

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
ILDEFONSA RAGASA) ADMINISTRATIVE
from) VARIANCE NO. 10
Minimum Front Yard Setback Requirement)
in)
Wainaku Camp 2 Subdivision,)
Wainaku, South Hilo, Hawaii)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on April 17, 1980, on the application of ILDEFONSA RAGASA for a variance from the minimum front yard setback requirement, more specifically, to allow the reconstruction of a single family dwelling with a front yard setback of nine (9) feet in lieu of the minimum requirement of fifteen (15) feet at Wainaku Camp 2 Subdivision, Wainaku, South Hilo, Hawaii, Tax Map Key 2-6-24:33.

After hearing the case, the Planning Director has found:

That there are special and unusual circumstances applying to the subject property and building which do not generally apply to surrounding properties or improvements in the same zoned district. The petitioner is merely requesting a variance to allow the reconstruction of the existing setback of nine (9) feet. The intent is to raise the existing floor of the building by 2'-6" in order that the existing basement area can be converted into a livable area. In order to qualify as a living area under the Building Code, a minimum height of 7'-6" is required from floor to ceiling. The basement area is presently only about 5'-4" in height.

Since the existing dwelling is rather old, the petitioner intends to reconstruct the existing walls and the roof. The wall line, however, with the exception of a small portion (4'x5' = 20 square feet) within the front yard setback area will remain as it presently exists.

Furthermore, the subject property is only 5,366 square feet in size which is non-conforming relative to the minimum building site area requirement of 7,500 square feet. With the imposition of the minimum setback requirements, the buildable area is reduced to 1,880 square feet.

That the above described special and unusual circumstances exist to a degree which will interfere with the best use and manner of development of the subject property if the setback requirements are rigidly imposed. The variance is being requested to allow the owner to incorporate part of the existing structure with the new construction. If the variance is approved, the existing carport and floor of the dwelling will remain. However, if the variance is denied, no part of the existing structure can be utilized.

That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Setback variances have previously been granted for the reconstruction of existing dwellings on parcels 21 and 27 of Tax Map Key 2-6-24. The circumstances involved with the previously granted variances are practically identical with the subject application. Therefore, a denial of this variance request will be inconsistent with permits granted for other properties under identical district classification.

That the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Code. None of the projections beyond the exterior walls of the proposed structure will encroach upon sidewalks, street, alleys or other properties. Therefore, the granting of this variance request will not violate the spirit and intent of the minimum setback requirements which are to provide for light, air and circulation nor impede on surrounding properties.

That the granting of the variance will not militate against the General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights. The proposed reconstruction of the existing single family dwelling is consistent with the General Plan designation and the other properties in the surrounding area. Furthermore, the impacts to be generated by the proposed development will be similar to those that are presently created because the new setbacks will be the same as those of the existing dwelling.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the reconstruction of a single family dwelling with a front yard setback of nine (9) feet in lieu of the minimum requirement of fifteen (15) feet at Wainaku Camp 2 Subdivision, Wainaku, South Hilo, Hawaii, Tax Map Key 2-6-24:33, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

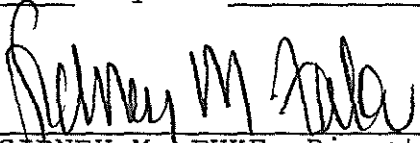
1. That all future improvements shall comply with the minimum setback requirements. No setback variance shall be granted for any future improvement. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
2. That the reconstruction plans be revised to include a stairway for internal circulation between the two floors of the dwelling. No building permit will be issued without the internal stairway.

3. That all 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.

The effective date of this permit shall be from April 25, 1980.

Dated at Hilo, Hawaii, this 26th day of August, 1980.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 22 August 80

April 25, 1980

Mrs. Ildefonsa Ragasa
64 Aikane Loop
Hilo, Hawaii 96720

Dear Mrs. Ragasa:

Variance Application
Minimum Front Yard Setback Requirement
TMK: 2-6-24:33

After review of your application and the information provided at the administrative public hearing on April 17, 1980, the Planning Director is hereby certifying the approval of the variance to allow the reconstruction of a single family dwelling with a front yard setback of nine (9) feet in lieu of the minimum requirement of fifteen (15) feet.

Approval of this request is based on the following findings:

That there are special and unusual circumstances applying to the subject property and building which do not generally apply to surrounding properties or improvements in the same zoned district. The petitioner is merely requesting a variance to allow the reconstruction of the existing setback of nine (9) feet. The intent is to raise the existing floor of the building by 2'-6" in order that the existing basement area can be converted into a livable area. In order to qualify as a living area under the Building Code, a minimum height of 7'-6" is required from floor to ceiling. The basement area is presently only about 5'-4" in height.

Since the existing dwelling is rather old, the petitioner intends to reconstruct the existing walls and the roof. The wall line, however, with the exception of a small portion (4'x5' = 20 square feet) within the front yard setback area will remain as it presently exists.

Furthermore, the subject property is only 5,366 square feet in size which is non-conforming relative to the minimum building site area requirement of 7,500 square feet. With the imposition

Mrs. Ildefonsa Ragasa
Page 2
April 25, 1980

of the minimum setback requirements, the buildable area is reduced to 1,880 square feet.

That the above described special and unusual circumstances exist to a degree which will interfere with the best use and manner of development of the subject property if the setback requirements are rigidly imposed. The variance is being requested to allow the owner to incorporate part of the existing structure with the new construction. If the variance is approved, the existing carport and floor of the dwelling will remain. However, if the variance is denied, no part of the existing structure can be utilized.

That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Setback variances have previously been granted for the reconstruction of existing dwellings on parcels 21 and 27 of Tax Map Key 2-6-24. The circumstances involved with the previously granted variances are practically identical with the subject application. Therefore, a denial of this variance request will be inconsistent with permits granted for other properties under identical district classification.

That the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Code. None of the projections beyond the exterior walls of the proposed structure will encroach upon sidewalks, street, alleys or other properties. Therefore, the granting of this variance request will not violate the spirit and intent of the minimum setback requirements which are to provide for light, air and circulation nor impede on surrounding properties.

That the granting of the variance will not militate against the General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights. The proposed reconstruction of the existing single family dwelling is consistent with the General Plan designation and the other properties in the surrounding area. Furthermore, the impacts to be generated by the proposed development will be similar to those that are presently created because the new setbacks will be the same as those of the existing dwelling.

The conditions of approval are as follows:

1. That all future improvements shall comply with the minimum setback requirements. No setback variance shall be granted for any future improvement. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.

Mrs. Ildefonsa Ragasa

Page 3

April 25, 1980

2. That the reconstruction plans be revised to include a stairway for internal circulation between the two floors of the dwelling. No building permit will be issued without the internal stairway.
3. That all 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.

Please be informed that the official Variance Permit will be forthcoming under separate cover.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



SIDNEY FURE
Director

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cc: Planning Commission