

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
ROY R. GOYA, ET AL.)	
from)	Variance No. 426
MINIMUM BUILDING SITE AREA REQUIREMENTS)	
in)	
The Aina Nani Subdivision, Punahoa 1st,)	
South Hilo, Hawaii)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on December 19, 1974 considered the application of ROY R. GOYA, ET AL for a variance from Chapter 8, (Zoning Code), Article 3, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of a 9,360 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district in the Aina Nani Subdivision, Punahoa 1st, South Hilo, Hawaii, Tax Map Key 2-5-17:portion of 20.

The Commission has found that:

1. There are special or unusual circumstances applying to the subject property which do not generally apply to property or improvements in the same district. Originally, the applicants intended to create a two-lot subdivision consisting of 10,000 square feet and 13,900 square feet in sizes. Presently existing on the originally proposed 13,900 square foot lot is a single-family dwelling which would have been situated only eleven (11) feet from the rear property in lieu of the minimum requirement of twenty (20) feet. Rather than request for a variance from this setback requirement, the applicants decided to request a variance to reduce the lot size of the 10,000 square foot lot to a 9,360 square foot lot.

The 20-foot Boarding School ditch easement runs through the property. Even if the applicants were able to meet the minimum building site area requirement of 10,000 square feet, the net buildable area would still remain basically the same inasmuch as construction would be prohibited within the easement. Therefore, the existence of the easement does deprive the applicants of substantial property rights which would otherwise be available and to a degree which obviously interferes with the best use or manner of development of the subject property;

2. The granting of the variance will not constitute a grant of personal privilege inconsistent with the limitations upon other properties in the area under identical district classification. It also would not be materially detrimental to the public welfare nor will it be injurious to improvements or property rights to properties in the near vicinity. Immediately adjacent to the southwest of the property are three (3) other lots which are less than the minimum building site area requirement of 10,000 square feet. These lots are 8,501, 8,535, and 9,977 square feet in sizes. There are also two (2) other lots within the Aina Nani Subdivision which are below the minimum area requirement. Therefore, the 9,360 square foot lot would not be substantially out of character, nor would the deviation from the required minimum lot size area of the RS-10 zoned district be injurious to property rights of the adjacent and surrounding lands; and
3. The creation of the additional lot would not unreasonably demand the provision of public services, inasmuch as the area is a recognized residential area already provided with essential services such as water, utilities, police and fire protection, etc.

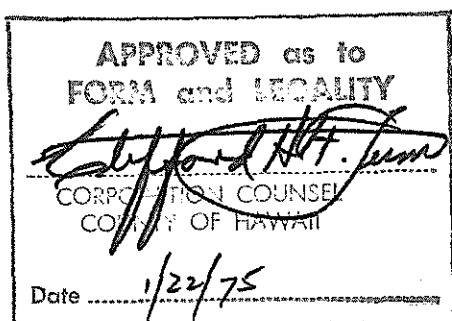
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 9,360 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicants, Roy Goya and others, submit a subdivision plan and secure tentative approval within one (1) year of the date of approval of the variance request;
2. Construction of a dwelling commence on the 9,360 square foot lot within two (2) years after final subdivision approval is granted; and
3. No portion of any building shall project into the 20-foot wide drainage easement.

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

The effective date of this permit shall be from December 19, 1974.

Dated at Hilo, Hawaii, this 18th day of January, 1975.




Arthur W. Martin, Chairman