

Daisy and Bert Wortel
245 Marcy Street
Portsmouth, NH 03801

Dear Board Members,

This letter is in support of our variance application form submitted on 7/19/24.

- Project narrative - introduction of your project, what it is, and why this particular property and location of your project is important.

We purchased the property at 245 Marcy Street in November of 2023. The reason why we decided to purchase this property is because we love Portsmouth and its history. We would like to restore our property to its historic grandeur.

The reason for our submission is to request authorization to replace our perimeter fence like for like. We would like to replace the fence as it was hit by a car last year which resulted in fence posts being broken at ground level and damage of some of the fence panels. We would like to replace the entire fence so that it looks uniform after repair.

We have included photos with our submission that illustrate the current location of the fence and the reasons why we believe that should be allowed to replace the existing fence like for like.

We want to fully support the intent of the code. We have reviewed the analysis criteria and we believe our submission supports the criteria for a variance in this case.

- Analysis Criteria - an application cannot be approved unless the 5 criteria have been met.
 - Analysis Criteria (from section 10.223 of the [Zoning Ordinance](#)):

We understand that in order to authorize a variance, the Board must find that the variance meets all of the following criteria:

The variance will not be contrary to the public interest;

- The 6' fence does proposed does not impact any public interest. The pedestrian and vehicular traffic will not be obstructed on Marcy Street or Gardner Street. The fence will not look out of proportion as it will be replaced exactly the same as it is now.

The spirit of the Ordinance will be observed;

- The 6' fence will be replaced exactly like the fence that has existed on the property for a very long time. The height of the fence will be the same but will now have beautiful landscape (which has already been added) in the corner and will not look out of place.

Substantial justice will be done;

- While the fence addresses the noise of the street and keeps out intruders (on the weekends there is pedestrian traffic touring the Historic District all day and night) the fence does not prevent pedestrians from walking in the area and protects the value of our property. This is one of the main reasons we would like to maintain the fence as it currently exists.

The values of surrounding properties will not be diminished; and

- The fence replacement will not affect the property values of surrounding properties. The surrounding property owners have no objection to the proposed replacement fence. A new fence will be more attractive than a repaired fence.

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

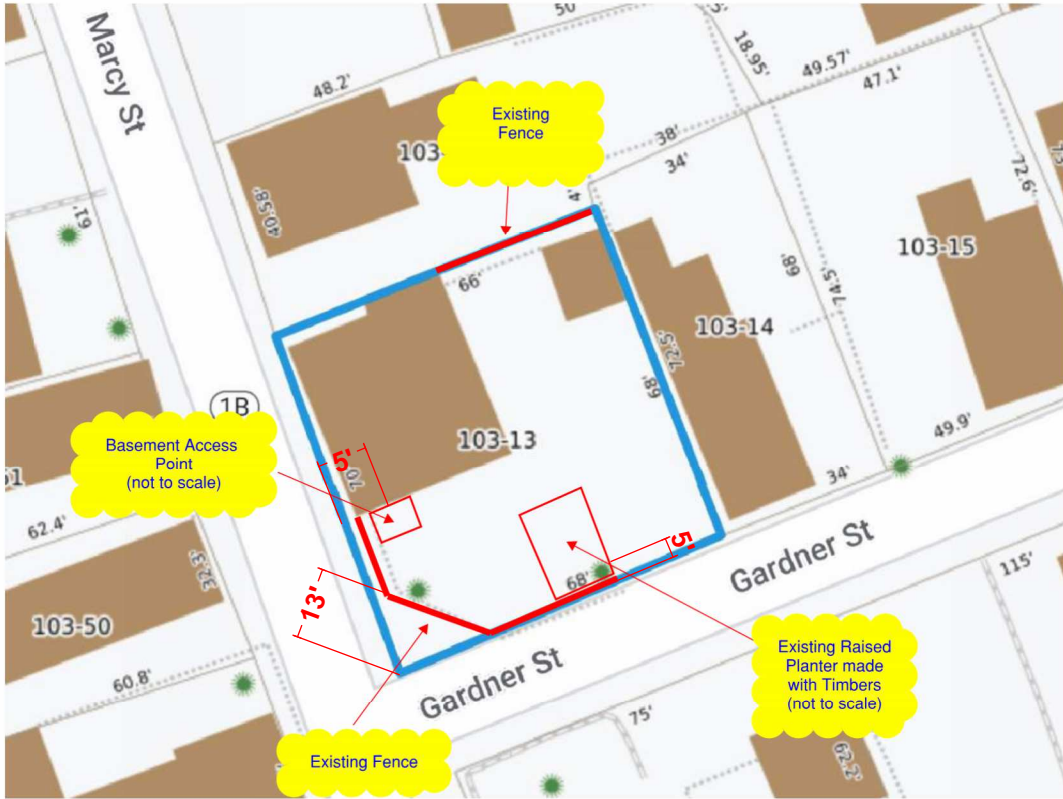
- Without a variance, we would lose privacy in our backyard, access to our bulkhead, lose 3ft all around our property, remove our garden bed by cutting timber (which is 8" x 8" thick), and would result in having to cut down 1 large tree and 1 medium tree.

We appreciate your consideration.

Thank you,

Daisy and Bert Wortel

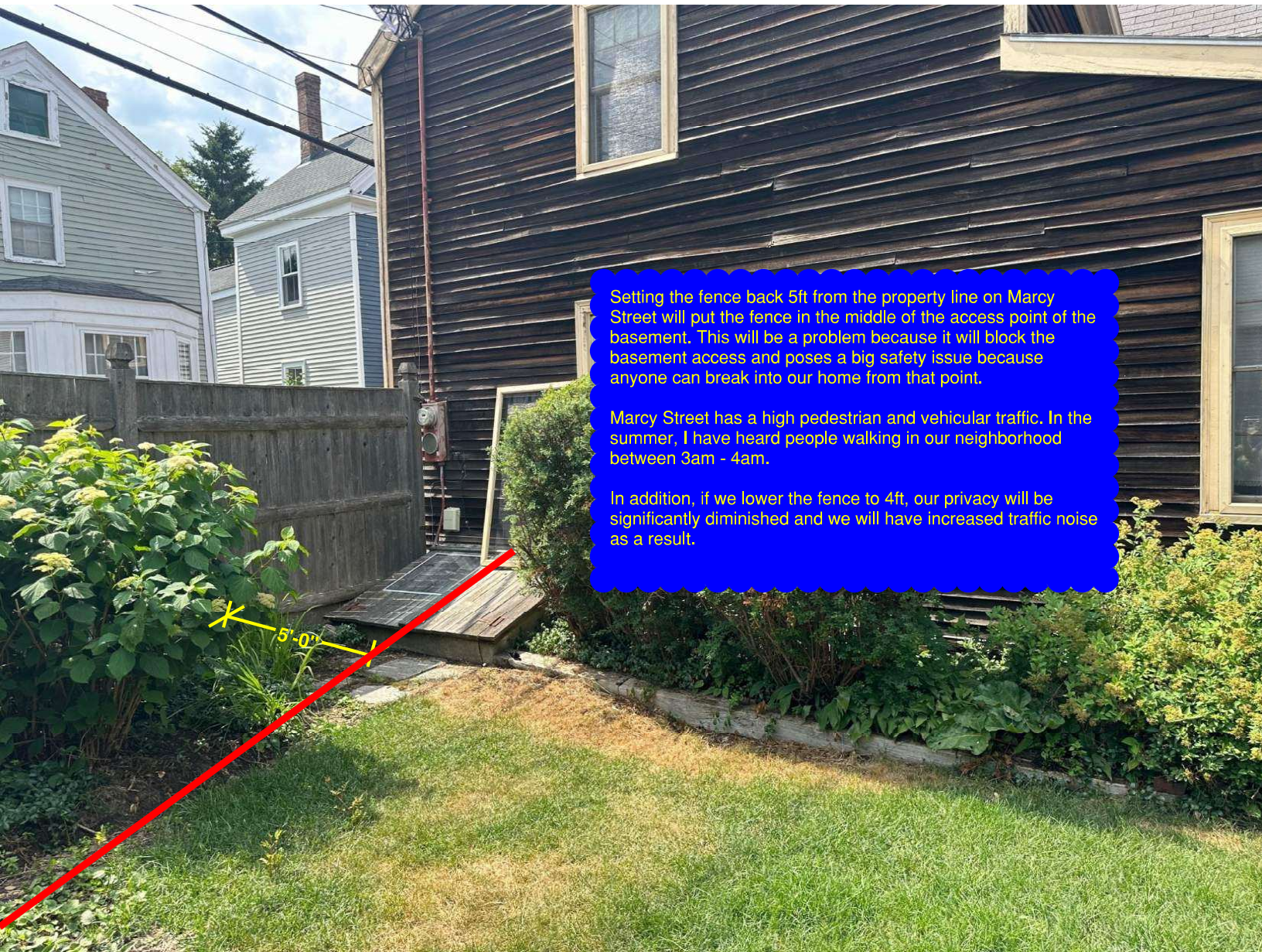
245 Marcy Street
Portsmouth, NH





If we set the fence back 5ft, we will have to remove the 2 trees and raised bed.

5.0'



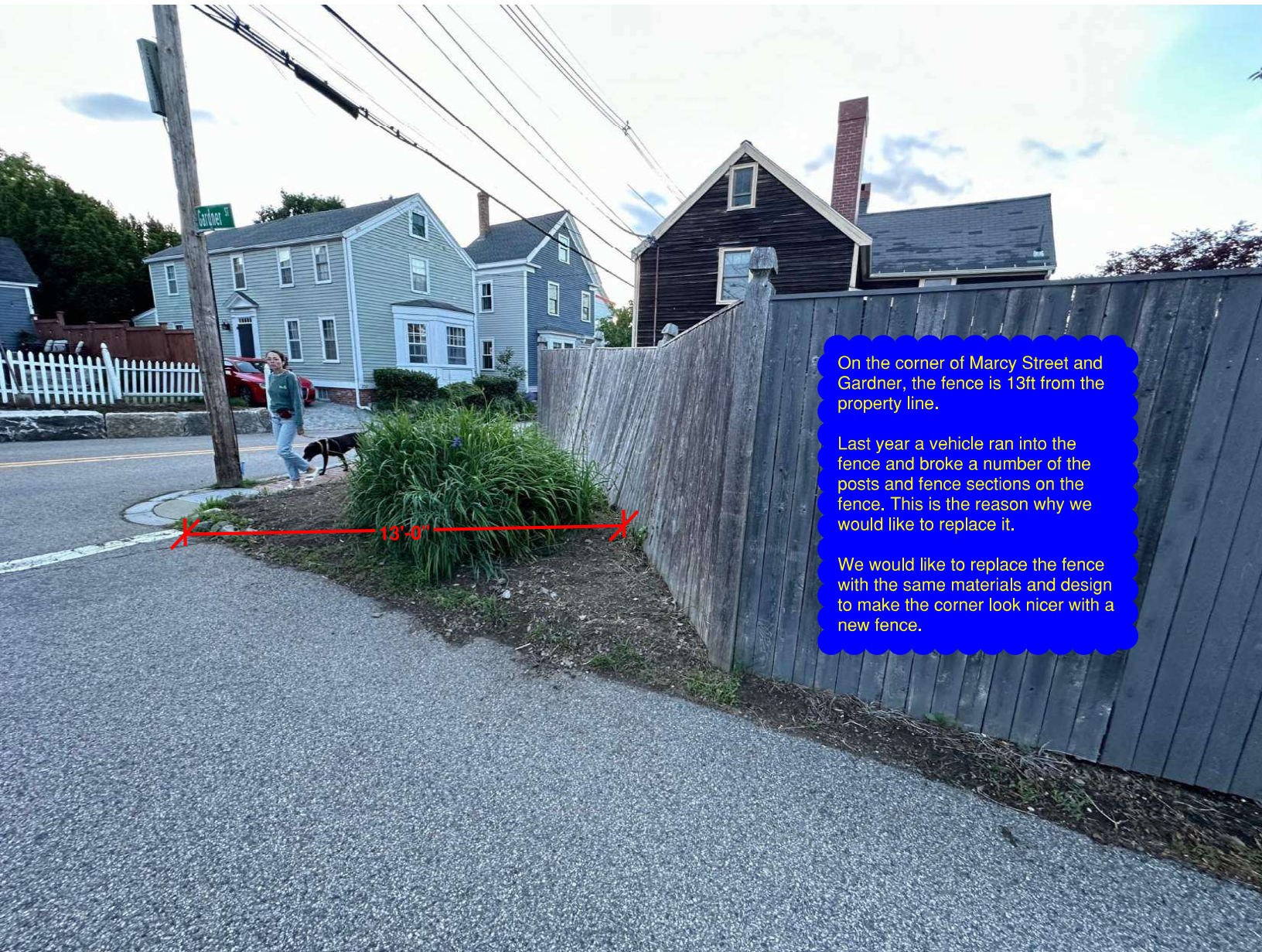
Setting the fence back 5ft from the property line on Marcy Street will put the fence in the middle of the access point of the basement. This will be a problem because it will block the basement access and poses a big safety issue because anyone can break into our home from that point.

Marcy Street has a high pedestrian and vehicular traffic. In the summer, I have heard people walking in our neighborhood between 3am - 4am.

In addition, if we lower the fence to 4ft, our privacy will be significantly diminished and we will have increased traffic noise as a result.



Street view on Marcy Street



On the corner of Marcy Street and Gardner, the fence is 13ft from the property line.

Last year a vehicle ran into the fence and broke a number of the posts and fence sections on the fence. This is the reason why we would like to replace it.

We would like to replace the fence with the same materials and design to make the corner look nicer with a new fence.



Street view of the corner of
Marcy Street and Gardner

Broken and damaged posts











