

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE . )  
by )  
DENNIS KURAMOTO ) ADMINISTRATIVE  
from ) VARIANCE NO. 15  
Minimum side yard clear space )  
requirement for open structure )  
in )  
Waiakea, South Hilo, Hawaii )  
\_\_\_\_\_ )

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on May 16, 1980, on the application of DENNIS KURAMOTO for a variance from the minimum side yard clear space requirement for open structure, more specifically, to allow a 1+-foot clear space from the side property line in lieu of the minimum requirement of 5 feet at Waiakea Highland View Lots Subdivision, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-55:25.

After hearing the case, the Planning Director has found:

1. That there are unusual circumstances applying to the construction of the existing dwelling at its present location which do not generally apply to surrounding properties or improvements in the same zoned district. In July of 1979, a building permit for the construction of the single family dwelling was issued by the County. At that time, the plot plan which was submitted with the building plans did indicate that the proposed carport would be situated five (5) feet from the side property line. Prior to approving the plot plan, the Planning Department noted "5' clear space required for open carport." However, no alteration was made to the plot plan itself. As indicated by the petitioner, construction proceeded with the understanding that the plans, as approved by both the Planning and Building Departments, were correct.

In this particular situation, the Planning Department did note a problem with the plot plan as submitted and cited the applicable requirement which had to be complied with. However, the petitioner was not explicitly informed of the alteration which were necessary to bring the plans into compliance with the clear space requirement. Therefore, it would appear that, in this particular case, government may have contributed to the error at hand.

Based on the above, it is determined that there were unusual circumstances which lead to the situation at hand, and the placement of the dwelling at its present location.

2. That the strict interpretation of the clear space requirement will interfere with the best manner of development of the subject property. The unusual circumstances described above led to the placement of the dwelling at its present location. At this point in time, moving the entire structure would be virtually impossible and could not be done without intruding into other setback areas. Furthermore, requiring the petitioner to remove the affected portion of the structure would affect the aesthetic balance of the roofline. Therefore, should this request be denied, any alternative available to the petitioner would interfere with the best manner of development of the subject property.
3. 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. The unusual circumstances described above adequately differentiates this particular request from others which may be submitted.
4. 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. Furthermore, the Variance will not militate against the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights.

The affected portion of the structure is an open carport and a small enclosed area used for storage purposes. The closest distance between the adjacent residence and the subject dwelling is approximately 15+ feet. However, since the affected portion of the subject dwelling is an open carport, the habitable or living areas of both dwellings are quite a distance apart. Furthermore, the adjacent dwelling is sited in such an angle and manner that only one corner of the dwelling is situated in close proximity to the affected structure. Thus, it is felt that the granting of this particular variance request will not violate the spirit and intent of the minimum setback requirements which are to provide for light, air, and circulation.

Therefore, the Planning Director hereby grants to the applicant a variance to allow a 1+-foot clear space from the side property line in lieu of the minimum requirement of 5 feet at Waiakea Highland View Lots Subdivision, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-55:25, pursuant to the authority vested in him by the County Charter, subject to the following conditions:


1. That the portion of the roof overhang shall comply with the requirements of the Building and Housing Codes.
2. That no portion of the carport, within ten feet of the side property line, be enclosed.
3. That no other setback variance shall be granted for future improvements. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.

4. 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 May 16, 1980.

Dated at Hilo, Hawaii, this 1<sup>th</sup> day of October, 1980.

  
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SIDNEY M. FUCE, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Deputy Corporation Counsel  
County of Hawaii

Date: 1 Oct 80

May 16, 1980

Mr. Dennis H. Kuramoto  
81 Elm Drive  
Hilo, Hawaii 96720

Dear Mr. Kuramoto:

Variance Application(80-3)  
Minimum Side Yard Clear Space Requirement  
for Open Structure  
TMK: 2-2-55:25

After review of your application and the information presented at the administrative public hearing on May 16, 1980, the Planning Director is hereby certifying the approval of the variance to allow a 1+-foot clear space from the side property line in lieu of the minimum requirement of five (5) feet.

Approval of this request is based on the following findings:

1. That there are unusual circumstances applying to the construction of the existing dwelling at its present location which do not generally apply to surrounding properties or improvements in the same zoned district. In July of 1979, a building permit for the construction of the single family dwelling was issued by the County. At that time, the plot plan which was submitted with the building plans did indicate that the proposed carport would be situated five (5) feet from the side property line. Prior to approving the plot plan, the Planning Department noted "5' clear space required for open carport." However, no alteration was made to the plot plan itself. As indicated by the petitioner, construction proceeded with the understanding that the plans, as approved by both the Planning and Building Departments, were correct.

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4. 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. Furthermore, the Variance will not militate against the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights.

The affected portion of the structure is an open carport and a small enclosed area used for storage purposes. The closest distance between the adjacent residence and the subject dwelling is approximately 15+ feet. However, since the affected portion of the subject dwelling is an open carport, the habitable or living areas of both dwellings are quite a distance apart. Furthermore, the adjacent dwelling is sited in such an angle and manner that only one corner of the dwelling is situated in close proximity to the affected structure. Thus, it is felt that the granting of this particular variance request will not violate the spirit and intent of the minimum setback requirements which are to provide for light, air, and circulation.

Mr. Dennis H. Kuramoto  
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The conditions of approval are as follows:

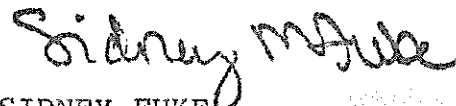
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2. That no portion of the carport, within ten feet of the side property line, be enclosed.
3. That no other setback variance shall be granted for future improvements. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
4. 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 FUKU  
Director

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cc: Planning Commission