

PLANNING COMMISSION  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
RONALD T. KURIHARA )  
from )  
BUILDING SETBACK )  
REQUIREMENT IN )  
RESIDENTIAL DISTRICT )  
in )  
WAIAHA, N. KONA, HAWAII )

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Variance No. 211

VARIANCE PERMIT

The Planning Commission held a public hearing on August 20, 1970 on the application of Ronald T. Kurihara for a variance from Section 10, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow a side yard building setback of 5'-6" in lieu of the required 8'-0" setback for a duplex residential structure located in the Konalani Subdivision, Waiaha 2nd, North Kona, Hawaii, as described by Tax Map Key 7-5-18:53.

The Commission finds that strict enforcement of Section 10 would involve practical difficulty and unnecessary hardship based on the following findings:

In granting a variance, one of the findings of fact must be that there exists unusual circumstances that apply to the subject property or building which do not generally apply to surrounding property or improvements in the same district. Upon review of this application, the Commission finds that unusual circumstances do indeed exist as stated by the applicant. The building was laid out with the side yards intended to conform to that required under the Comprehensive Zoning Ordinance. What caused the building to be in violation of the side yard requirement is that the corner marker which was used to determine the side boundary was in fact not the correct corner marker. The correct corner marker was later determined by a survey taken by the adjacent lot owner. The error in establishing the corner marker was unintentional on the part of the applicant and the applicant in good faith intended to comply to the required side yard setback.

The Commission finds that unusual circumstances do exist and that requiring the building to be moved to comply to the required setback would create economic hardship on the applicant. Based on the above, the Commission grants approval of this variance request.

Therefore, the Commission hereby grants to the applicant a variance from the required side yard building setback pursuant to the authority vested in it by Section 36 of said Ordinance.

The effective date of this permit shall be from August 20, 1970.

Dated at Hilo, Hawaii, this 21st day of October,  
1970.

PLANNING COMMISSION  
OF THE COUNTY OF HAWAII

  
ANTHONY C. VERIATO, CHAIRMAN