

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
GEORGE SAKAMOTO)	
from)	VARIANCE NO. 568
MINIMUM BUILDING SITE AREA)	
REQUIREMENT)	
in)	
Waiakea, South Hilo, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on February 8, 1979, considered the application of GEORGE SAKAMOTO for a variance from Chapter 8 (Zoning Code), Article 3, Section 5; more specifically, to allow the creation of a 9,780 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district. The property involved is located within the Waiakea House Lots, First Series, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-34:98.

The Commission has found:

That unusual circumstances apply to the subject property that deprive the owner of substantial property rights. In 1970 the subject property consisted of 20,000 square feet of land area and was zoned as Single Family Residential - 10,000 square feet (RS-10). Thus, the property could be subdivided into two (2) lots without requesting a minimum lot size variance. However, on April 3, 1970 the County of Hawaii subdivided out a 220 square foot portion of the property with a remaining area of 19,780 square feet. This action by the County has resulted in the situation where it is no longer possible to create two (2) conforming lots with respect to the minimum lot size requirement. Since the existing situation was not brought about through actions by the owner, to deny the request would result in undue hardship.

That although there is a 10-foot road widening strip along Kekuanaoa Street, the resultant 9,780 square foot lot would still have adequate land area on which to construct a single family dwelling as permitted under the existing zoning. After removing all the applicable setbacks, the lot has a buildable area of approximately 4,600 square feet of land area and which would be generally square in shape. Thus, the proposed configuration would be adequate in size and shape to support uses consistent with the purpose and intent of the RS-10 zoned district.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 9,780 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district at Waiakea, South Hilo, Hawaii, pursuant to the authority vested in it by Chapter 8, Article 1, Section 7, subject to the following conditions:

1. That the petitioner, or his authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner or his authorized representative shall also be responsible for securing final subdivision approval.
2. That the access for the proposed lot 15-A lot shall be off Mililani Street and situated as far to the North as possible.
3. That the requirements of the Department of Water Supply and Public Works shall be complied with.
4. That a ten (10) foot wide strip be delineated and set aside along Kekuanaoa Street for future road widening purposes. The front yard setback along Kekuanaoa Street shall begin from the future road widening line. Further, no variance from the minimum setback requirements shall be applied for.
5. That all other applicable rules, regulations and requirements 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 February 8, 1979.

Dated at Hilo, Hawaii, this 8th day of March, 1979.



WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED as to
FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: MAR 7 1979