

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
COUNTY OF HAWAII)
DEPARTMENT OF WATER SUPPLY)
from)
MINIMUM FRONT AND SIDE)
YARD SETBACK REQUIREMENT)
in)
Kaieie Homesteads, 2nd Series)
South Hilo, Hawaii)
_____)

VARIANCE NO. 515

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on December 6, 1977, considered the application of COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY for a variance from Chapter 8 (Zoning Code), Article 7, Section 8 of the Hawaii County Code, as amended; more specifically, to allow the construction of a reservoir with a front yard setback of nine (9) feet and a side yard setback of four (4) feet in lieu of the minimum requirement of fifteen (15) feet and eight (8) feet respectively for a 4,169 square foot parcel at Kaieie Homesteads, 2nd Series, South Hilo, Hawaii, Tax Map Key 2-7-05:62.

The Commission has found:

That special and unusual circumstances exist to a degree that interfere with the best use and manner of development of the subject property. The subject property consists of 4,169 square feet and is bounded on three (3) sides by roads. For the purpose of establishing setbacks, the subject property is considered to have three (3) front yards. With the imposition of the fifteen (15) foot front yard and eight (8) foot side yard setbacks applicable to A-10a zoned lots smaller in size than 7,500 square feet, the net buildable area is approximately 1,500 square feet. The resultant buildable area represents approximately 36 percent of the total parcel size. Under these circumstances, it is reasoned that the strict and literal enforcement of the Zoning Code provisions will interfere with the best use and manner of development of the subject parcel. Further, as the subject property is bounded on 3 sides by roadways and on the fourth side by a house, land acquisition to enlarge the parcel must include the adjacent houselot. The adjacent houselot has an area of 42,994 square feet which is less than the minimum lot size of one (1) acre stipulated in the State Land Use Rules and Regulations. The combined land area of the reservoir site and the adjacent lot is 1.08 acres, therefore consolidation and resubdivision of the reservoir site

and the houselot is not possible under the existing one (1) acre minimum lot size requirement. Thus, the only method to enlarge the reservoir site would be to acquire the adjacent houselot in total. This alternative is not considered to be feasible or desirable.

That the granting of the variance will not be materially detrimental to improvements in the near vicinity. There is a road which runs along the makai side and bends around the rear of the subject property. This road continues down into a gulch. At the rear of the subject property there is a drop of approximately ten (10) feet to the road. The height of this bank gradually decreases until it meets at grade with the Kaieie Homestead Road. Vehicular sighting distance around the road bend is limited due to the bank height. The proposed placement of the reservoir will not reduce the line of sight which presently exists.

Abutting the mauka side of the subject site is a 42,994 square foot lot. A house is situated on this lot approximately 47 feet from the side property line. Should the variance to allow a (4) foot side yard setback be approved, the distance between the proposed reservoir and the existing dwelling will be approximately 51 feet. This distance is deemed adequate so as not to adversely affect the existing dwelling.

By providing additional storage capacity, the reservoir replacement project itself will provide better domestic water service and fire protection to those properties served by the Kaieie Houselots water system. Under these circumstances, it is determined that the granting of the variance will not be detrimental to improvements in the near vicinity.

That the granting of the variance will not be inconsistent with the intent and purpose of the Zoning Code. Article 26, Section 2(J) of the Zoning Code allows water substations where the Planning Director finds that these facilities will not be a nuisance to surrounding areas. As stated previously the granting of the variance will not be detrimental to improvements in the near vicinity and thus it is further determined that the granting of the variance is consistent with the intent and purpose of the Zoning Code.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a reservoir with a front yard setback of nine (9) feet and a side yard setback of four (4) feet in lieu of the minimum requirement of fifteen (15) feet and eight (8) feet respectively for a 4,169 square foot parcel at Kaieie Homesteads, 2nd Series, South Hilo, Hawaii, Tax Map Key 2-7-05:62, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That construction commence within two (2) years of the effective date of the Variance Permit and that construction be completed within two (2) years thereafter.
2. That the petitioner submit a landscaping plan for the review and approval of the Planning Director at the time of "plan approval."

3. That all other applicable rules and regulations, including the "plan approval" process, 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 dated of this permit shall be from December 6, 1977.

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



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

