

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
HAJIME TANAKA)	
from)	Variance No. 459
MINIMUM BUILDING SITE AREA)	
REQUIREMENT)	
in)	
Waiakea Homesteads, 1st Series,)	
Waiakea, South Hilo, Hawaii)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 5, 1976 considered the application of HAJIME TANAKA for a variance from Chapter 8, (Zoning Code), Article 3, Section 5, Hawaii County Code, as amended, more specifically to allow the creation of an 11,980 square foot lot in lieu of the minimum building site area requirement of 15,000 square feet as stipulated within the Single-Family Residential - 15,000 square foot (RS-15) zoned district. The property involved is situated along the South or Puna side of Puainako Street across from the Waiakea Elementary and Intermediate School Complex, Waiakea Homesteads, 1st Series, Waiakea, South Hilo, Tax Map Key 2-4-09:89.

The Commission has found that:

There are unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. Said circumstances do exist to a degree which obviously interferes with the best use or manner of development of the property to be subdivided.

Existing on the entire area to be subdivided are three (3) single family dwellings. The applicant intends to retain these dwellings on the property. One of these buildings, which will be situated on proposed Lot 4, will have a side yard setback of ten (10) feet. The 10-foot side yard setback is the minimum requirement under the Zoning Code. As such, to shift the property lines in order that Lot 1 would be able to meet the minimum building site area requirement of 15,000 square feet would result in a situation where the side yard setback of Lot 4's dwelling will be reduced below the minimum requirement.

According to the proposed subdivision plan, twenty-two (22) of the proposed thirty-two (32) lots will be greater than 15,000 square feet in size. The combined excess area for these twenty-two (22) lots is 15,930 square feet. As such, although the lot in question is 3,110 square feet less than the minimum building site area requirement, the overall permitted density of the entire area will not be exceeded. Thus, the granting of this particular variance from the minimum building site area requirement will not result in any increase in density than what is already permitted under the Zoning Code.

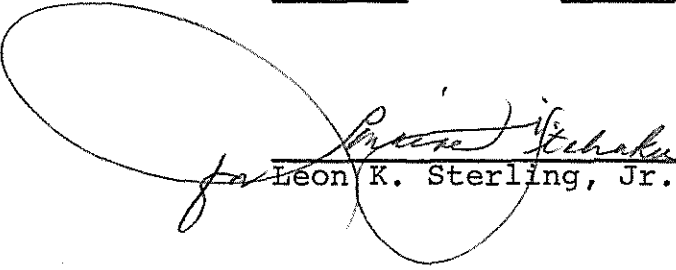
Further, the granting of the variance and the creation of the proposed lot would not unreasonably demand the provision of additional public services. The area to be subdivided is already a recognized residential area and is adequately provided with essential public and private utilities and facilities. As such, the granting of the variance for the proposed lot will not overtax the existing infra-structural capacities of the area. Therefore, it is further determined that the granting of the variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of an 11,980 square foot lot in lieu of the minimum building site area requirement of 15,000 square feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district pursuant to the authority vested in it by Section 7 of said Code, subject to the following condition that the applicant, submit a subdivision plan and secure tentative plan within one (1) year from the effective date of approval of the variance. The applicant shall also be responsible for securing 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 February 5, 1976.

Dated at Hilo, Hawaii, this 17th day of February 1976.


for Leon K. Sterling, Jr., Chairman

