

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
MARTIN MANGAN)
from)
MINIMUM SIDE YARD REQUIREMENT)
in)
Kawaihae 2nd, Waimea)
South Kohala)
_____)

Variance No. 463

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on March 4, 1976 considered the application of MARTIN MANGAN for a variance from Chapter 8 (Zoning Code), Article 5, Section 7, Hawaii County Code, as Amended, more specifically to allow a 5'-0" side yard setback in lieu of the minimum requirement of 8'-0" as stipulated within the Multiple-Family Residential - 5,000 square foot (RM-5) zone district, for a proposed addition to the existing dwelling. The property involved is located within the Kawaihae Village Planned Unit Development project, in Kawaihae 2nd, Waimea, South Kohala, Hawaii, Tax Map Key 6-2-03:14.

The Commission has found that:

The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations placed upon other properties in the area under identical zoned district classification.

The property involved is a part of the Kawaihae Village Planned Unit Development (PUD) project granted by the Planning Commission in May of 1971. The purpose of PUD is to encourage comprehensive site-planning production of optimum adaptation of development to the land by allowing diversification in the relationship of various uses, buildings, structures, open spaces and yards, building heights, and lot sizes in planned building groups while still insuring that the intent of the zoning is still observed. Under the present Multiple-Residential (RM) zoning designation, the minimum building site area requirement for a lot is 7,500 square feet. However, under this particular PUD permit, lots ranging in sizes from 1,900 to about 3,400 square feet were allowed. The property in question, at 3,396 square feet, is the largest sized lot within the Kawaihae Village Subdivision. Under the PUD permit, a side yard setback of five (5) feet was allowed for the existing dwelling on the properties as well as for other dwellings within the subdivision. The applicant

intends to construct an 8'-0" by 36'-8" (294.4 square feet) addition using the same building line of five (5) feet from the property line as originally approved under the PUD permit. Between the affected lot and the paved parking area, there is a nine (9) foot strip of common area. In essence then, the building would be set back fourteen (14) feet from the paved parking area. Since five (5) foot side yard setbacks for the existing dwelling on this lot as well as other dwellings within the Kawaihae Village Subdivision were originally conceded, it is felt that the granting of this particular variance will not be in violation with the intent of the approved PUD permit. Furthermore, the intent of setbacks is to provide for light, air, and circulation. Since there still will be sufficient open space remaining on the lot as well as surrounding the property, such as the nine (9) foot of common area between the property and paved parking area and the common area to the rear of the lot, the spirit and intent of the setback requirements also will not be violated. As such, it is determined that the granting of the request would not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the subdivision.

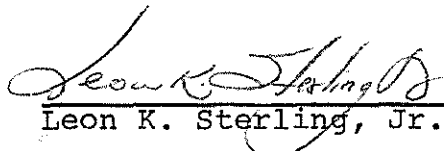
Therefore, the Commission hereby grants to the applicant a variance to allow a 5'-0" side yard setback in lieu of the minimum requirement of 8'-0" as stipulated within the Multiple Family Residential - 5,000 square foot (RM-5) zone district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. That applicant, Martin Mangan, commence construction of the proposed addition within one (1) year from the effective date of approval of the variance permit. Construction of the addition shall be completed within one (1) year thereafter;
2. Construction of the addition conform to the Uniformed Building Code which is administered by the Department of Public Works, Bureau of Building and Construction; and
3. All the 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 March 4, 1976.

Dated at Hilo, Hawaii, this 11th day of March, 1976.


Leon K. Sterling, Jr., Chairman

