

PLANNING COMMISSION  
Planning Department  
County of Hawaii

Application for VARIANCE )  
by )  
H. F. GARGROVE )  
from )  
SETBACK REQUIREMENT )  
in )  
KEAAU, PUNA, HAWAII )

Variance No. 222

VARIANCE PERMIT

The Planning Commission held a public hearing on December 3, 1970 on the application of Mrs. H. F. Gargrove for a variance from Section 30-D(8), Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow a three foot - six inch clear space between the side property line and the eave overhang line in lieu of the five foot clear space distance required under the provisions of the Comprehensive Zoning Ordinance for a residence located within the Ainaloa Subdivision, Keaau, Puna, Hawaii, covered by Tax Map Key 1-6-97:36.

The Commission finds:

1. That the violation exists because the contractor moved the building over three feet to the east in order to have a better foundation. Requiring compliance to the required setback by moving the entire structure would impose a financial hardship.
2. That the granting of the variance would not be materially detrimental or injurious to surrounding properties. The applicant also owns the adjoining property which will be affected by the reduced setback and according to Section 30-C(2) of the Comprehensive Zoning Ordinance, no structure would be permitted on this lot unless ownership changed (adjoining nonconforming lots, due to size, constitute only one legal building site if lots are owned by same person). If ownership changes and a structure becomes permitted on the adjacent lot, existing ground conditions would require that a structure be set back at a distance greater than the required setback of 10 feet. Ground improvements would have to be made before a structure could be set back at the minimum of 10 feet.
3. That the intended open space although reduced is still being provided and that circumstances exist to a degree that would warrant the granting of a variance without it being detrimental to the intent of the setback regulations.


Therefore, the Commission hereby grants to the applicant a variance from the required five foot clear space between the eave projection

and the side property line pursuant to the authority vested in it by Section 36 of said Ordinance.

The effective date of this permit shall be from December 3, 1970.

Dated at Hilo, Hawaii, this 29th day of April, 1971.

PLANNING COMMISSION  
OF THE COUNTY OF HAWAII

  
O. W. Efurud, Jr.  
Chairman