

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
YUTAKA KUMUJI	)	
from	)	VARIANCE NO. 499
MINIMUM FRONT YARD SETBACK	)	
REQUIREMENT	)	
in	)	
Waiakea Homestead, 1st Series,	)	
South Hilo, Hawaii	)	
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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on July 21, 1977, considered the application of YUTAKA KUMUJI for a variance from Chapter 8 (Zoning Code), Article 3, Section 7, Hawaii County Code, as amended, more specifically, to allow the construction of a single family dwelling with a front yard setback of 14+ feet along Santos Lane in lieu of the minimum requirement of twenty (20) feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district at Waiakea Homestead, 1st Series, South Hilo, Hawaii, Tax Map Key 2-4-09:40.

The Commission has found:

1. That although the property under consideration is 18,196 square foot in size, it is an odd-shaped, narrow triangular lot which does not meet the minimum building site average width requirement. The purpose of the minimum building site average width requirement is to assure that there is sufficient building area after the minimum setback requirements are imposed. Under the Zoning Code, the minimum building site average width requirement for lots within the Single Family Residential - 15,000 square foot (RS-15) zoned district is ninety (90) feet. In this particular case, the widest point of the triangular lot is only sixty-one (61) feet.

The petitioner is proposing to construct a dwelling, including a carport, which will be twenty-four (24) feet in width and sixty-eight (68) feet in length. The proposed building will be able to meet the setback requirement at the base of the triangle (along Puainako Street), however, because of the irregular configuration and narrowness of the lot, that portion further to the point of the triangle would encroach into the setback area.

In light of the above, it is determined that there are unusual circumstances applying to the subject property and its proposed improvements which generally do not apply to other properties and their improvements in the same zoned district.

2. That the existing dwelling on the property, which is proposed to be replaced by the new dwelling, presently has a front yard setback of eighteen (18) feet along Puainako Street and only a nine (9) foot front yard setback along Santos Lane. Although the new dwelling will still not be able to fully comply with the minimum front yard setback requirement along Santos Lane, the resultant situation will, in fact, be a definite improvement over the present one.

Furthermore, the one-story dwelling proposed by the petitioner is quite modest in terms of size. Although the gross floor area of the structure is 1,632 square feet, by subtracting the carport, the livable floor area is only 1,056 square feet. As such, it is quite obvious that the petitioner is not trying to willfully encroach into the setback area for the purpose of building a larger home. Further, only about thirty (30) square feet or two (2) feet by fifteen (15) feet of the livable area will encroach into the setback area. The remaining area encroaching into the setback is the carport.

Therefore, it is felt that to deny the variance request under these particular circumstances would, in essence, interfere with the best use or manner of development of the subject property. It is also determined that the granting of this particular variance request will not be materially detrimental to improvements or property rights related to properties in the near vicinity.

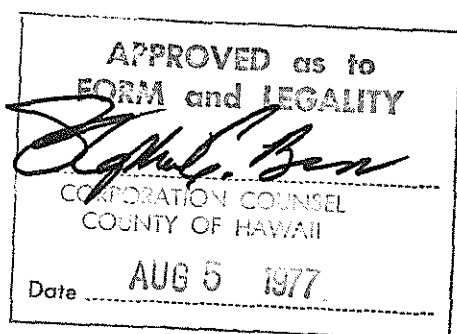
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a single family dwelling with a front yard setback of 14+ feet along Santos Lane in lieu of the minimum requirement of twenty (20) feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district at Waiakea Homestead, 1st Series, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That construction of the proposed dwelling be completed within three (3) years from the effective date of approval of the Variance Permit.
2. That access be from Santos Lane.
3. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from July 21, 1977.

Dated at Hilo, Hawaii, this 11th day of August, 1977.



*[Signature]*  
(Mrs.) Lorraine R. Jitchaku, Chairman