

June 8, 1971

Mr. Robert Tyson
3784 Terrace Drive
Anchorage, Alaska 99501

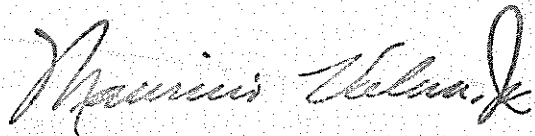
Re: Variance Application
Tax Map Key 8-8-07:43 & 44

The Planning Commission at its preliminary hearing held on June 3, 1971 considered your application for a variance to allow a 2-inch front yard building setback on Lot 18 and 3-foot front yard building setback on Lot 19 in lieu of a 15-foot setback requirement for the construction of a dwelling on each lot within the Milolii Beach Lots Subdivision in Papa 2nd, South Kona, Hawaii.

Please be informed that the Commission voted to deny your application for a variance request.

You may appeal the decision of the Planning Commission to the Board of Appeals of the Planning Department if you find that the Commission's action was based on an erroneous finding of a material fact, or that the Commission had acted in an arbitrary or capricious manner or had manifestly abused its discretion.

We shall be forwarding you a certified copy of the Order as soon as the document is prepared.



Mauricio Valera, Jr.
Vice Chairman
For
O. W. Efurd, Jr.
Chairman

lat

cc Corporation Counsel
Building Department

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
Robert Tyson)
Tax Map Key 8-3-07:43 & 44)
_____)

Variance Application

No. 239

FINDINGS OF FACT

CONCLUSIONS OF LAW

and

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)	
Robert Tyson)	Variance Application
)	
Tax Map Key 8-3-07:43 & 44)	No. 239
)	

FINDINGS OF FACT
CONCLUSIONS OF LAW
and
DECISION AND ORDER

The above-entitled matter was brought on for preliminary hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 3rd day of June, 1971, in the Council Room, County Building, Hilo, Hawaii, at which hearing Charles Hermann, appeared on behalf of the Applicant, Robert Tyson, and the Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. Application requesting variance from required front yard building setbacks for two single-family dwellings situated within the Milolii Beach Lots Subdivision, South Kona was received on March 29, 1971.
2. Preliminary hearing concerning the above matter was held on June 3, 1971.
3. The applicant had constructed two dwelling units on adjoining properties.
4. Location of buildings is not according to plans submitted with building permits. The original construction drawings showed a twenty (20) foot front yard setback for parcel 43 and a fifteen (15) foot front yard setback for parcel 44.

5. Application requested a three (3) foot front setback for parcel 43 and two (2) inch front setback for parcel 44 in lieu of a required setback of fifteen (15) feet.

6. The eave projection for the dwelling on parcel 43 extends one (1) foot six (6) inches over the property line and the eave projection for the dwelling on parcel 44 extends four (4) feet four (4) inches over the property line.

7. Any hardship in relocating the buildings to meet all required building setbacks is a self-imposed hardship.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variance from the Subdivision and Zoning Ordinances.

2. All procedural requirements as prescribed by law have been complied with.

3. The requirements for the granting of a variance have not been met.

DECISION AND ORDER

Based upon the testimony and exhibits introduced at the hearing and the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Planning Commission and it is hereby ordered that the application of Robert Tyson for a variance from the requirements of Section 9-F(1) of Zoning Ordinance No. 63, pertaining to front yard building setback of Tax Map Key 8-8-07:43 and 44 located in the Milolii Beach Lots Subdivision, Papa 2nd, South Kona, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 23rd day of September, 1971.

PLANNING COMMISSION

By O. W. E. E. E. E.
Chairman