

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
GILBERT HOKAMA)
from)
MINIMUM YARD REQUIREMENT)
in)
Lalamilo, South Kohala, Hawaii)

Variance No. 296

VARIANCE PERMIT

The County Planning Commission, at a duly held public hearing on June 29, 1972, considered the application of GILBERT HOKAMA, for a variance from Section 9-F-2, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the request was to allow an eight (8) foot side yard building setback for a proposed lanai addition to a building in lieu of the required ten (10) foot setback. The dwelling is located in Lalamilo, South Kohala, Hawaii, tax map key: 6-6-04:22.

The Commission has found:

1. that the literal enforcement of the zoning ordinance would result in an unnecessary hardship on the use of the land. This hardship was partially contributed to by prior government action. At the time the building permit for the subject area was secured, an adequate setback was reflected on the plot plan. However, it has been established that the building construction material firm who had prepared the plot and building plans did not represent the dimensions accurately. To prevent such occurrences, government should have clearly indicated on the plot plan and building permit what the required setbacks were. Since this was not performed, it is felt that governmental error contributed to the applicant-owner's misunderstanding of the zoning restriction; and
2. that the proposed addition is merely to an existing non-conforming (in terms of setback) foundation. A rubble masonry wall which was previously part of a storage shed exists on the property. The height of the existing wall will be increased and enclosed for the lanai addition. Thus, the Commission finds that the request is to allow the continuation of a non-conforming setback.

Therefore, the Commission hereby grants to the applicant a variance to allow an eight (8) foot sideyard building setback for a proposed lanai addition to a dwelling in lieu of the required ten (10) foot setback pursuant to the authority vested in it by Section 36 of said Ordinance.

The effective date of this permit shall be from June 29, 1972

Dated at Hilo, Hawaii, this 17th day of August, 1972.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII


Mauricio Valera, Jr., Vice Chairman