

City Of Portsmouth Planning Department  
Attn: Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

*Letter delivered via email*

**Re: 20 Pray Street Variance Request- September 16, 2025 Meeting**

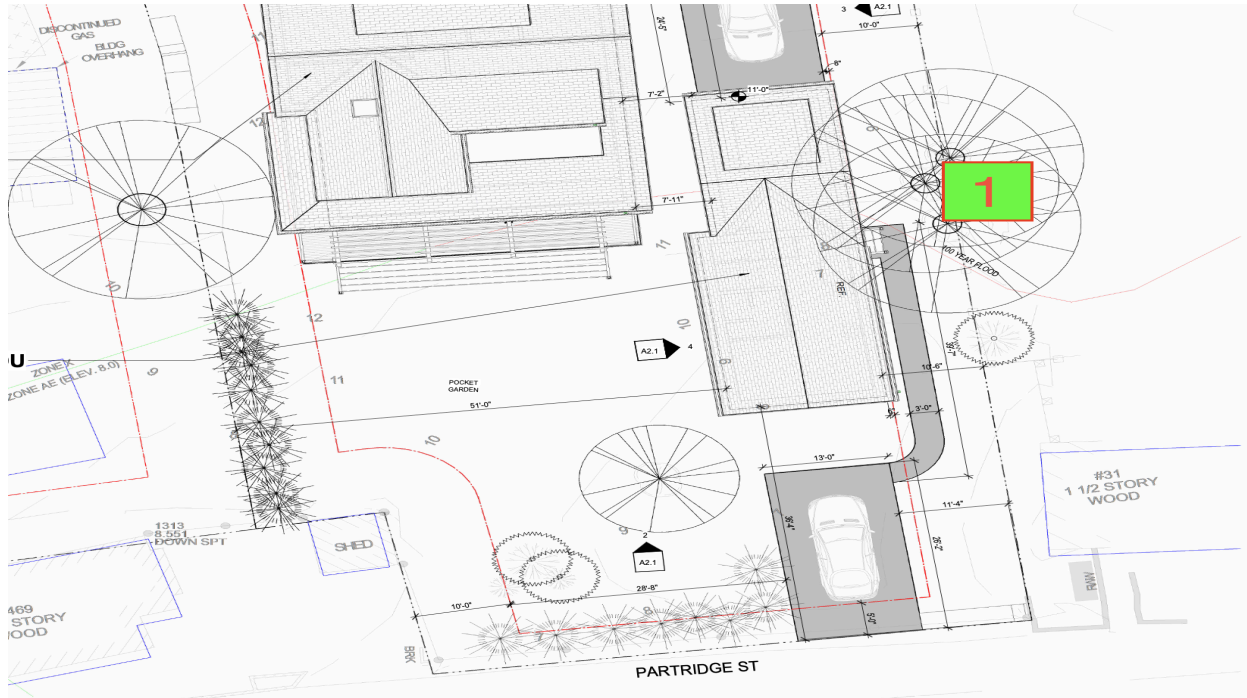
Dear Members of the Board,

I am an abutter at 475 Marcy Street. I respectfully request that the Board **deny the requested variance at 20 Pray Street to allow a second driveway on Partridge Street** for meeting none of the required criteria for the granting of a variance.

It's extremely concerning to see no mention in the applicant's narrative package to 'water' or 'stormwater management' as this is a defining issue with this lot and the neighborhood at large.

**Critical Missing Context:**

The 20 Pray property has a large natural depression that often fills with water as reflected upon the plans by roughly the outline of 100-year flood line (As provided by applicant). It is well-documented that water traveling up Partridge Street from the Piscataqua, and down from surrounding uphill locations accumulates in this low-lying area, creating an essential drainage and retention function. You can visibly watch the water flow into the area; as a result, it is often filled with water, sometimes for days. Any alteration to this flow; like the proposed driveway and associated fill, grading etc within this natural depression, will disrupt this essential balance, exacerbating both the flood risks and flood severity for surrounding properties. These conditions are observed in practice, as documented in the photographs provided below of the depression when filled with water: (Number 1 designates the same grouping of trees for viewer orientation purposes between the photos and site plan)











With this context, it is clear that building a driveway in this area will alter the existing patterns of natural water flow against the public interest as well as a specifically denied action through Section 10.1320.

### Section 10.1320 Drainage

No **person** shall perform any act or **use** of land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow onto any **adjacent** property.

To walk through the Board of Adjustments criteria in specificity in regards to this variance request with this context:

#### **1) Public interest (10.233.21) & 2) Spirit of the Ordinance (10.233.22)**

This lot has a documented low-lying depression that routinely fills and retains stormwater and tidal flow, functioning as critical retention and drainage for the neighborhood's abutting properties as well as the Public's own thoroughfare that is used for emergency access, Partridge Street. Constructing a driveway on the Partridge Street side, a side that fills water into the depression, will both displace retention volume and act as a berm, altering water flow paths across lot lines. Fill and grading within a documented flood-retention basin inherently reduces volume and alters flow paths. This threatens public health, safety, and welfare, and undermines the one-driveway limitation's core purpose of managing and limiting site design impacts. The images provided above illustrate the actual hydrologic behavior the neighborhood experiences. Due to the fact that granting the variance would alter the essential drainage and retention



properties and increase flooding hazard to abutting homes as well as Partridge Street itself, **it is contrary to both the public interest and the spirit of the ordinance.**

### **3) Substantial Justice (10.233.23)**

The Applicant itself states it could comply by using a single driveway on Pray Street. When a feasible, code-compliant alternative exists on the same lot, any claimed hardship from denial of a driveway reflects a preference rather than a necessity. **Any benefit to the Applicant from their preference for a second driveway is greatly outweighed by the public detriment of increased flooding risk and severity.**

### **4) Property Value Impacts (10.233.24)**

Redirected flow and most importantly reduced retention capabilities forcing water onto neighboring properties will diminish neighboring properties' enjoyment and marketability. The Board need not find a precise figure as **any reasonable person would conclude there is probable adverse impact to property values.**

### **5) Unnecessary Hardship (10.233.25)**

The Applicant cites the lot's status as a through lot as a "special condition," yet this feature is common in the area, with many nearby and abutting parcels also having multiple road frontages while maintaining a single driveway. Nothing about this lot makes compliance impracticable. In fact, the Applicant's own materials confirm that access from Pray Street is feasible. Because a permitted, reasonable configuration exists, there is a fair and substantial relationship between the ordinance's one-driveway limitation and this property. The **request therefore reflects a preference, not a hardship.** Moreover, this is a clean-slate design on a vacant lot, and **any claimed 'unnecessary hardships' arise solely from the Applicant's chosen design, scale, and building layout** all of which are completely modifiable and not resultant of immutable existing structures.

### **Requested Action**

For meeting none of the five required criteria, I ask the Board to **deny the variance for a second driveway located on Partridge Street** within this critical area to preserve the site's natural water patterns so that their water is not transferred onto abutting private and public land.

Thank you for your time and careful consideration.

Sincerely,

**Tyler Markley**

475 Marcy Street, Portsmouth NH 03801

Steven and Kelly Jencso  
47 Wilson Rd  
Portsmouth, NH 03801  
(857) 205-2514  
steven@stormdog.design

September 14, 2025

Board of Adjustment  
Planning Department  
1 Junkins Ave, 3rd Floor  
Portsmouth, NH 03801

**RE: Variance at 87 Grant Avenue**

Dear Members of the Board of Adjustment,

We are writing on behalf of our family who have been residing on a lot adjacent to the property at 87 Grant Avenue for five years. We respectfully request you **oppose** this variance request. The new property owner's proposal for a variance from Section 10.521 on Map 251 Lot 7 does not accurately reflect the impact on their abutting neighbors, nor does it demonstrate any hardship beyond inconvenience.

The full structures on the current property extend to within approximately **one foot** of the property lines connecting 47 Wilson Road, 49 Wilson Road, and 87 Grant Avenue (see Attachment 1). The SRB district we reside in is intended to provide standards for open space that currently are not enforced and would be further diminished by this variance.

Surrounding structures are also not "much newer, or have been substantially improved in a manner like we are proposing" as described; in



fact, the abutting properties are all **10+ years older** and have not been rebuilt. The proposed construction on the current footprint would only increase the current impact on the enjoyment of our yard and privacy concerns for our young daughter.

Additionally, the four hardship circumstances presented in the request for variance **do not** accurately demonstrate a unique property condition other than inconvenience, summarized below:

1. "Waste of perfectly suitable foundation and utility stubs." This is an **inconvenience**, not a unique hardship to the property. The lot size of ~1.8 acres provides ample space for new construction that strictly adheres to the zoning requirements; for example, the current left yard setback is 86 feet compared to the minimum 10 feet.
2. "The house as it stands would present significant hardship in terms of implementing the safest current housing standards." The **location** of new construction on the lot is a separate concern from the physical building standards.
3. "Moving the house in any direction from where it stands would result in less free space for our neighbors." This is **false**. Enforcing the zoning regulations would result in more open space between properties.
4. "The property is non-conformant within the current footprint and surrounding properties are non-conformant." The intent of the zoning ordinance is to provide new standards and not continue existing conditions; variances are determined on a case-by-case basis. A new variance must be evaluated **independently** from any existing conditions or surrounding violations per Article 10.233.50.

Finally, the request for a variance also includes multiple references to the "neighborhood perspective," but the property owners have **not spoken** to all of their abutting neighbors to accurately represent the neighborhood

perspective. We have been looking forward to meeting our new neighbors since we learned of the sale, but have not received any communication or outreach regarding these plans, nor have we seen them outdoors in passing to introduce ourselves.

For the reasons outlined above, we respectfully request the Board of Adjustment to **uphold** the 10 foot side yard requirement and **reject** this variance. We welcome the LoVecchio family to the neighborhood and are delighted to learn they plan to grow alongside our own growing family, but do not believe this application meets the five statutory tests required to grant a variance to the ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Jencso', with a long horizontal flourish extending to the right.

Steven Jencso

A handwritten signature in black ink, appearing to read 'K. Jencso', with a large circular flourish and a horizontal line extending to the right.

Kelly Jencso



Attachment 1: Photograph taken September 14th showing the existing structural footprint encroaching on the property boundaries.



**From:** [Carrie Jose](#)  
**To:** [Jen L. Crockett](#)  
**Subject:** Opposition to Variance Request for 87 Grant Ave - Map 251 Lot 7  
**Date:** Tuesday, September 9, 2025 11:50:05 AM  
**Attachments:** [49 Wilson Road Portsmouth NH Existing Conditions FINAL STAMPED 2025 08 19.pdf](#)

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You don't often get email from [carrie@cjphysicaltherapy.com](mailto:carrie@cjphysicaltherapy.com). [Learn why this is important](#)

Dear Members of the Board,

I am writing as an abutter to Map 251 Lot 7 to respectfully oppose the request for a variance from Section 10.521 of the Portsmouth Zoning Ordinance, which seeks to reduce the required 10-foot side yard setback to 8 feet for construction of a new dwelling in the Single Residence B District.

**This item is listed for public hearing on Tuesday, September 16, 2025 at 7:00 p.m.**

My opposition is based on the following:

**1) Undue crowding and loss of privacy**

The existing structure is already extremely close to our property (see attached photos and recent property assessment drawing). A deck sits approximately one foot from our boundary line. Allowing this variance would perpetuate and intensify the crowding, severely impacting our privacy, enjoyment of our yard, and sunlight access.

**2) No hardship justifying the variance**

The applicants propose to demolish and rebuild in the same footprint. This is a voluntary design choice rather than a hardship unique to the land. The lot can reasonably accommodate a conforming design, and strict adherence would not deprive the owners of reasonable use.

**3) Inconsistent with the spirit of the ordinance**

The SRB district is intended to preserve lower-density neighborhoods with adequate separation between homes. Granting this variance undermines that purpose and invites further encroachment.

**4) Negative impact on property value and neighborhood character**

Placing a new dwelling closer than the ordinance allows will diminish the value and character of our property, which is already compromised by the closeness of the current dwelling and deck. Approving this request sets an unfavorable precedent for reduced setbacks, eroding the space, light, and privacy the SRB standards are designed to protect.

For these reasons, I respectfully urge the Board to deny the variance and uphold the 10-foot side yard setback required in the SRB district.

Thank you for your consideration.

Sincerely,  
Carrie Jose  
49 Wilson Rd.  
Portsmouth, NH  
Cell: 781-718-9467



*Attachments: Photos showing the proximity of the existing structure and deck to our property line, along with a recent property assessment drawing.*

**Dr. Carrie Jose, MSPT, DPT, cert. MDT**

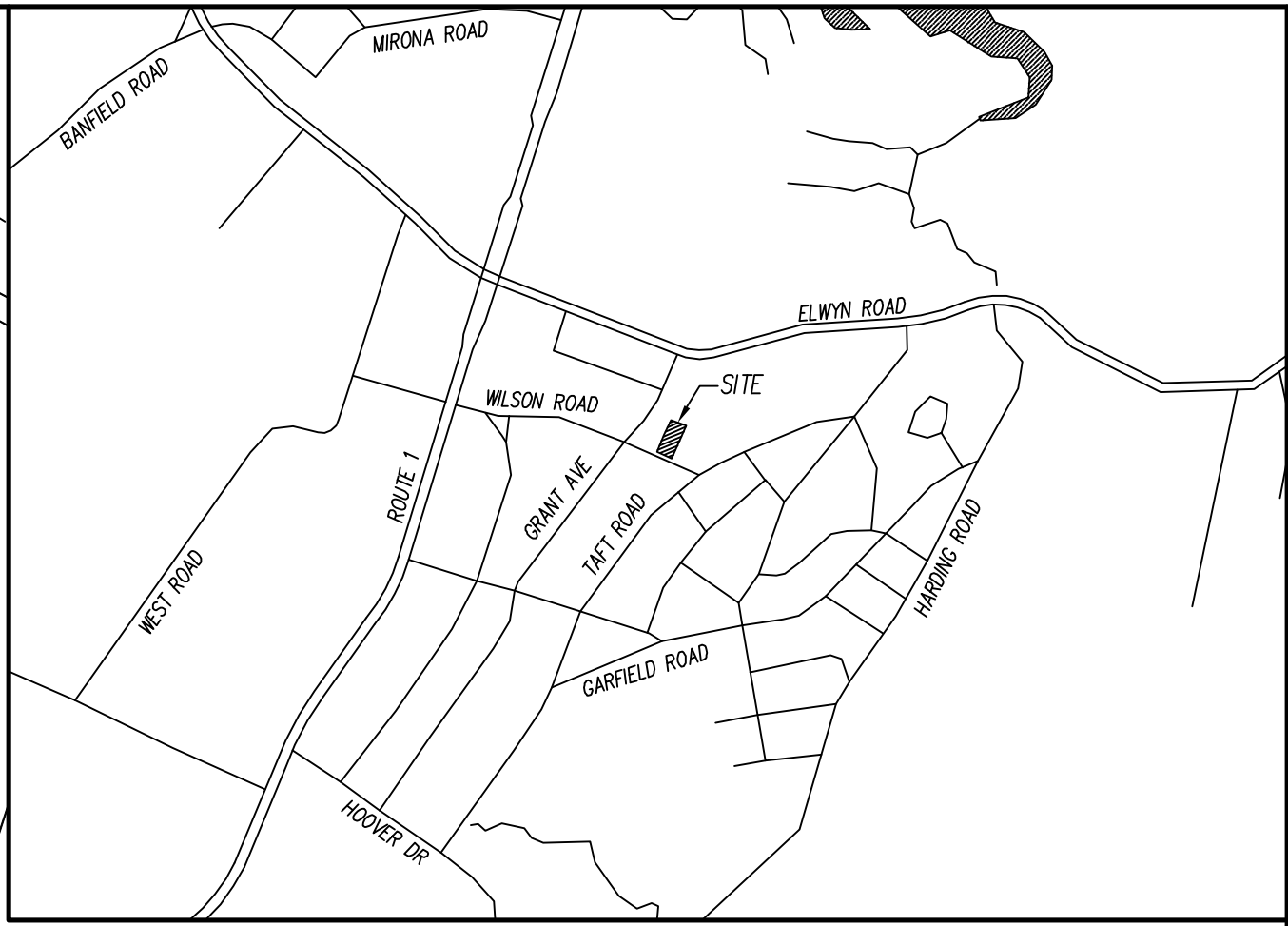
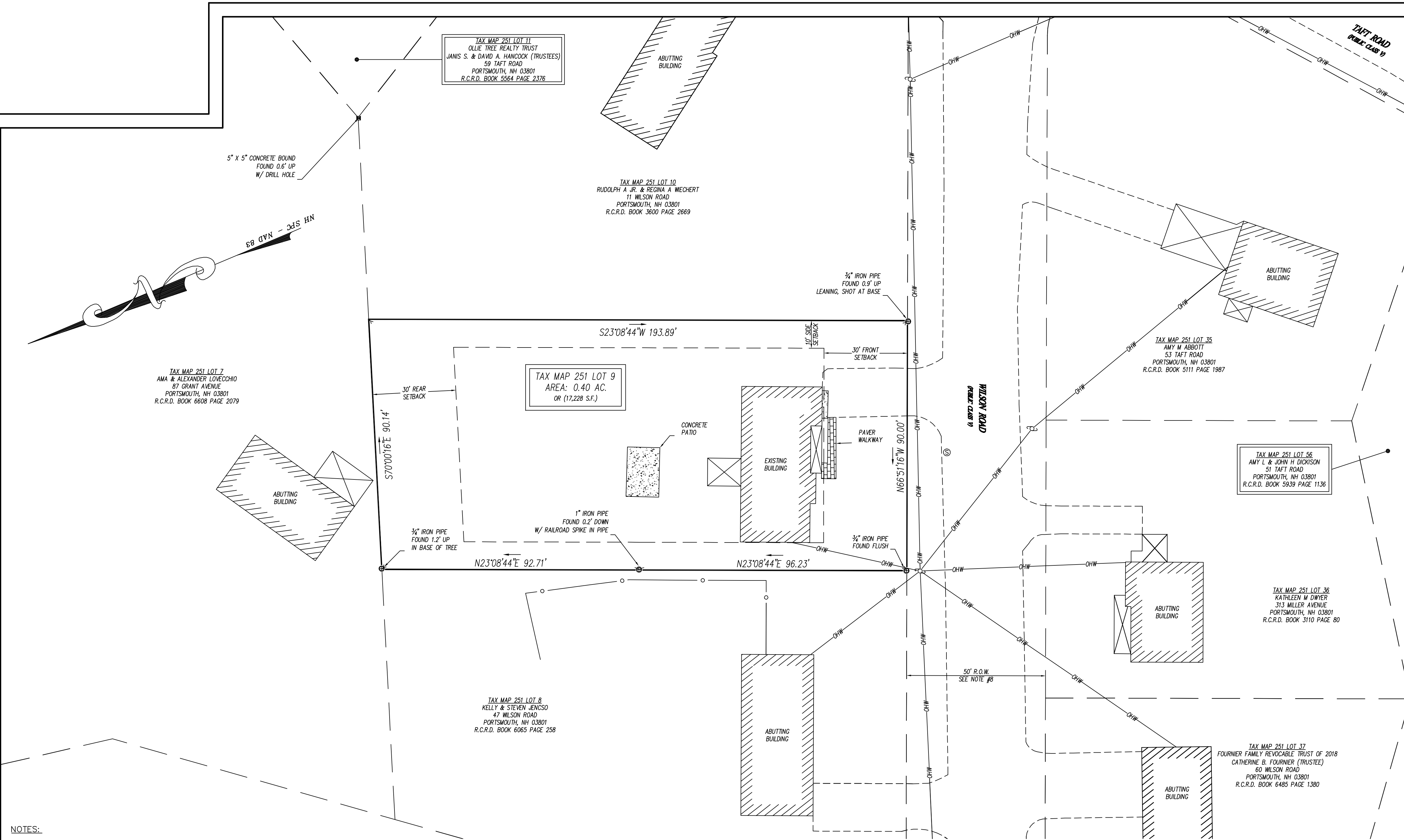
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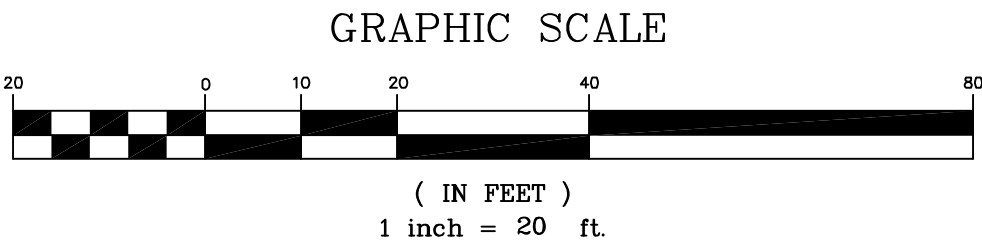
Please be advised that this transmittal may contain confidential medical information. If you are not the intended recipient, please do not read, copy, or re-transmit this email. If you have received this email in error, please notify me by email at [carrie@cjphysicaltherapy.com](mailto:carrie@cjphysicaltherapy.com) or by telephone at 603-380-7902, and destroy any paper or electronic copies of this message. Thank you in advance for your cooperation.



LOCATION MAP  
SCALE: 1" = 1,000'

PLAN REFERENCES:

- "PLAN OF LOTS, PLAN "A" - ELWYN PARK, PORTSMOUTH, NH, FOR, E.A. RICCI", PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, DATED MAY 1956 RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AS PLAN NO. 2530.
- "PLAN OF LOT REVISION, PORTSMOUTH, NH, FOR, JOSEPH R. & HECTORINE M. GAGNON, AND R.W. & B.R. RIVAIS", PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, DATED JUNE 1975 RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AS PLAN NO. 5234.
- "PLAN OF LAND, PORTSMOUTH, NH, FOR, JOHN G. M. STONE JR.", PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, DATED AUGUST 1959 RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AS PLAN NO. B70.
- "LOT LINE RELOCATION PLAN, TAX MAP 251 - LOT 11 &, TAX MAP 247 - LOT 77, FOR, JANIS HANCOCK &, PETER M. DINNEMAN, 1994 REVOCABLE TRUST, 59 & 61 TAFT ROAD, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE", PREPARED BY AMBIT ENGINEERING, INC., DATED APRIL 2013 RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AS PLAN NO. D-37854.



EXISTING CONDITONS PLAN  
**CARRIE L JOSE**  
(TAX MAP 251 LOT 9)  
**49 WILSON ROAD**  
**CITY OF PORTSMOUTH**  
**ROCKINGHAM COUNTY, NH**  
AUGUST 4, 2025

**GCE**

G. C. ENGINEERING INC.  
635 MAIN STREET, SUITE 301, LACONIA, NH 03246  
TEL. 603-524-8023 \* FAX. 603-524-6559

REVISIONS	No.	BY:	DATE	DESCRIPTION
DRAWN BY: RB			FIELD WORK: RB/MC	
CHECKED BY: MC			DESIGNED BY:	

NOTES:

- THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF THE SUBJECT PROPERTY.
- OWNER OF RECORD  
TAX MAP 251 LOT 9  
CARRIE L JOSE  
49 WILSON ROAD  
PORTSMOUTH, NH 03801  
R.C.R.D. BOOK 6034 PAGE 2661
- BASIS OF BEARING IS NH STATE PLANE COORDINATES (NAD 83).
- TRAVERSE PERFORMED WITH LEICA TOTAL STATION ERROR OF CLOSURE GREATER THAN 1:10,000
- TAX MAP 251, LOT 9 INDICATES CITY OF PORTSMOUTH, NH TAX ASSESSORS MAP & LOT NUMBERS.
- BOUNDARY AND IMPROVEMENT INFORMATION IS A RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE IN MAY, 2025.
- THE SUBJECT PROPERTY IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT AND IS SUBJECT TO THE FOLLOWING REQUIREMENTS:  

FRONT SETBACK: 30'  
SIDE SETBACK: 10'  
REAR SETBACK: 30'
- WILSON ROW IS 50' WIDE PER PLAN REF # 1.
- SUBJECT PROPERTY IS LOCATED IN ZONE X, AS DEPICTED ON THE FEMA FLOOD INSURANCE RATE MAP, CITY OF PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE; COMMUNITY NUMBER 330139, PANEL 270 OF 681; PANEL NO. 33015C0270F; EFFECTIVE DATE: 01/29/2021.

LEGEND	
☒ CONCRETE BOUND FOUND	— PROPERTY LINE
⊕ IRON PIPE FOUND	- - - - - ABUTTER LINE
★ MONUMENT TO BE SET	- - - - - SETBACK LINE
Ⓢ SEWER MANHOLE	- - - - - EDGE OF PAVEMENT
⌂ UTILITY POLE	- - - - - OVERHEAD WIRES
	CONCRETE
	CHAINLINK FENCE

SURVEYORS CERTIFICATION:

PER RSA 676:18(III), I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

*Mark Condodemetraky* 8/19/2025  
MARK CONDODEMETRAKY DATE  
LLS LICENSE #1002

