

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
BEN H. GADDIS)
from)
MINIMUM SETBACK REQUIREMENTS)
in)
Waiakea Homesteads, 2nd Series,)
Waiakea, South Hilo, Hawaii)

VARIANCE NO. 542

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on August 16, 1978, considered the application of BEN H. GADDIS for a variance from minimum setback requirements more specifically, to allow the construction of a lanai addition with a front yard setback of 26 $\frac{1}{2}$ feet in lieu of the minimum requirement of 40 feet in Waiakea-Lani Subdivision, Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, Hawaii, Tax Map Key: 2-4-54:18.

The Commission has found:

That unusual circumstances exist which deprive the owner of substantial property rights. With all applicable setbacks, including the proposed right-of-way widening, the buildable area of the subject property would be less than 6,840 square feet or less than 45% of the total lot area. The County does not have any plans to implement the Mala'ai Street right-of-way widening and connection with Akolea Road in the near future. Were there no proposals to widen the existing right-of-way no variance would be necessary to construct the patio. Under these conditions, it is reasoned that the strict and literal enforcement of the Zoning Code requirements would deprive the owner of substantial property rights that would otherwise be available.

That the granting of the setback variance will not be materially detrimental to the public welfare. Public welfare could be detrimentally affected should the proposed addition create line-of-sight hazards at the intersection of the unnamed 40-foot road and Mala'ai Street. In this case, however, the patio addition is not within the line-of-sight triangle prescribed in the Zoning Code. Further, the proposed patio addition will not be materially detrimental to improvements in the vicinity. The proposed location of the patio will have the effect of extending the living area of the dwelling toward the street intersection and away from the adjoining properties. Thus property rights and improvements in the near vicinity will not be impaired.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a lanai addition with a front yard setback of 26 $\frac{1}{2}$ feet in lieu of the minimum requirement of 40 feet pursuant to the authority vested in it by Article 1, Section 7 of Zoning Code, subject to the following conditions:

That a building permit be secured for the proposed patio within one (1) year and construction shall be completed within two (2) years thereafter.

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 August 16, 1978.

Dated at Hilo, Hawaii, this 14th day of September, 1978.



William F. Mielcke, Chairman

