

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
CLYDE NAKAMURA)	
from)	Variance No. 500
MINIMUM BUILDING SITE AVERAGE)	
WIDTH REQUIREMENT)	
in)	
Olaa Reservation Lots, Olaa,)	
Puna, 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 CLYDE NAKAMURA for a variance from Chapter 8 (Zoning Code), Article 3, Section 6, Hawaii County Code, as amended, more specifically, to allow the creation of a lot with a 100 feet building site average width in lieu of the minimum requirement of 110 feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at the Olaa Reservation Lots, Olaa, Puna, Hawaii, Tax Map Key 1-7-19:12, Lot 2.

The Commission has found:

1. That the granting of this particular variance will not be inconsistent with the general purpose of the zoned district nor will it be contrary to the spirit and intent of the Zoning Code's minimum building site average width requirement. The primary purpose of the minimum building site average width requirement is to assure that there is sufficient buildable area after the minimum setback requirements are imposed. It is determined that even with the 100 feet building site average width as proposed by the petitioner, there still will be sufficient and more than adequate land area in which to construct any structures on the property meeting the minimum setback requirements. Although the proposed lot does not meet the average width requirement, it will meet the minimum building site area (lot size) requirement of 20,000 square feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district. The lot under consideration will be 24,056 square feet in size, or 4,056 square feet more than the minimum requirement. In deducting the minimum setbacks of twenty-five (25) feet for front and rear and fifteen (15) feet for the sides, the proposed lot would still have a buildable area of approximately 13,300 square feet. Furthermore, even after imposing the minimum side yard setback requirement of fifteen (15) feet on both sides, there still will be a buildable width of seventy (70) feet, which is determined to be more than adequate.

It is therefore felt that the granting of this particular variance request will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

2. That although the petitioner could meet the average width requirement by shifting the lot line ten (10) feet into proposed Lot 2-A, there are existing saran shade hot houses on that lot which will be affected. As presently proposed, two (2) of these structures would have to be removed, and another will have to be partially removed in order that the minimum side yard setback be complied with. If the lot line were shifted ten (10) feet into proposed Lot 2-A, all three (3) structures would have to be removed. It is therefore determined that special circumstances presently exist to a degree which would deprive the petitioner of substantial property rights which would otherwise be available, and to a degree which obviously interferes with the best use or manner of development of the subject property.

It should be pointed out that, more importantly, there presently is an inconsistency regarding the minimum building site average width requirement between the RS-20 and Residential-Agricultural .5a (RS-.5a) zoned districts. Within the RA-.5a zoned district, the minimum building site average width requirement is 100 feet; thus, although the minimum building site area (lot size) requirement is larger within the RA-.5a zoned district, the average width requirement is less than that of the RS-20 zoned district by ten (10) feet. Therefore, in order to maintain some sort of consistency, the Planning Director eventually will be initiating an amendment by reducing the RS-20 zoned district's minimum building site average width requirement from 110 to 100 feet which would be the same as the RA-.5a's requirement. However, before initiating the amendment, the Director will be reviewing other aspects of the Zoning Code for possible revisions or amendments. It is felt that rather than initiating individual amendments on a piece-meal basis, a consolidated or comprehensive submittal should be made after the overall review has been completed.

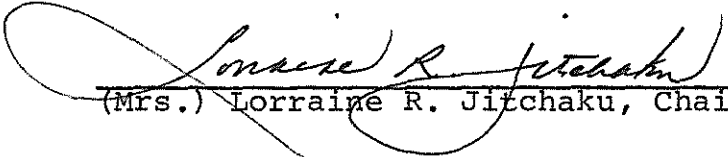
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a lot with a 100 feet building site average width in lieu of the minimum requirement of 100 feet as stipulated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at the Olaa Reservation Lots, Olaa, Puna, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That the petitioner or his authorized representative shall be responsible for securing the final subdivision approval.
2. That all proposed new structures shall conform to the minimum setback requirements. No variance requests shall be filed from the setback requirements.
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.


(Mrs.) Lorraine R. Jitchaku, Chairman

