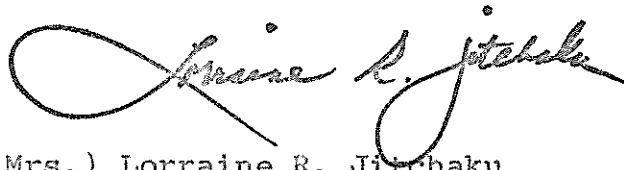


March 15, 1977

Mr. Masami Daimaru
2053 Waiianuenue Avenue
Hilo, HI 96720

Re: Nullification of Variance Permit
Tax Map Key 2-5-28:22

In accordance with your verbal request to the Planning Department, the Planning Commission at its meeting of March 14, 1977 voted to nullify your Variance Permit granted on February 5, 1976.

A handwritten signature in dark ink, appearing to read "Lorraine R. Jitchaku". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends downwards and to the right.

(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lat:lgv

cc Mr. Mamoru Shimokusu

MAR 19 1977

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
MASAMI DAIMARU)	
from)	Variance No. 460
MINIMUM FRONT YARD SETBACK)	
REQUIREMENT)	
in)	
Piihonua, South Hilo, Hawaii)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 5, 1976 considered the application of MASAMI DAIMARU for a variance from Chapter 8, (Zoning Code), Article 3, Section 7 and Article 27, Section 4.b., Hawaii County Code, as amended, more specifically to allow the construction of a single family dwelling with a 15-foot front yard setback in lieu of the minimum requirement of twenty (20) feet. The property involved is located along the southwest side of Waianuenue Avenue, approximately 580 feet makai of Piihonua Park, Piihonua, South Hilo, Hawaii, Tax Map Key 2-5-28:22.

The Commission has found that:

Unusual circumstances exist to a degree which deprives the applicant of substantial property rights which would otherwise be available if not for the proposed road widening area of five (5) feet affecting the lot. Although improvements to Waianuenue Avenue are being considered in the future, and provisions have been made on the City of Hilo zoning map to increase the existing 50-foot right-of-way to a 60-foot right-of-way, the County has no immediate plans for its improvements. To date, there has been no attempt to request Capital Improvement Project (CIP) funds for the proposed Waianuenue Avenue improvements. As such, for the moment, it is determined that the granting of the variance will not be substantially inconsistent with the general purpose or intent of the Zoning Code, nor will it militate against the General Plan.

The property is an irregularly shaped lot and consists of only 4,321 square feet. It is a non-conforming lot relative to 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. At its narrowest point, the lot is only twenty-six (26) feet wide. Subtracting the minimum required setbacks of eight (8) feet on both sides, at this narrowest point, the buildable area is only ten (10) feet wide. According to preliminary plans submitted, the proposed dwelling is already barely able to meet the minimum side yard setback requirement. If the applicant had instead planned to place the building so as to conform to the minimum front yard setback requirement of twenty (20) feet, this in turn would have shifted the dwelling within the side yard setback area at two

(2) points. At one (1) point, the building would be only four (4) feet from the property line; thus encroaching four (4) feet within the side yard setback area. Thus, because of the irregular configuration and smallness (in terms of size) of the lot, if the building were to be shifted to meet the required frontyard setback, the applicant would still be required to obtain a variance; in this alternative case, a variance from the minimum side yard setback requirement.

In analyzing the circumstances, it appears that the alternative presently sought by the applicant is much more feasible.

Furthermore, the two-story dwelling proposed by the applicant is quite modest in terms of size. Although the gross floor area of the dwelling is 1,720 square feet, by subtracting the carport, laundry/storage area and the stairway, the net livable floor area is only 1,222 square feet. As such, it is quite obvious that the applicant is not trying to willfully encroach into the setback area for the purpose of building a larger home.

Furthermore, 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.

The existing dwelling on the property, which is to be replaced by the proposed one, has front and side yard setbacks of only five (5) feet. Although the new dwelling will still not be able to fully comply with the minimum front-yard setback requirement, the resultant situation will, in fact, be a definite improvement over the present one. As such, it is determined that the most feasible location for the placement of the new dwelling, in this particular case, is the area as proposed by the applicant. Therefore, it is felt that to deny the variance under present circumstances would, in essence, interfere with the best use or manner of development of the proposed single-family dwelling.

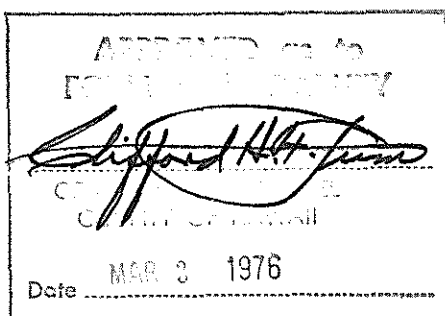
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a single family dwelling with a 15-foot front yard setback in lieu of the minimum requirement of twenty (20) feet pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicant commence construction of the new single-family dwelling within one (1) year from the official date of approval of the variance. Construction of said structure shall be completed within two (2) years thereafter.
2. All other applicable rules and regulations be complied with.

Should these conditions 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