

FRANKLIN LOFTS, LLC

935 Franklin St.

CHANGE IN NON-CONFORMING USE JUSTIFICATION

Description of Non-conforming use:

The subject property, 935 Franklin Street, was granted a change in non-conforming use in 18NONCONFORM1028 from a pool supply company to a pool supply company and eight dwelling units. Franklin Lofts, LLC (the "Applicant"), the new owner of the subject property, now seeks to change the non-conforming use from pool supply company and eight dwelling units to sixteen dwelling units and reuse the entirety of the existing buildings on the subject property for a multi-family residential development with additional off-street parking, as is consistent with the property's R-6 zoning.

Justification:

Multi-family residential use is lawfully permitted on the property because it is zoned R-6. This change in non-conforming use is necessary only because the property was granted non-conforming rights for only partial multi-family residential use (in addition to a continuation of the non-conforming pool supply company use) in 2018. Thus, a change in non-conforming use is now necessary so that the property may be used solely for multi-family residential use. Prior to the grant of non-conforming rights in 2018, the property had been used commercially, first as a brewery known as the Franklin Street Brewery, beginning in approximately 1865, well before the current zoning laws were adopted. The property's use as a commercial brewery, known as the Union Brewery, continued through the early 20th century. Thereafter the known uses of the property include use as: the offices of an electric supply company, A-Bell Electric Co., Inc., from approximately 1989 to 1997; a pool contractor's shop, known as Royal Supply, from 2005 to 2011; an art gallery, the Tim Faulkner Galley, and record shop, Matt Anthony's Record Shop, from 2012 to 2014; and as a storage warehouse. The proposed multi-family residential use for sixteen dwelling units is less intense than these prior non-conforming uses, and is more in keeping with the surrounding single and multi-family residential uses in the neighborhood.

Because multi-family residential use has been permitted on the property since it was zoned R-6, there has not, by definition, been any non-conforming multi-family residential use of the property. As stated above, the property was granted non-conforming rights for only partial multi-family residential use (in addition to a continuation of the non-conforming pool supply company use) in 2018. Thus, a change in non-conforming use is now necessary so that the property may be used solely for multi-family residential use. Prior to the grant of non-conforming rights in 2018, the property had been used commercially continuously since approximately 1865. The proposed multi-family residential use for sixteen dwelling units is less intense than these prior non-conforming uses, and is more in keeping with the surrounding single and multi-family residential uses in the neighborhood.

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Because multi-family residential use has been permitted on the property since it was zoned R-6, the multi-family residential use of the property has not, by definition, been expanded, or relocated, on the property. Prior to the grant of non-conforming rights in 2018, the property had been used commercially continuously since approximately 1865. Therefore, the multi-family residential use of the property has never been expanded or relocated on the property since the current zoning regulations were adopted as it has never been used for multi-family residential despite multi-family residential being a permitted use under the property's R-6 zoning.

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