

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
FORD WINSLOW)
from)
SIDE YARD SETBACK REQUIREMENTS)
in)
Kawaihae 2nd, South Kohala)
Hawaii)
_____)

Variance No. 473

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on July 15, 1976 considered the application of FORD WINSLOW for a variance from Chapter 8 (Zoning Code), Article 5, Section 6, Hawaii County Code, as Amended, more specifically to allow a 5-foot side yard setback in lieu of the 8-foot requirement as stipulated in the Multiple Family Residential - 5,000 square foot (RM-5) zoned district. The property involved is located in the Kawaihae Village Planned Unit Development project, Kawaihae 2nd, South Kohala, Tax Map Key 6-2-03:38.

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 district classification. The property involved is a part of the Kawaihae Village Planned Unit Development (PUD) project granted approval by the Planning Commission in May, 1971. The purpose of the PUD provisions of the Zoning Code 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 lots sizes in planned building groups while still insuring that the intent of the Code shall be observed. Under the present Multiple-Family Residential (RM) zoning designation, the minimum building site area requirement for a lot is 7,500 square feet. Under this particular PUD Permit, however, lot sizes ranging from approximately 1,900 to 3,400 square feet were allowed. The subject property is one of the larger parcels within the Kawaihae Village project. The PUD Permit also allowed a side yard setback of five (5) feet for the subject dwelling as well as for other dwellings within the subdivision. The applicant intends to construct a 315 square foot addition to his existing dwelling. Thirty square feet of this proposed addition will encroach into the side yard

setback area. The proposed addition will follow the existing building line of the subject dwelling which was allowed to be five (5) feet from the side property line under the PUD Permit. It is determined that the granting of the subject request will not be contrary to the intent of the PUD Permit or the purpose of the Zoning Code.

In addition, the approval of the subject request will not be in conflict with the purpose of setbacks which is to provide light, air and circulation. The adjacent dwelling to the southeast is eighteen (18) feet from the affected side property line. Between the subject dwelling and the adjacent dwelling, there is a 23-foot distance which is an open area. It is determined that this distance is sufficient to provide adequate light, air and circulation and thus will be in keeping with the spirit and intent of setback requirements. As such, the granting of the variance will not be materially detrimental to the public welfare or injurious to property rights and improvements related to property in the near vicinity.

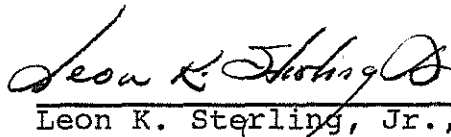
Therefore, the Commission hereby grants to the applicant a variance to allow a 5-foot side yard setback in lieu of the 8-foot requirement, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

1. That the petitioner, Ford Winslow, commence construction of the proposed addition within one (1) year of the effective date of approval of the Variance Permit and complete construction within one (1) year thereafter.
2. That construction of the proposed addition conform to the Uniform Building Code which is administered by the Department of Public Works, Bureau of Building and Construction.
3. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from July 15, 1976.

Dated at Hilo, Hawaii, this 29th day of July, 1976.


Leon K. Sterling, Jr., Chairman

