

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
POWER AND MARILYN SOGO)
from)
MINIMUM FRONT YARD SETBACK REQUIREMENT)
in)
Waiakea Homesteads, South Hilo, Hawaii)
_____)

Variance No. 409

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on July 1, 1974 considered the application of POWER AND MARILYN SOGO for a variance from Chapter 8 (Zoning Code), Article 3, Section 7, Hawaii County Code, as Amended, more specifically to allow the construction of an open carport with a ten (10) foot front yard setback requirement in lieu of the minimum front yard setback requirement within the Single Family Residential-7,500 square foot (RS-7.5) zoned district in the Waiakea Homesteads, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-43:1.

The Commission has found that:

1. There are special or unusual circumstances applying to the subject property which do not generally apply to surrounding property in the same district. The unusualness applies to the terrain constraint on the Haihai Street side of the subject parcel as it is very steep in character. Because of the steepness a retaining wall had to be constructed to prevent the failure of the cut section. Subsequently, any access onto the subject property from Haihai Street becomes prohibitive. Therefore, the only area for the carport is on the Kupulau Street side. However, as a result of the forty (40) foot front yard setback and the Department of Health's cesspool to structure setback requirement of ten (10) feet it becomes impossible to locate the carport on the Hilo side of the existing dwelling; and
2. Because of the additional setbacks required as a result of the future right-of-way for Kupulau Street, the subject parcel is reduced in size to a degree which deprives the applicant of substantial property rights which would otherwise be available. After appropriate setbacks are applied, the applicant is left with a net buildable area of approximately 1600 square feet of land area as opposed to approximately 3800 square feet of land area if the normal setbacks

were to be applied. The present situation of the additional setbacks also exist to a degree which obviously interferes with the best use of manner of development of the subject property. The depth of the parcel from Kupulau Street is 63.40 feet and with the required front yard setback of forty (40) feet and a side yard setback of 8 feet basically a corridor of sixteen (16) by 108 feet would remain of which 60 feet is presently utilized by the existing dwelling. The Haihai Street side of the dwelling is steep in character and presently inaccessible from Haihai Street. Because of the terrain and traffic safety constraints on the Puna side of the dwelling, there exists a topographical as well as a street design constraint which prohibits the applicant to fully utilize the subject property.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of an open carport with a ten (10) foot front yard setback requirement in lieu of the minimum front yard setback requirement within the Single Family Residential-7,500 square foot (RS-7.5) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The construction of the open carport conform substantially to that as submitted; and
2. The carport remain as an open carport, not to be enclosed at any time for any purposes at any future date.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from July 1, 1974.

Dated at Hilo, Hawaii, this 25th day of September, 1974.


Arthur W. Martin, Chairman

