

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
EDWIN PAALUHI, JR.)	
from)	Variance No. 482
MINIMUM BUILDING SITE AVERAGE WIDTH)	
REQUIREMENT)	
in)	
Kalaoa, South Hilo, Hawaii)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on December 16, 1976 considered the application of EDWIN PAALUHI, JR., for a variance from Chapter 8 (Zoning Code), Article 3, Section 6, Hawaii County Code, as amended, more specifically to allow the creation of two (2) lots with building site average widths of 68 feet and 58 feet in lieu of the minimum building site average width requirement of 110 feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at Kalaoa, South Hilo, Hawaii, Tax Map Key 2-7-30:4.

The Commission has found:

That the granting of the variance will not be substantially inconsistent with the general purpose of the Single Family Residential - 20,000 square foot (RS-20) zoned district nor will it be contrary to the spirit and intent of the Zoning Code minimum building site average width requirement. The purpose of the subject request is to allow the subdivision of a 45,368-square foot parcel into two (2) lots. The parcel which the petitioner intends to subdivide was created prior to the adoption of the Zoning Code. Its existing building site average width is approximately 86 feet, which is less than the present minimum requirement. The two (2) proposed lots will not be able to meet the minimum building site average width requirement of 110 feet. Both lots, however, will comply with the minimum building site area requirement of the RS-20 zone. Each is proposed to consist of 22,684 square feet. When the setback requirements of the RS-20 zone are applied to the proposed lots, there is adequate buildable area for the construction of single family dwellings. Lot 2-A, however, will have a buildable area which is narrow in configuration. Towards the center of the lot, the buildable area will have a width of 27+ feet, which is due, in part, to the configuration of the total parcel. In spite of the narrowness of Lot 2-A, however, there is still

adequate width for the construction of a single family dwelling. Although the petitioner has no intention of constructing a new dwelling on Lot 2-A in the near future, this possibility may arise at a later time and must be recognized. If a new dwelling were to be constructed sometime in the future, its design will have to take into account the narrow configuration of the proposed lot so that the setback requirements can be met. A future variance request from the setback requirements would be frowned upon. The proposed makai lot, Lot 2-B, has ample width for a single family dwelling and does not have the constraints of Lot 2-A.

In addition, the parcel which is proposed to be subdivided was created prior to the adoption of the Zoning Code. In this particular case, the imposition of present requirements would be unreasonable and cause undue hardship to the petitioner.

To deny the variance request under the existing circumstances would, to a degree, deprive the petitioner of substantial property rights which would otherwise be available.

It is determined that the above constitutes special and unusual circumstances which apply to the subject property and which do not generally apply to surrounding properties or improvements in the same zoned district. 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 vicinity.

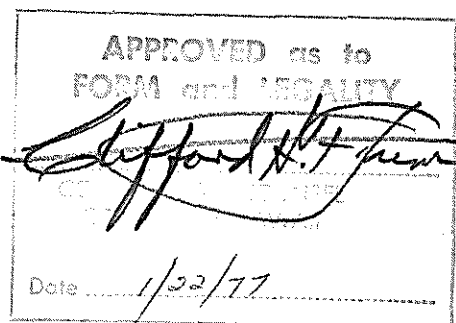
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with building site average widths of 68 feet and 58 feet in lieu of the minimum building site average width requirement of 110 feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at Kalaoa, South Hilo, Hawaii, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

1. That the petitioner, Edwin K. Paaluhi, Jr., shall obtain tentative subdivision approval within one (1) year from the effective date of the Variance Permit and shall be responsible for securing final subdivision approval.
2. That all other applicable rules and regulation shall be complied with.

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

The effective date of this permit shall be from December 16, 1976.

Dated at Hilo, Hawaii, this 14th day of January, 1977.




Chairman, Planning Commission