

WAIVER JUSTIFICATION

CJ and Friends, LLC

749 & 750 Vine St.

The proposed waiver of the requirement in section 10.2.8 of the LDC to waive two of the four required Type C street trees for Vine Street will not adversely affect the adjacent property owners. The applicant is reusing the existing building and there are no street trees currently on the property. The applicant will provide two of the four required street trees, and there are trees elsewhere on the property. All current screening features will also remain.

The proposed waiver will not violate the Comprehensive Plan. The waiver will permit the applicant to provide two street trees that do not currently exist, while allowing enhanced use of the existing building on the property for a use that is not substantially different than the current use and that will provide additional dining and rental options to the neighborhood. The applicant will not remove or diminish any of the current screening features in place.

The extent of the proposed waiver is the minimum necessary to afford relief to the applicant. The proposed waiver will allow the applicant to provide only two of the four required street trees and utilize the subject property as-is, with no expansion of footprint.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as providing all four required street trees would make the sidewalk less passable. The applicant proposes to provide two of the four required street trees, which is two more street trees than currently exist, and there are trees elsewhere on the property. All current screening features will also remain.

