

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
CHARLES G. BOCKUS )  
from )  
MINIMUM SETBACK REQUIREMENTS )  
in )  
Kapalaalea 1st, North Kona, Hawaii )

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Variance No. 373

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on November 13, 1973 considered the application of Charles G. Bockus for a variance from Chapter 8 (Zoning Code), Article 3, Section 7, Hawaii County Code, as Amended, more specifically to allow a side yard building setback of 9'-2" in lieu of the required ten (10) foot setback for a dwelling located within the Kuakini Heights Subdivision, Kapalaalea 1st, North Kona, Hawaii. Tax Map Key 7-7-19:57.

The Commission has found:

1. That an unusual circumstance exists, applying to this particular property which does not apply to surrounding property.

The contractor who initially started this dwelling construction did not perform to the usual standards of the industry and had to be released. The second contractor, in the course of his work discovered the discrepancy in the setbacks while finishing up the work.

2. That granting the variance would not constitute a personal or special privilege as construction standards are normally followed by most contractors, and neither was the discrepancy in setbacks self imposed or attributed to the owner who relied upon the first contractor.
3. That granting of the variance would not be inconsistent with the intent of the general plan as the difference in setback requirements and the actual setting of the building are deemed slight in view of the above circumstances.

Therefore, the Commission hereby grants to the applicant a variance to allow a side yard building setback of 9'-2" in lieu of the required ten (10) foot setback pursuant to the authority vested in it by Section 7 of said Code, subject to the condition:

1. That any future reconstruction, relocation, or additions to the building shall comply with the requirements prevailing at that time.

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

The effective date of this permit shall be from November 13, 1973.

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

Arthur W. Martin  
Arthur W. Martin, Chairman

