

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
H & S CONSTRUCTION COMPANY)
from)
REQUIRED SETBACK)
Waiakahiula, Puna, Hawaii)

Variance No. 302

VARIANCE PERMIT

The Planning Commission at its duly held public hearing on October 12, 1972, considered the application of H & S CONSTRUCTION COMPANY for a variance from Section 13-G, of Ordinance No. 63, Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the request was to allow a five (5) foot, four (4) inch side yard building setback in lieu of the required ten (10) foot setback for a dwelling located in the Hawaiian Beaches Subdivision, Waiakahiula, Puna, Hawaii, Tax Map Key 1-5-80:52.

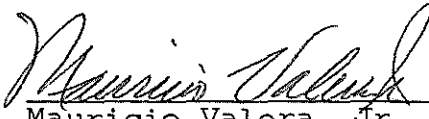
The Commission has found that:

1. The literal enforcement of Ordinance No. 63 would result in unnecessary hardship on the use of the land. More specifically, the hardship was partially contributed to by prior governmental action. The building permit reflected adequate setbacks, but when foundations were laid, government did not corroborate the setback at the job site. The problem was further compounded by the fact that the angle of the property was not ninety (90) degrees, as are most of the lots within the Hawaiian Beaches Subdivision.
2. The available mechanisms of governmental relief, aside from a variance, would still not solve the applicant's problem. The applicant was willing to consolidate and resubdivide the subject property with an adjacent parcel to comply with the structural setback requirement. The subject area and the rest of the parcels within the Hawaiian Beaches Subdivision are situated within a State Land Use Agricultural District, a district which prohibits any subdivision of lots less than one acre in size. Since the lots are below one acre in size, the applicant could consolidate the parcels but would not be able to resubdivide them. Thus, all other governmental remedies, aside from this variance, have been exhausted.

Therefore, the Commission hereby grants to the applicant a variance to allow a five (5) foot, four (4) inch side yard building setback in lieu of the required ten (10) foot setback as regulated by the agricultural zoned district, pursuant to the authority vested in it by Section 36 of said Ordinance.

The effective date of this permit shall be from October 12, 1972.

Dated at Hilo, Hawaii, this 14th day of December, 1972.



Mauricio Valera, Jr.
Chairman