

December 13, 1971

Mr. Gene De Karske
P. O. Box 5173
Honolulu, Hawaii

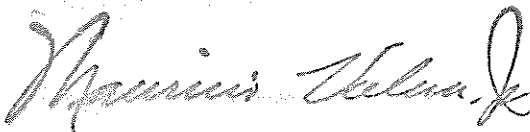
Re: Variance Application
Tax Map Key 7-5-22:46

The Planning Commission, after a duly held public hearing on December 10, 1971, considered your application for a variance to allow the construction of an additional apartment unit in the Lono Kona Subdivision, Keopu, North 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. Efurð, Jr.
Chairman

lat

cc David Basque
Corporation Counsel
Building Department

DEC 15 '71

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
Gene De Karske)
Tax Map Key 7-5-22:46)
_____)

Variance Application

No. 266

FINDINGS OF FACT

CONCLUSIONS OF LAW

and

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

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FINDINGS OF FACT
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DECISION AND ORDER

The above-entitled matter was brought on for hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 10th day of December, 1971, in the Conference Room of the University of Hawaii Cooperative Extension Service, Kainaliu, North Kona, Hawaii at which hearing David Basque appeared on behalf of the applicant, Gene De Karske. 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 a variance from the density requirements for a proposed apartment building to be located fronting Kalawa Street, Lono Kona Subdivision, Keopu, North Kona, was received on October 27, 1971.
2. Preliminary hearing concerning the above matter was held on November 24, 1971.
3. Public hearing on the matter was held on December 10, 1971.
4. Application requested a variance to allow the construction of an additional apartment unit (8 total) on a parcel of land which permits seven (7) units as regulated by the RM-1 (Multiple Residential) zoned district.

Subject parcel contains 497 square feet below the necessary land area to allow the additional unit (allowable density is one unit per 1,000 square foot of land area).

5. The subject property is presently vacant.

6. There are approximately forty (40) undeveloped RM zoned lots.

7. Two (2) variances were granted from the density requirement by the Planning Commission within the Lono Kona Subdivision to allow the construction of an additional unit in lieu of that permitted by the zoning district.

8. The granting of the request from the density requirements would be giving special privilege inconsistent with the limitations imposed on other properties under identical zoning classification.

9. There is found to be no hardship regarding the existing property which interferes with its best use under existing zoning regulations.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variances 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 variance from the requirements of Section 11-F(3)a of Zoning Ordinance No. 63, pertaining to density requirements of Tax Map Key 7-5-22:46 located in the Lono Kona Subdivision, Keopu, North Kona, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 9th day of March, 1972.

W. W. E. E. E.
Chairman