

Petition for Land Use Variance
LU-24-85
Seavey Doty Revocable Trust
17 Whidden Street
Portsmouth, NH

We purchased the house at 17 Whidden Street in 1988 and have lived on the very friendly and supportive street for 36 years. We know everyone on the street and interact with them for street parties and other events.

The Wentworth (now the Wentworth Senior Living) had planted a hedge by the original back picket fence on our property when we purchased the house. Approximately 30 years ago we worked with the Wentworth facility to put a new picket fence along the 45.4 feet on our property line in back of our house and along the 23' side property line adjacent to their parking lot. We paid for the existing picket fence. Recently the Wentworth Senior Living has removed a 156 old pine tree and 5 groups of birch trees along Pleasant street. The pine tree created a buffer preventing people from parking close to our picket fence. The pine tree's stump has since been removed allowing cars to park inches from our side fence. Previously, the Wentworth had cut the lower branches of the hedge up to about 9', removing the privacy that we had in our back yard. The Wentworth has indicated that they will remove one or both sections their picket fence on Whidden Street, which will make vehicle entrance and exit to the lot from Whidden Street that much closer to our property line.

We have been working with Madison Abbott, Property Manager of Wentworth Senior Living to redo our fence between the two properties. We are proposing replacing the existing fence with an 8' tongue and groove wooden fence along the 45' of our back line and along the side of the parking lot. It will be attractive on both sides. Madison Abbott has indicated that they are fine with an 8' fence and has agreed to write a letter of support. The hedge on Wentworth property has grown dramatically over the years and currently overhangs our yard by 3.5'. Walking to the back patio and opening the bulkhead door is now difficult due to the overhang. In addition, we have lost the use of our outside table for dining.

We will trim the hedge on our side of the fence up about 9' to match the Wentworth side and to accommodate the 8' fence. Our proposed 8' fence would run the 45' in back of our house and be visually consistent with the existing 8' foot fence that was constructed years ago by the Wentworth behind our neighbor's house at 19 Whidden Street. Their 8' fence runs in back of their house for approximately 90'. That fence is visible along Melcher Street. Our neighbors, Edward and Majia Hibbard are supportive of our proposed 8' fence and will write a letter of support. The reason for the 8' fence variance is twofold. First, it will be consistent with the height of the Wentworth's fence behind 19 Whidden Street. Second, Whidden Street slopes down to the South Mill Pond. The slope is such that it drops approximately two feet from Pleasant Street to our property line. In addition, our house sits up so that the bottom of our dining room window which looks out to the parking lot is 4.6' above the ground. Consequently, an 8' fence will provide privacy but not appear to be unusually tall from Pleasant Street. See accompanying photographs. The Wentworth wants us to retain the Evergreen Euonymus that is on our property. We will do that to provide greenery to soften the line on the side of our house. As a result, the 8' fence along the side of our house will run from the back line for approximately 15' to accommodate the 8' long Evergreen Euonymus.

Analysis Criteria (from section 10.223 of the [Zoning Ordinance](#)):

1. 10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:
2. 10.233.21 The variance will not be contrary to the public interest;
 - The 8' fence does not change any public interest. The Wentworth parking lot remains the same as before. The fence will not look out of proportion from Pleasant Street given the slope of the land.
3. 10.233.22 The spirit of the Ordinance will be observed;
 - The 8' fence will be consistent with our neighbor's 8' fence installed years ago by the Wentworth in back of 19 Whidden Street. The fence will not look out of proportion from Pleasant Street given the slope of the land.
4. 10.233.23 Substantial justice will be done;
 - Our house will now have privacy in the back yard, and we will re-gain an extra 3.5 feet of our pocket garden, ease of access to the bulkhead door and gain outdoor living space. Due to the removal of the large pine tree cars are now able to park against our side picket fence.
5. 10.233.24 The values of surrounding properties will not be diminished; and
 - Their recent removal of trees will allow more Wentworth employee parking. There is no adverse impact the fence on the value of the Wentworth parking lot. They have no objection to the proposed fence.
6. 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
 - We have lost 3.5 feet of our back yard and privacy due to the cutting of the lower branches of the hedge on the Wentworth side by approximately 9' from the ground. If we merely cut the branches on our side, we lose all privacy. The removal of the tall pine tree removes a buffer from cars. Cars can now park inches from our picket fence.

The Wentworth parking lot runs on the side and in back of our home at 17 Whidden Street. It is an active parking lot most of the day. Cars park behind one another so that when someone's shift ends, multiple people have to jockey around their cars to allow that person to exit. Frequently, employees sit in their cars during their break. They tend to run their engines during the cold months and hot days producing additional exhaust. There is also a visible employee smoking bench on their Pleasant Street fence where workers congregate. The fence will be tongue and groove and be attractive on both sides.



Left, our side fence and the Wentworth's back hedge with 3.5' overhang over our back picket fence. The dining room window on the left is 56" from the ground.

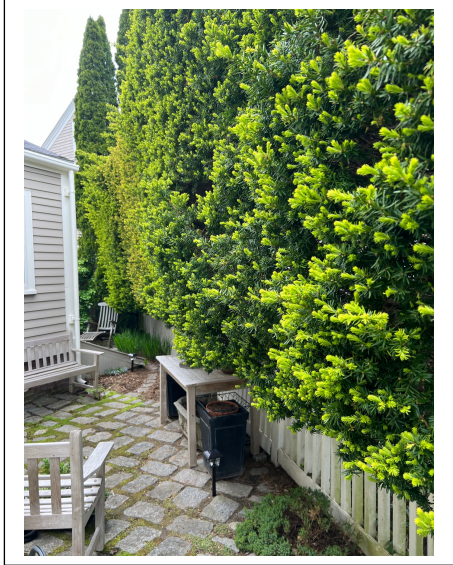
Right, a view from the Wentworth lot of the 9' vertical removal of lower branches along the 45' of our fence allowing cars to park closer to the fence.



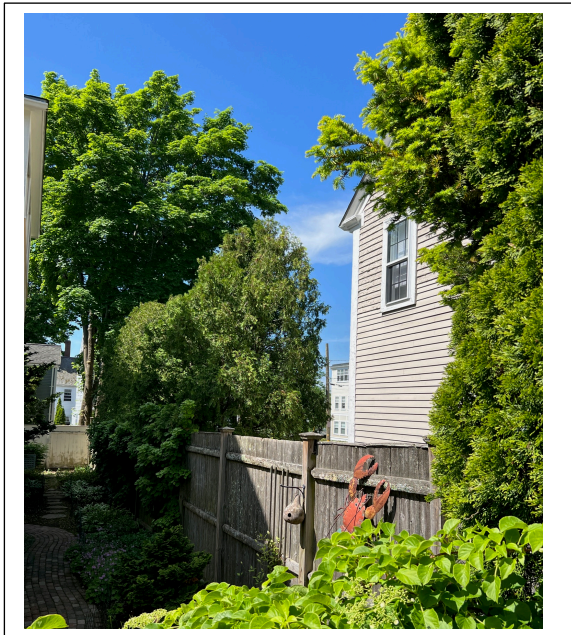
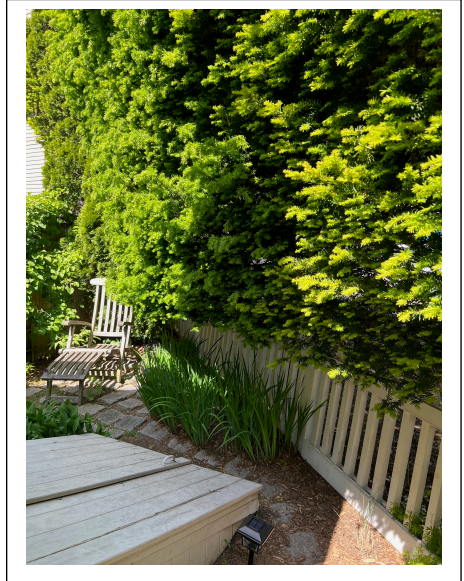
Left, view into our back yard along the 45' feet in back.

Right, view from our back yard table into the Wentworth parking lot. We no longer use the table due to lack of privacy and the 3.5' overhang.





The 3.5' overhang of our picket fence making access to the back patio and bulkhead door difficult and the outside table unusable.



The existing 8'foot fence built by the Wentworth years ago to protect privacy for 19 Whidden Street. Our next-door neighbors are supportive of our request for a variance.



View from our driveway to Pleasant Street. The 156-year-old pine tree has been cut down. The pine tree created a buffer from parking. The stump has since been removed, allowing cars to park inches from our fence.



Wentworth Picket fence on Whidden Street. They have indicated that they will remove one or both of these sections, thus removing the buffer provided by the pine tree and allowing parking closer to the fence. The 8' long Evergreen Euonymus will be retained. The 8' fence would come from the back line approximately 15'. The Wentworth has indicated that they will remove one or both sections on their fence on Whidden Street. We planted and have taken care of the lilies in front of the fence.



Side view of our house from Pleasant Street. In the foreground is the Wentworth's existing picket fence on Pleasant Street. Our side picket fence is barely visible at the top of that fence due to the slope of the land.

17 WHIDDEN ST

Location 17 WHIDDEN ST
 Map-Lot 0109-0005-0000
 Vision Account Number 33198

Ownership

Owner SEAVEY DOTY FAMILY REV
 TRUST SEAVEY J W & DOTY B
 A TRUSTEES

Address 17 WHIDDEN ST,
 PORTSMOUTH, NH 03801

Valuation

Total \$509,600
 Last Sale \$0 on 2022-10-11
 Deed Date 2022-10-11
 Book/Page 6445/176

Land

Land Use 1010
 Land Use Description SINGLE FAM MDL-01
 Market Delineation 102
 Local District R
 Parcel Area (AC) 0.03

Search

Zoom To Share Print



Advanced Search

No results were found with your query.
 Maybe try refining your search to make it more general.

The proposed fence would run 45' along the back yard line and 15' along the side of the house. The existing 8' long Evergreen Euonymus which runs to Whidden Street will be retained.



To the Owners of 17 Whidden St and City of Portsmouth,

We, Wentworth Senior Living, representing 18 Melcher Street and 346 Pleasant Street, have no opposition to a fence replacement bordering our owned properties by 17 Whidden Street. We have no reservations on heights lower than 10ft, fencing materials used, and aesthetics so long as the aesthetic appearance is generally in line with other fences in the Historic District. We ask that representatives of 17 Whidden Street maintain communications with Wentworth Senior Living regarding their project so we may plan accordingly.

With thanks,

MADISON ABBOTT

Property Manager

Direct: 603-570-7884

mabbott@wentworthseniorliving.org

346 Pleasant St. | Portsmouth | NH 03801

Ph: 603-436-0169 | F: 603-436-2040

May 29, 2024

Portsmouth Planning Department
Portsmouth City Hall
Portsmouth, NH 03801

To whom it may concern:

As a neighbor and abutter to John Seavey and Bruce Doty's property at 17 Whidden Street who might possibly view approximately 12' of their fence, I am supportive of their request for a land use variance for the construction of an 8' fence which will be compatible with my 8' fence.

*Ed Hubbard
19 Whidden ST.*