



38 *residential space on the site is flexible provided the minimum overall amount of*  
39 *office/retail required is included and the Planning Board determines that the*  
40 *configuration of the building and its uses meets the intent of this subsection 7. The*  
41 *property is shown on Tax Map 108, Lot 14, located at 31 Main Street and is in Central*  
42 *Business-1 District.*

43 Vice Chair Warnock read the above public hearing petition for variance into the record.

44 *Member Morong **MOVED** to **OPEN** the public hearing. **SECONDED** by Vice Chair*  
45 *Warnock, and **PASSED unanimously 5-0-0**. The public hearing opened at 7:03pm.*

46 Courtney Vaughan of Donahue, Tucker, & Ciandella spoke on behalf of John Bosen who  
47 could not be present this evening and introduced Jeff Gannon, senior design and project  
48 manager at Torrington Properties. She stated the applicant is seeking a variance for the  
49 interior only of 31 Main Street to transfer the property from a vacant business to a  
50 residential space. This variance mirrors a previous exemption in 2013 and would replace  
51 the 2013 variance. The applicant proposes to make the property fully residential while  
52 preserving the neighborhood's character and streetscape. She stated granting the variance  
53 will alleviate the burden of ownership of a vacant lot and outweigh any public benefit.  
54 She believes the proposed changes are likely to have a positive impact on neighboring  
55 property values by eliminating a vacant property.

56 Vice Chair Warnock asked what the owner has done to market the property, if they  
57 offered a lower rate to entice renters to rent the property, and what they anticipate the  
58 rent to be at the current market value. Member Morong asked why the property hasn't  
59 been viable as a commercial property. Mr. Gannon explained the property is a smaller,  
60 two floor building which needs to be commercial. The Main Street entrance only allows  
61 access to the first floor; the second floor needs to be accessed in the rear of the building.  
62 Member Morong asked about parking. Ms. Vaughan said there is no street parking,  
63 which makes the property less conducive to a business. Vehicles of residential renters  
64 would need to be parked elsewhere. She said the property would be marketed broadly  
65 and not just to students. A 2011 market analysis contemplated a certain amount of  
66 commercial property in Durham. That projection has not come to fruition. Mr. Gannon  
67 said they have fewer than two showings a year and would love to rent it as a commercial  
68 property if they could. They are not asking for rent rates outside of the market. Vice  
69 Chair Warnock sees this as a marketability issue. Mr. Gannon said upgrades and  
70 marketing efforts have helped get tenants in the Mill Plaza properties, though they are  
71 still looking to fill the previous Rite Aid location. Chair Niman asked if the lack of  
72 success of commercial brokers could be documented and included as part of the public  
73 record. Mr. Gannon confirmed that information could be provided.

74 Chair Niman invited members of the public to speak. No members of the public spoke on  
75 the application.

76 *Vice Chair Warnock **MOVED** to **CLOSE** the public hearing. **SECONDED** by Member*  
77 *Warzin, and **PASSED unanimously 5-0-0**. The public hearing closed at 7:28pm.*

78 Vice Chair Warnock spoke to the hardship clause. He explains the goal of the ordinance

79 was to create mixed use. The applicant knew about the challenges of the property before  
80 they purchased it. If they are finding it difficult to find renters, they can lower the rent  
81 and compete capitalistically. Member Warzin noted that the application states it will be a  
82 single family residential unit intended for student housing. Chair Niman said the  
83 companies that have owned that property have tried aggressively to rent that property  
84 and have not met with any success. It's not in the public interest for the building to sit  
85 empty for another 10 years. He thinks it is time to admit that property may not be viable  
86 for business, but he would like to set some criteria around at what point the board could  
87 determine a property isn't viable for business. Member Morong stated he always  
88 questioned the viability of that property for a downtown business given the location and  
89 lack of parking. Chair Niman reviewed the history of the property and said it is his  
90 opinion that the town contributed to making that property not commercially viable and  
91 should contribute to alleviating some of that hardship.

92 Member Morong spoke to the hardship criteria saying the location is not ideal because it  
93 is on the edge of the business district, parking is not ideal, and it relies mostly on foot  
94 traffic. Chair Niman noted the property doesn't look like a business and signage is  
95 restricted.

96 Chair Niman took an informal poll of the board. Member Warzin, Member Bubar,  
97 Member Morong, and Chair Niman are in favor of the variance. Vice Chair Warnock is  
98 not in favor of more student housing and less business in the downtown area. Chair  
99 Niman would like the applicant to provide evidence of their failure to rent the property  
100 and would like something to indicate they are allowing this variance because the  
101 property has sat vacant for 10 years. Vice Chair Warnock would like to see each year's  
102 sales listing and what they are asking for rent. Chair Niman would like them to  
103 demonstrate that they retained a commercial broker and the number of showings. He  
104 stressed the difference the location can make in the success of a business.

105 *Member Morong **MOVED** to **APPROVE** the variance as written in item A of the ZBA*  
106 *agenda for Tuesday, March 10, 2026 without conditions. **SECONDED** by Member*  
107 *Bubar, and **PASSED 4-1-0**, with Vice Chair Warnock voting in opposition.*

108 Chair Niman said the board would appreciate the data if the applicant is willing to share  
109 it.

## 110 **VII. Other Business**

111 No other business was discussed.

## 112 **VIII. Approval of Minutes: January 29, 2026**

113 *Member Morong **MOVED** to **APPROVE** the minutes of January 29, 2026 as presented.*  
114 ***SECONDED** by Member Bubar, and **PASSED unanimously 4-0-1**, with Member Warzin*  
115 *abstaining.*

## 116 **IX. Adjournment**

117            *Vice Chair Warnock **MOVED** to **ADJOURN** the meeting. **SECONDED** by Member*  
118            *Warzin, and **PASSED** unanimously 5-0-0.*

119            Adjournment at 8:06 pm

120            Respectfully submitted,  
121            Daphne Chevalier, Minutes taker