on a farmers porch, I hope that they will be able to go forth with their wishes. I am certainly looking forward to seeing that completed.

Thank you for your consideration,

Fay Ham

Sent from my iPhone



March 9, 2021

By Hand-Delivery  
Planning Department  
City Hall  
1 Junkins Ave.  
Portsmouth, NH 03801

Re: Petition of The Prendergast Family Revocable Trust of 2012, Owner Property  
at 70 Sheffield Road, Portsmouth

Dear sir/madam,

Please accept this letter in favor of the above petition. As the owner-resident of 74 Sheffield Road, I am a next-door neighbor of the Prendergasts. I fully support their proposed addition of an 8' by 22' farmers porch to the front of their home.

I hope that the variances from the Zoning Ordinance needed for this project, as detailed in the enclosed Abutter Notice for the 3-16-2021 Board of Adjustment meeting, will be approved.

Sincerely,


  
Karen Hazel

Enc:

## Neighbors' support for back deck

One additional letter of support will be hand delivered to the Planning Office by our next-door neighbor who lives at 74 Sheffield Road.

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 • **Elisabeth Kennedy** <lkjknk@aol.com> 📧 Wed, Mar 24 at 9:57 PM ★  
To: tagora@cityofportsmouth.com  
Cc: jeannie pendergast

Mr. David Rheume  
Chair, City of Portsmouth Zoning Board of Adjustments

I am writing to you in support of the after-the-fact variance being requested by Jeanne and James Pendergast at 70 Sheffield Road.

The Pendergasts are lovely neighbors that keep their property immaculate. The back deck has no impact on my property at 64 Sheffield Road, located to the left of their home. I know that they enjoy their time in their backyard watching the birds at the feeders and see no reason for making any changes.


I fully support keeping the footprint of their home as it is while they pursue approval of adding a porch to the front of their home.

Please feel free to contact me should you have any questions.

Elisabeth Kennedy  
64 Sheffield Road  
Portsmouth, NH 03801  
603-770-2522

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• **ATTN: David Rheume** 2 Yahoo/Inbox ★

 • **Michael Wierbonics** <wierbonics@yahoo.com> 📧 Thu, Mar 25 at 1:52 PM ★  
To: tagora@cityofportsmouth.com  
Cc: jprender50@yahoo.com

David,  
I'm writing on behalf of the Prendergast family of Sheffield Road regarding their application for an after-the-fact variance for their existing deck.

I am Michael Wierbonics of 161 Essex Ave and the Prendergast property abuts the rear yard of our property.

The deck was in existence when the Prendergast's moved in and we have no issue with its location even though it is 2-feet out of compliance.

It is my opinion that an after-the-fact variance be permitted in this case for the existing deck.

Contact me with any questions.

Michael Wierbonics  
828-1627

## Abutters within 300 feet of 70 Sheffield Road

Property ID	Site Address	Account	Owner Name	Owner Name 2	Owner Address	City	State	Zip
0232-0137-0000	ESSEX AVE	30276	LOUGHLIN MARY R		245 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0128-0000	198 ESSEX AVE	30267	WESTHELLE ROBERT	WESTHELLE WHITNEY	198 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0129-0000	170 ESSEX AVE	30268	NEVIN JOEL F		170 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0134-0000	169 ESSEX AVE	30273	WADE ROBT S		169 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0135-0000	219 ESSEX AVE	30274	YAUIN MARION J		219 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0136-0000	239 ESSEX AVE	30275	GOLDEN BRIAR K		239 ESSEX AVE	PORTSMOUTH	NH	03801
0232-0143-0000	100 SHEFFIELD RD	30282	BONITO GLORIA	FREEDMAN ROBERT H TRUSTEE	100 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0144-0000	90 SHEFFIELD RD	30283	90 SHEFFIELD ROAD REALTY TRUST		90 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0145-0000	80 SHEFFIELD RD	30284	BURNETT SHERRY A		80 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0146-0000	74 SHEFFIELD RD	30285	HAZEL KAREN F		74 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0147-0000	79 SHEFFIELD RD	30286	BOSTON SHIRLEY L		79 SHEFFIELD ROAD	PORTSMOUTH	NH	03801
0232-0148-0000	83 SHEFFIELD RD	30287	ULIANO FAMILY REVOCABLE TRUST OF 2015	ULIANO EMIL R III & DAWN ELLEN TRUSTEE	457 SAGAMORE RD	RYE	NH	03870
0232-0149-0000	87 SHEFFIELD RD	30288	BORYSZEWSKI WALTER J		87 SHEFFIELD RD	PORTSMOUTH	NH	03801
0232-0150-0000	7 HAMP SHIRE RD	30289	GIOVANDO KATHERINE	MATHES CAROL M	7 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0151-0000	11 HAMP SHIRE RD	30290	MEDLOCK TODD A		11 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0152-0000	10 HAMP SHIRE RD	30291	MCCONNAUGHEY GEORGE H		10 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0232-0153-0000	8 HAMP SHIRE RD	30292	MCCONNAUGHEY GEORGE	MCCONNAUGHEY GEORGE II	8 HAMP SHIRE ROAD	PORTSMOUTH	NH	03801
0233-0031-0000	24 HAMP SHIRE RD	30398	BOLDUC JAMES G		24 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0032-0000	18 HAMP SHIRE RD	30399	WISINSKI FRANK & JO ANN FAMILY TR 2016	EGAN CK POLTRINO MA & WISINSKI GT TRT	18 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0033-0000	16 HAMP SHIRE RD	30400	KAT MARIEKE CHARLOTTE	PEYSER KEVIN DAVID	16 HAMP SHIRE RD	PORTSMOUTH	NH	03801-4816
0233-0034-0000	12 HAMP SHIRE RD	30401	LEVENSON JACOB A		12 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0035-0000	13 HAMP SHIRE RD	30402	REEVES LINDA A		13 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0036-0000	27 HAMP SHIRE RD	30403	THOMAS CAROLYN A 2004 TRUST	THOMAS CAROLYN A TRUSTEE	17 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0037-0000	21 HAMP SHIRE RD	30404	BROWN MARK J REVOCABLE TRUST	BROWN MARK J TRUSTEE	21 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0038-0000	25 HAMP SHIRE RD	30405	CAMERON JOHN H	CAMERON LOUISE BEAULIEU	25 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0039-0000	27 HAMP SHIRE RD	30406	FISHBEIN FAMILY REALTY TRUST	FISHBEIN SHIRLEY TRUSTEE	27 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0041-0000	35 HAMP SHIRE RD	30408	WELSH FAMILY REVOCABLE TRUST OF 1999	WELSH MARCIA J & TRACY B TRUSTEES	35 HAMP SHIRE RD	PORTSMOUTH	NH	03801
0233-0042-0000	45 SHEFFIELD RD	30409	GUARRERA DONNA		45 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0043-0000	55 SHEFFIELD RD	30410	VACCARO KATHLEEN A REV TST OF 2020	VACCARO KATHLEEN TRUSTEE	55 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0044-0000	61 SHEFFIELD RD	30411	SULLEY ROSE		61 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0045-0000	71 SHEFFIELD RD	30412	HAM FAY B IRREVOCABLE TRUST	HAM FBIME & NELSON KL & GAGNE JL TRTEE	71 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0047-0000	64 SHEFFIELD RD	30414	KENNEDY ELISABETH REVO TRUST	KENNEDY ELISABETH TRUSTEE	64 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0048-0000	56 SHEFFIELD RD	30415	MCGRIMLEY SEAN M	MCGRIMLEY ALLISON W	56 SHEFFIELD RD	PORTSMOUTH	NH	03801
0233-0049-0000	46 SHEFFIELD RD	30416	ADDORIO FAMILY REVO TRUST	ADDORIO P & E J TRUSTEES	70 SEPTEMBER DR	GREENLAND	NH	03840
0233-0058-0000	113 ESSEX AVE	30424	ABSHER CAROLYN M TROSKY	ABSHER RANDALL PAUL	113 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0059-0000	125 ESSEX AVE	30425	LAUX EVELYN L		125 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0060-0000	139 ESSEX AVE	30426	MORROW PEGGIL		139 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0061-0000	151 ESSEX AVE	30427	BERLING CHRISTIAN L		117 ASH ST	PORTSMOUTH	NH	03801
0233-0062-0000	161 ESSEX AVE	30428	WIERBONICS MICHAEL S	WIERBONICS LILI L	161 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0063-0000	160 ESSEX AVE	30429	PARSONS SHANNON M	PARSONS STEPHEN E	160 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0064-0000	152 ESSEX AVE	30430	CLARK COREY J	CLARK JANELLE B	152 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0065-0000	140 ESSEX AVE	30431	DOOLEY WILLIAM E	DOOLEY WHITNEY S	140 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0066-0000	122 ESSEX AVE	30432	SALTUS CASSANDRA M DECLARATION OF TRUST	SALTUS CASSANDRA M TRUSTEE	122 ESSEX AVE	PORTSMOUTH	NH	03801
0233-0050-0000	36 SHEFFIELD RD	35496	1 ALDEN AVENUE LLC		437 PORTSMOUTH AVE UNIT 2	GREENLAND	NH	03840