

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
ARNOLD BRANCO)	
from)	VARIANCE NO. 598
MINIMUM FRONT YARD SETBACK)	
REQUIREMENTS)	
in)	
Kaumana Lani Subdivision,)	
Ponahawai, South Hilo, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 30, 1979, considered the application of ARNOLD BRANCO for a variance from Article 3, Section 7-A, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, more specifically, to allow the construction of an open carport with a front yard setback of six (6) feet in lieu of the minimum requirement of fifteen (15) feet as stipulated in Minimum Yard Requirements of the Single-Family Residential District at Kaumana Lani Subdivision, Ponahawai, South Hilo, Hawaii, Tax Map Key 2-5-35:11.

The Commission has found:

That there are unusual circumstances applying to the subject request which do not generally apply to surrounding properties or improvements in the same zoned district. The subject property, consisting of 8,030 square feet in size, is non-conforming relative to the minimum building site area (lot size) requirement as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district. Within the zoning district, the minimum building site requirement is 10,000 square feet. The property is also non-conforming relative to the minimum building site average width requirement. Again, within the RS-10 zoned district, the minimum building site average width requirement is seventy (70) feet. The subject property has an average width of only 58+ feet. Further, the width of the lot along the front property is only 54+ feet. Based on these non-conforming factors, the petitioner was already faced with certain limitations when originally constructing the existing single family dwelling. The dwelling was constructed with a front yard setback of twenty (20) feet and side yard setbacks of eight (8) and five (5) feet. The latter side yard setback of five (5) feet is also non-conforming relative to the present Zoning Code requirement of eight (8) feet. It is felt that the dwelling has been constructed and sited on the subject property in such a manner that the construction of the carport has been hampered.

Although it may be possible for the carport to be constructed to the rear of the dwelling, certain factors must be contended with. First of all, the existing stairs along the southeast side property line must be removed; and thus, resulting in the deletion of the main entrance to the dwelling. However, even if the stairs were removed and thereby providing an 11 1/2-foot access to the rear of the dwelling, the petitioner may be faced with further difficulties. There is an existing cesspool which is situated approximately ten (10) feet from the dwelling and 32+ feet from the southeast property line. There also is an existing storage shed which is situated to the rear of the cesspool and dwelling. Therefore, unless the cesspool and storage shed are removed and/or relocated, the construction of the carport would be restricted and there would be no sufficient turn-around area.

Based on the above, it is determined that in this particular case the most logical location for the siting of the open carport is at the front portion of the property.

Furthermore, since the carport will be opened on all three (3) sides, it is determined that the granting of this particular variance would not be contrary to the spirit and intent of the setback requirements of providing adequate light, air, and circulation. It is also felt that the granting of the request would not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity. In fact, it could be concluded that the construction of the open carport at its particular location would improve the present parking situation on the subject property. At the present time, the petitioner and his family own three (3) cars which are either parked within the existing one-car garage or driveway. Since the distance between the driveway and the front property line is only twenty (20) feet, it is quite possible that one (1) of the cars is oftentimes extended beyond the front property line and into the road right-of-way. Therefore, with the construction of the carport on the property, the traffic situation for the area would possibly be an improvement over the existing situation.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of an open carport with a front yard setback of six (6) feet in lieu of the minimum requirement of fifteen (15) feet as stipulated in Minimum Yard Requirements of the Single-Family Residential District pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That construction of the proposed open carport shall be constructed within one (1) year from the effective date of the variance permit.
2. That the three sides (front and two sides) of the carport shall not be enclosed.

3. That all other applicable rules, regulations, and requirements, including those of the Department of Public Works, 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 October 30, 1979.

Dated at Hilo, Hawaii, this 7th day of March, 1980.

for: William F. Mielcke Jr.

WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

L. Ron Tubazaki

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 27 1980