

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
BEN LINN)
from)
MINIMUM SETBACK REQUIREMENTS)
in)
Kalaoa 5th, North Kona, Hawaii)
_____)

Variance No. 364

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on October 25, 1973 considered the application of Ben Linn for a variance from Chapter 8, (Zoning Code), Article 3, Section 7, Hawaii County Code, as Amended, more specifically the request was to allow a side yard building setbacks of 9'-3" and 9'-8" for a dwelling and a 9'-3" setback for a carport in lieu of the required ten (10) feet. The subject buildings under consideration are situated on a 10,290 square foot lot located in the Kona Palisades Subdivision, Kalaoa 5th, North Kona, Hawaii. Tax Map Key 7-3-39:44.

The Commission has found:

1. That there are unusual circumstances applied to the present situation. According to the survey firm responsible for engineering work within the subdivision, the developer had requested staking out of the subject property. The staking was done with the understanding that it was only an approximate stake-out and that any construction within the lot should make allowances for the temporary stake-out pegs. At the time of construction, the applicant, Ben Linn, was unaware of the approximate stake-out and thus proceeded construction. The building setback line was verified by the building inspector based on the temporary stake-out line. When the property was properly surveyed for permanent staking by the surveyors, the temporary pegs were found to be a few inches off -- therein lies the cause of the setback violation; and
2. That the granting of the variance will not be materially detrimental to the public welfare nor will it be injurious to improvements or property rights relating to properties in the near vicinity inasmuch as the degree of deviation from the minimum sideyard setback is not great.

Therefore, the Commission hereby grants to the applicant a variance to allow side yard building setbacks of 9'-3" and 9'-8" for the dwelling and a 9'-3" setback for the carport in lieu of the required ten (10) feet pursuant to the authority vested in it by Section 7 of said Code.

Should this variance not be granted, the variance shall be deemed null and void.

Dated at Hilo, Hawaii, this 5th day of February
1974.

Arthur W. Martin
Arthur W. Martin, Chairman

