

PLANNING COMMISSION  
Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
RAYMOND OHARA )  
from )  
BUILDING SETBACK REQUIREMENT )  
in )  
WAIAKEA HOMESTEADS, 2nd SERIES, )  
HILO, HAWAII )  
\_\_\_\_\_ )

Variance No. 258

VARIANCE PERMIT

The Planning Commission held a public hearing on October 14, 1971 on the application of RAYMOND OHARA for a variance from Section 29-D, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow the required twenty (20) foot front yard setback to be taken from the existing front property line instead of from the proposed road widening line of Kupulau Street for a proposed dwelling located within the Macadamia Grove Estates Subdivision in Waiakea Homesteads, 2nd Series, Hilo, Hawaii, Tax Map Key 2-4-44:11.

The Commission finds that:

1. In viewing a variance request, one of the findings must be that circumstances exist to a degree which obviously interferes with the best use or manner of development of the subject property. It is found that if the setback requirement is taken from the future width line, the development of the proposed dwelling would be hindered to a degree which interferes with the best use of the property. In requiring the applicant to set back from the proposed right-of-way, the buildable area would be only 15 feet by 205 feet, leaving a buildable area of 3,140 square feet. It would almost be impractical in this particular case, to construct a dwelling unit 15 feet wide and would cause hardship on the applicant.
2. Inasmuch as no Capital Improvement Program funds have been allotted for the widening of the respective roadway, the required setback from the future width line at this time would create an unnecessary hardship on the applicant.

Therefore, the Commission hereby grants to the applicant a variance to allow the 20 foot front yard setback to be taken from the existing front property line of Kupulau Street for the construction of a dwelling in lieu of the required forty five (45) foot setback pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that:

1. All other applicable ordinances, regulations, etc., be complied with and that construction shall substantially conform to the drawings as submitted with this application. This would require a 26-foot building setback along Kupulau Street.

2. Construction shall begin within one year of date of approval or the subject variance shall be deemed null and void.

The effective date of this permit shall be from October 14, 1971.

Dated at Hilo, Hawaii, this 11th day of November, 1971.

PLANNING COMMISSION  
OF THE COUNTY OF HAWAII

  
O. W. Eford, Jr.  
Chairman