

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
LAURENCE CAPELLAS)	
ON BEHALF OF)	
HILO ASSOCIATION TO HELP)	
RETARDED CITIZENS)	VARIANCE NO. 605
from)	
MINIMUM BUILDING SITE AREA)	
REQUIREMENT)	
in)	
Kaumana, South Hilo, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on November 29, 1979, considered the application of LAURENCE CAPELLAS on behalf of HILO ASSOCIATION TO HELP RETARDED CITIZENS for a variance from Article 26, Section 2-C.3, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, more specifically, to allow the establishment of a home for handicapped people on a 37,150 square foot lot in lieu of the minimum requirement of one acre as stipulated in Supplementary Use Regulations, in Kaumana, South Hilo, Hawaii, Tax Map Key 2-5-04:02.

The Commission has found:

That the granting of the variance will not be inconsistent with the general purpose of the single family residential district or the intent and purpose of the Zoning Code. The proposed structure will have the appearance of a large single family detached wood-frame dwelling; and, in fact, the structure is intended to function like a family dwelling. There will be five bedrooms, three baths, garage/storage area, and lanai. The living area will be approximately 2,300 square feet and the garage, storage, entry way, and patio will add another 1,600 square feet to the structure. Although this structure will be larger than the "average" single family dwelling it will be situated on a parcel which is more than three times the minimum lot size of the district.

The minimum lot size of one acre is intended to provide the necessary area to buffer impacts to the surrounding properties and to meet on-site parking requirements. All living areas will be situated a minimum of 63 feet from the closest property line and there is ample room for parking. In fact, only 16% of the property will be used for the total structure, driveway and parking area. Although there is ample

room to buffer impacts to surrounding properties, no adverse impacts are foreseen for the proposed project.

That there are special circumstances applying to the proposed development which do not generally apply to surrounding property or improvements in the same district. Although the subject parcel lacks the minimum lot area of one acre, only 16% of the parcel will actually be developed. Therefore, the 37,150 square foot parcel is more than adequate to meet the needs of the project. Requiring the applicant to obtain an additional 6,410 square feet will not serve a useful purpose because the additional land area will not improve the project. Therefore, the rigid enforcement of the one acre minimum lot size interferes with the best manner of development of the subject property.

That the proposed development is in concert with the Hawaii County General Plan and is not materially detrimental to the public welfare or injurious to improvements or property rights. One of the goals in the single family residential section of the General Plan is "to ensure compatible uses within and adjacent to single-family residential zoned areas." The proposed use is not a noxious activity inconsistent with a residential community. The proposed development will provide housing for handicapped individuals and the resulting impacts will not be any different than that from other dwellings with six or seven individuals.

Therefore, the Commission hereby grants to the applicant a variance to allow the establishment of a home for handicapped people on a 37,150 square foot lot in lieu of the minimum requirement of one acre as stipulated in Supplementary Use Regulations, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code) the Hawaii County Code, as amended, subject to the following conditions:

1. That the three (3) lots within property identified as Tax Map Key 2-5-04:2 shall be consolidated prior to the construction of the dwelling unit.
2. That Amau Road be extended to provide access to the subject property. If the County is to assume maintenance of the roadway, it should be built to County dedicable standards.
3. That construction of the dwelling begin within one (1) year of the effective date of the Variance Permit and shall be completed within two (2) years thereafter.
4. That all other applicable rules, regulations and requirements, including the Plan Approval process, 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 November 29, 1979.

Dated at Hilo, Hawaii, this 28th day of February, 1980.

for William F. Mielcke
WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

APPROVED AS TO FORM
AND LEGALITY:

Ki Ben Tuhazaki
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 22 1980