

PLANNING COMMISSION

Planning Department  
County of Hawaii

Application for Variance )  
by )  
LARRY Y. KURIHARA )  
from )  
MINIMUM BUILDING SITE AREA )  
REQUIREMENTS AND MINIMUM )  
BUILDING SITE AVERAGE WIDTH )  
REQUIREMENTS )  
in )  
Waiakea Homesteads, 2nd Series, )  
Waiakea, South Hilo, Hawaii )

Variance No. 503

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on September 8, 1977, considered the application of LARRY Y. KURIHARA for a variance from Chapter 8 (Zoning Code), Article 3, Sections 5 & 6, more specifically, to allow the creation of a 14,308-square foot lot in lieu of the minimum building site area requirement of 15,000 square feet and to allow the lot to be created with a minimum building site average width of 86+ feet in lieu of the minimum requirement of 90 feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district at Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-62:71.

The Commission has found:

Although there are no special or unusual circumstances applying to the subject property in terms of topographical conditions, an unusual circumstance occurs on the neighboring property which impacts upon and interferes with the best use or manner of development of the subject property and which does not generally apply to surrounding properties in the same district. There is a newly constructed single family dwelling on the neighboring property which is situated 5.45 feet from the existing boundary between the two lots. The distance or clear space between the property line and the eaveline of the dwelling is two (2) feet. This building has the potential of interfering with the air, light and circulation for a dwelling which can be constructed on the subject property. A variance from the required ten (10) foot setback for the existing dwelling was applied for and was subsequently denied by the Planning Commission. The petitioner, who was responsible for the construction of the dwelling, intends to lessen the potential impact of the building on the subject property by establishing the required setback. Through a proposed consolidation/resubdivision action, the petitioner intends to give a 4+-foot strip of the subject property to the owner of the neighboring property so that the minimum side yard setback may be

met. This is one of the alternatives cited in the previous variance application made by the petitioner.

That the creation of the proposed lot will not be substantially inconsistent with the intent and purpose of the Subdivision and Zoning Code. Although the variance being requested is related to subdivision and zoning provisions of lot size, in this particular case the major consideration is the intent and purpose of setback requirements; that is, the provision of air, light and circulation for dwellings on both the subject property and the adjacent property. The proposed consolidation/resubdivision action, will provide this to both lots. Further, the reduction in lot size of approximately 4% less than the minimum required for the Single Family - 15,000 square foot zoned district still affords a reasonable buildable area of approximately 8,250 square feet after appropriate setback requirements are imposed as well as sufficient lot width for the construction of a dwelling.

Based on the foregoing considerations, it is determined that the granting of the variance request will not be materially detrimental to public welfare nor be injurious to improvements or property rights related to property in the near vicinity.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 14,308 square foot lot in lieu of the minimum building site area requirement of 15,000 square feet and to allow the lot to be created with a minimum building site average width of 86+ feet in lieu of the minimum requirement of 90 feet as stipulated within the Single Family Residential - 15,000 square foot (RS-15) zoned district at Waiakea Homesteads, 2nd Series, Waiakea, 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 the petitioner shall secure a consolidation/resubdivision approval of parcels tax map key 2-4-62:71 and 72 within one (1) year of the effective date of the Variance Permit.
2. That the consolidation/resubdivision shall conform to plans submitted as part of this variance application.
3. That the petitioner shall comply with all other applicable rules and regulations including the Plan Approval process.

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 September 8, 1977.

Dated at Hilo, Hawaii, this 3rd day of October, 1977.

APPROVED as to  
FORM and LEGALITY

*[Signature]*

PROBATION COUNSEL  
COUNTY OF HAWAII

EP 27 1977

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