

CERTIFIED MAIL

July 10, 1980

Mr. C. Chase Hoffman  
c/o Don McIntosh  
P. O. box 2902  
Kailua-Kona, Hawaii 96740

Dear Mr. Hoffman:

Variance Application (V80-8)  
Minimum Setback Requirements  
Tax Map Key 7-7-03:30

We regret to inform you that after reviewing your application and the information presented at the administrative public hearing on July 7, 1980, the Planning Director is hereby denying your variance request. The reasons for the denial are as follows:

1. That there are no special or unusual conditions applying to the subject property which do not generally apply to the surrounding properties within the same zoned district. There are no topographical or non-conforming conditions which particularly differentiate this parcel from others in the area. The reason for requesting the variance is that the parcel is too small for the proposed use. There is no way to build a tennis court on the subject property without first obtaining a variance from the setback requirements.
2. That the owner of the subject property will not be deprived of substantial property rights should this request be denied. There are no topographical or non-conforming conditions which preclude the use of the subject property. There is ample room available within the setback area for constructing a dwelling comparable to others within the same zoned district.
3. That the granting of the variance will constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. In requesting the variance, the applicant is seeking to increase the rights related to the subject

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property by encroaching into the front, rear, and a side yard setback area. This encroachment does not rectify any existing deprivation of rights. Therefore, should this request be approved, it would constitute a grant of personal or special privilege above and beyond that which is enjoyed by other property owners within the same zoned district.

For these reasons, it is determined that the variance request to allow the construction of a private tennis court with a front yard setback of about 6 inches, zero (0) rear yard setback, and a 3-foot side yard setback in lieu of the minimum requirements of 25 feet, 25 feet and 15 feet, respectively, should be denied.

Please be informed that the final denial order will be forthcoming under separate cover.

The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

Should you have any questions on the matter, please feel free to contact us.

Sincerely,



SIDNEY M. DUKE  
Planning Director