

PLANNING COMMISSION
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
MARGARET L. GOWANS)
from)
MINIMUM BUILDING SITE)
in)
KAPOHO, PUNA, HAWAII)

Variance No. 206

VARIANCE PERMIT

The Planning Commission held a public hearing on May 14, 1970 on the application of Margaret L. Gowans, owner, for a variance from Section 9, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow a variance from the minimum building site of 10,000 square feet to allow the acquisition and consolidation of land to create a larger lot conforming more closely to the required size, Tax Map Key 1-4-10:28.

The Commission finds that strict enforcement of Section 9 would involve practical difficulty and unnecessary hardship for the following reasons:

1. That the consolidated lot will be approximately 10% below that required under ordinance and that the Planning Department has considered a 10% leeway in past cases.
2. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classifications.
3. That the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of this ordinance.

Therefore, the Commission hereby grants to the applicant a variance from the minimum building site pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that:

1. The applicant be aware of legislative action regarding shorelines. In essence, the legislative action provides for the establishment of shoreline setback lines and regulates the use and activity with the shoreline setback area.

S. B. No. 1139-70, H. D. 1 authorized the land use commission to establish shoreline setback lines of not less than twenty feet inland from the upper reaches of the wash of waves. It permitted replacement or reconstruction of nonconforming structures within the shoreline setback area so long as the use remained unchanged without enlargement, but if such use is discontinued for one year, such use was disallowed to continue. H. D. 1 also regulated

the removal of sand, coral, rocks, soil or other beach composition within the setback area; prohibited removal thereof for commercial purposes except that commercial mining operations in operation for at least two years could continue until July 1, 1975. The enforcement of the setback and the applicable rules and regulations could be delegated to the county agency.

Dated at Hilo, Hawaii, this 14th day of May, 1970.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII



ANTHONY C. VERIATO, CHAIRMAN