

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
AMERICAN PACIFIC DEV. CO. )  
from )  
MINIMUM SIDE YARD )  
SETBACK REQUIREMENT )  
in )  
Lono Kona Subdivision )  
Keopu, N. Kona, Hawaii )  
\_\_\_\_\_ )

Variance No. 343

VARIANCE PERMIT

The Planning Commission at a duly held public hearing on July 19, 1973 considered the application of American Pacific Development Co. for a variance from Section 11-E, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow a four (4) foot side yard setback in lieu of the required eight (8) foot setback for a pool deck located in Lono Kona Subdivision, Keopu, North Kona, Hawaii, Tax Map Key: 7-5-22: ~~14~~.17<sup>5</sup>.

The Commission has found:

1. That governmental error contributed to the situation by failing to adequately note all requirements on approved building plans and failing to assure that construction conformed to the plans as submitted. The latter refers to submitted plans which showed the property along the pool deck being elevated which supposedly should have resulted in the deck and fence being no higher than 6'-0";
2. That the subject structure, once the fence is converted to an open-type rail, would not adversely affect circulation of air, light and other conditions designed to be protected by setback regulations; and
3. That a fence or rail around the elevated deck is an essential safety device.

Therefore, the Commission hereby grants to the applicant a variance to allow a four (4) foot side yard setback pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that the existing "solid" fence be converted to an open-type rail similar to that existing on the makai side of the deck. A building permit is required to be applied for and secured and the fence converted to an open rail within six (6) months of the date of approval.

Should this condition not be met, the variance will be deemed null and void.

The effective date of the permit shall be from July 19, 1973.

Dated at Hilo, Hawaii, this 12th day of September  
1973.

  
Ed C. Watt, Chairman