

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
BREWER SUPPORT HOUSING, INC.)
from)
MINIMUM BUILDING SITE AREA)
REQUIREMENTS)
in)
Wailua, South Hilo, Hawaii)

Variance No. 422

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on September 25, 1974 considered the application of BREWER SUPPORT HOUSING, INC. for a variance from Chapter 8 (Zoning Code), Article 3, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of two (2) lots of 1084 and 621 square feet below the minimum building site area requirement of 7500 square feet as stipulated within the Single Family Residential - 7500 square foot (RS-7.5) zoned district in Wailua, South Hilo, Hawaii, Tax Map Key 2-6-13:5.

The Commission has found that:

1. There are unusual circumstances applying to the subject properties and building which does not generally apply to surrounding property or improvements in the same district. The unusualness applies to the subject building situated on Tax Map Key: 2-6-13:Parcel 11, which was constructed over the property line of Tax Map Key: 2-6-13:Parcel 5 and the occupancy of land over the property line of parcel 5 by the owner of Tax Map Key: 2-6-13:Parcel 28. Therefore, the purpose of the subdivision is to correct a construction and boundary discrepancy which has existed for many years. Thus, through subdivision and consolidation the existing building straddling the property line would be situated properly and conform to the minimum sideyard setback requirement. Furthermore, it is felt that there would be no adverse social, environmental or physical impact upon the general public as the proposed action is to create a more conforming situation out of the present non-conforming one. The proposed lots to be subdivided will rectify the location of the subject buildings and in doing so will attempt to improve as well as make the existing non-conforming situation into one which conforms to the provisions of the Zoning Code, in terms of setback requirements.

2. The granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of this ordinance. The proposed subdivision and consolidation will not result in the creation of additional lots other than what presently exists. Therefore, there will be no increase in density or traffic as a result of this proposed action.

In view of the foregoing, it is felt that the granting of the variance will not abuse the granting of a personal or special privilege inconsistent with the limitations upon other properties under identical district classifications.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots of 1084 and 621 square feet, below the minimum building site area requirement of 7500 square feet as stipulated within the Single Family Residential - 7500 square feet (RS-7.5) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following condition that the applicant, Brewer Support Housing, Inc., submit a subdivision plan and secure tentative approval within one (1) year from the date of approval of this request, and that the applicant also be responsible for obtaining final subdivision approval.

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

The effective date of this permit shall be from September 25, 1974.

Dated at Hilo, Hawaii, this 23rd day of October, 1974.


Arthur W. Martin, Chairman

