

From: [Beth Olshansky](#)
To: [Karen Edwards](#)
Subject: ZBA: 74 Main St.
Date: Monday, November 12, 2018 3:48:40 PM

Dear Members of the Durham ZBA,

I am writing regarding the variance requests for 74 Main St. While I am in favor of the overall vision for the project, I believe the ZBA must closely consider these variance requests. I write in support of Variance Requests #3 & #4 having to do with Density and General Dimensional Standards. Currently the Planning Board and Town Council are considering similar changes to our ordinance.

i write in opposition to Variance Request #2 regarding changing the ratio of residential to commercial to 66:33 in a 4-story building. For those who are not familiar with the history of the 50:50 ratio requirement (residential to commercial) in 4-story buildings, there was a time not so long ago, when only 3-story buildings were permitted downtown. The ratio required first floor commercial and second and third floor residential. Because our downtown has such a limited amount of commercial space and a small footprint, the Town decided to incentivize adding more commercial space by allowing developers to add a 4th floor ***only if they adhered to a 50:50 ratio of commercial to residential.*** That is the spirit and intent of the 50:50 ratio for mixed use buildings that are 4 stories.

The request to permit a 66:33 ratio on a 4-story building in no way meets the spirit and intent of our zoning ordinance. The intent was to insure additional commercial space be created per footprint if a fourth floor was added. This request does not meet either the spirit or the intent of the ordinance.

Additionally, Durham currently has 3 other major redevelopment projects downtown. All likely will involve 4-story buildings. If the variance request to change the 50:50 ratio to 66:33 (residential to commercial) is granted, we establish a troubling precedent and stand to lose a tremendous amount of potential commercial space in our small downtown.

Regarding Variance Request #1 having to do with the placement of residential on a portion of the second floor, plus on floors 3 and 4, this seems to be tied directly to the request for the 66:33 split. If the 50:50 ratio is upheld as it should be, Variance Request #1 would be moot as the applicant would be required to have the second floor be entirely commercial. Thus I caution The Board to address Variance Request #2 about the ratio prior to discussing #1.

Thank you for your consideration.

Beth Olshansky