

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
ANTON J. LARSEN)	VARIANCE NO. 514
from)	
MINIMUM FRONT YARD)	
SETBACK REQUIREMENTS)	
in)	
Riverside Park,)	
South Hilo, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on December 6, 1977, considered the application of ANTON J. LARSEN for a variance from Chapter 8 (Zoning Code), Article 3, Section 7B of the Hawaii County Code, as amended; more specifically, to allow the construction of a carport with a 3-foot front yard setback in lieu of the minimum requirement of twenty (20) feet as stipulated in the Single Family Residential - 15,000 square foot (RS-15) zoned district at Riverside Park, South Hilo, Hawaii, Tax Map Key 2-3-15:54.

The Commission has found:

That there are unusual circumstances applying to the subject property which do not generally apply to properties in the same zoned district. Although the subject parcel has an area of 28,399 square feet, when all setbacks are applied to it the net buildable area is about 13,168 square feet, or approximately 46% of the gross area. This buildable area, however, is constrained by topographic conditions and the irregular configuration of the parcel. The subject property drops from Kaiulani Street down to the Waikapu River. The overall slope of the parcel is about 20 percent. The land, however, has uneven relief which varies greatly from place to place. The steepest portion of the property is adjacent to Kaiulani Street, with the slope between the front property line and the proposed entry level of the dwelling being approximately 89 percent.

Compounding this situation is the location of the rear property line of the parcel. This property line follows the mid-course of Waikapu River and is very irregular. As a result of the location of this property line, the configuration of the parcel is very irregular and the middle portion of it ranges from only 15 to 21 feet in width. Because of these conditions, the proposed location of the carport is the most reasonable and one of the less hazardous alternatives available to the petitioner.

These circumstances are determined to be unusual and exist to a degree which deprives the petitioner of substantial property rights that would otherwise be available. These circumstances also exist to a degree which obviously interferes with the best manner of development of the subject property.

In addition, the strict and literal enforcement of the front yard setback provision of the Zoning Code would, in this particular case, cause undue hardship on the petitioner. Extensive grading and filling beyond that which is usually associated with single family residential development would be required in order to comply with the setback provision.

It is further determined that approval of the variance is not inconsistent with the intent and purpose of the setback provisions. The purpose of these provisions is to assure that adequate air and light are available for healthful living. The proposed structure will be sufficiently set back from the mauka side property line so as not to interfere with air and light for the adjacent parcel. In addition, the design of the proposed carport and the dwelling to which it is appurtenant is such that the carport will not interfere with the availability of air and light for the dwelling.

Based on the foregoing, it is determined that granting this particular request is not contrary to the intent and purpose of the variance provisions of the Zoning Code.

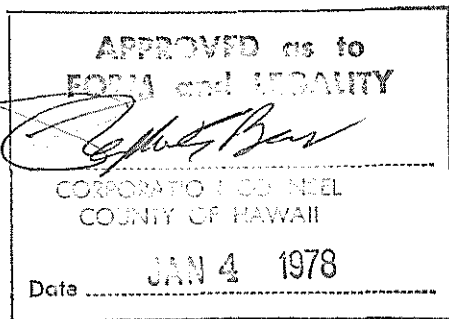
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a carport with a 3-foot front yard setback in lieu of the minimum requirement of twenty (20) feet as stipulated in the Single Family Residential - 15,000 square foot (RS-15) zoned district at Riverside Park, South Hilo, Hawaii, Tax Map Key 2-3-15:54, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That construction of the proposed carport commence within one (1) year from the effective date of approval of the variance permit and be completed within one (1) year thereafter.
2. That the proposed carport structure conform to the plans submitted by the petitioner, except that the side walls of the carport shall not be higher than four (4) feet for safety reasons.
3. That all other applicable rules and regulations shall 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 December 6, 1977.

Dated at Hilo, Hawaii, this 30th day of December, 1977.



[Signature]
(Mrs.) Lorraine R. Jitchaku
Chairman, Hawaii Planning Commission