

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
SHOZO NAGAO) ADMINISTRATIVE
from) VARIANCE NO. 30
MINIMUM BUILDING SITE AREA REQUIREMENT)
in)
KAUMANA RISE LOTS SUBDIVISION)
SOUTH HILO, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on September 18, 1980, on the application of Shozo Nagao for a variance from the minimum building site area requirement, more specifically, to allow the creation of a 9,508 square foot lot in lieu of the minimum building site area requirement of 10,000 square foot as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district at Kaumana Rise Lots Subdivision, South Hilo, Hawaii, Hawaii, Tax Map Key 2-5-16:46.

After hearing the case, the Planning Director has found:

That there are special and unusual circumstances applying to the subject property and its existing improvement which do not generally apply to surrounding properties in the same zoned district.

The property proposed to be subdivided is 23,449 square feet in size. Since the zoning of the area is Single Family Residential - 10,000 square foot (RS-10), the petitioner could technically subdivide the area into two (2) lots meeting the minimum building site area requirement of 10,000 square foot. There is, however, an existing single family dwelling on the property. This dwelling is sited on the property in such a manner that restricts the subdivision of the property into two (2) legal sized lots of a practical nature.

The major problem which the petitioner is faced with is that if the proposed 9,508 square foot sized lot were to be increased to meet the 10,000 square foot requirement, the minimum side yard setback requirement of the existing dwelling would not be able to be met. Under the RS-10 zoned district, the minimum side yard setback requirement is ten (10) feet. Under the present subdivision proposal, the dwelling is set back a minimum of ten (10) feet from the property line. If the property line between the two (2) proposed lots were to be shifted further to the west in order to meet the 10,000 square foot requirement, then the dwelling would be in violation from the minimum setback requirement; and thus, resulting, instead, in a variance request from the minimum side yard setback requirement. Rather than requesting the setback variance, the petitioner elected to seek a variance from the minimum building site area requirement.

In applying the minimum setback requirements for the proposed 9,508 square foot lot, there still will be a net buildable area of 3,570+ square feet. Further, in applying the appropriate setbacks, the narrowest and widest points (east-west widths) are about 30+ feet and 66+ feet, respectively. The average length of the buildable area (north-south orientation) will be about 70+ feet. Therefore, it is determined that there still will be ample land area to construct a dwelling on the lot.

The granting of this particular variance request will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under identical district classification. As stated earlier, the entire property has a land area of 23,449 square feet. Therefore, without subdividing the area, the petitioner could construct another dwelling. Therefore, unlike other lot size variance requests, the petitioner is not requesting an increase in density by creating a lot which is less than the minimum building site area requirement. It is therefore determined that the granting of this particular request will not be inconsistent with the general purpose of the zoned district, nor will it be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

Based on the above-cited reasons, it is felt that special and unusual circumstances exist to a degree which deprives the petitioner of substantial property rights which would otherwise be available and also to a degree which obviously interferes with the best use or manner of development of the subject property.

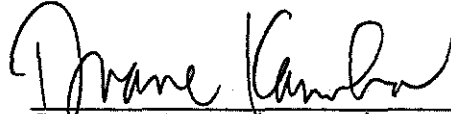
Therefore, the Planning Director hereby grants to the petitioner a variance to allow the creation of a 9,508 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district at Kaumana Rise Lots Subdivision, South Hilo, Hawaii, TMK: 2-5-16:46, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner or his authorized representative secure tentative subdivision approval within six (6) months from the effective date of the Variance Permit. The petitioner/representative shall also be responsible for securing final subdivision approval within one (1) year thereafter.
2. That no other variance requests, i.e. setbacks, shall be applied for.
3. That the setbacks shall be taken from the road easement and future road widening lines. Further, the setbacks of the RS-10 zoned district shall be used.
4. That all other applicable rules, regulations, and requirements 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 September 22, 1980.

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



SIDNEY M. FUKU, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 28 Nov 80

September 22, 1980

Mr. Shozo Nagao
P. O. Box 100
Hilo, Hawaii 96720

Dear Mr. Nagao

Shozo Nagao - Variance Application (V80-17)
Minimum Building Site Area Requirement
Tax Map Key: 2-5-16:46

After review of your application and the information presented at the administrative public hearing on September 18, 1980, the Planning Director is hereby certifying the approval of the variance to allow the creation of a 9,508 square foot lot in lieu of the minimum building site area requirement of 10,000 square feet as stipulated within the Single Family Residential - 10,000 square foot (RS-10) zoned district.

Approval of this request is based on the following findings:

That there are special and unusual circumstances applying to the subject property and its existing improvement which do not generally apply to surrounding properties in the same zoned district.

The property proposed to be subdivided is 23,449 square feet in size. Since the zoning of the area is Single Family Residential - 10,000 square foot (RS-10), the petitioner could technically subdivide the area into two (2) lots meeting the minimum building site area requirement of 10,000 square feet. There is, however, an existing single family dwelling on the property. This dwelling is sited on the property in such a manner that restricts the subdivision of the property into two (2) legal sized lots of a practical nature.

The major problem which the petitioner is faced with is that if the proposed 9,508 square foot sized lot were to be increased to meet the 10,000 square foot requirement, the minimum side yard setback requirement of the existing dwelling would not be able to be met. Under the RS-10 zoned district, the minimum side yard setback requirement is ten (10) feet.

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Under the present subdivision proposal, the dwelling is set back a minimum of ten (10) feet from the property line. If the property line between the two (2) proposed lots were to be shifted further to the west in order to meet the 10,000 square foot requirement, then the dwelling would be in violation from the minimum setback requirement; and thus, resulting, instead, in a variance request from the minimum side yard setback requirement. Rather than requesting the setback variance, the petitioner elected to seek a variance from the minimum building site area requirement.

In applying the minimum setback requirements for the proposed 9,508 square foot lot, there still will be a net buildable area of 3,570± square feet. Further, in applying the appropriate setbacks, the narrowest and widest points (east-west widths) are about 30± feet and 66± feet, respectively. The average length of the buildable area (north-south orientation) will be about 70± feet. Therefore, it is determined that there still will be ample land area to construct a dwelling on the lot.

The granting of this particular variance request will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under identical district classification. As stated earlier, the entire property has a land area of 23,449 square feet. Therefore, without subdividing the area, the petitioner could construct another dwelling. Therefore, unlike other lot size variance requests, the petitioner is not requesting an increase in density by creating a lot which is less than the minimum building site area requirement. It is therefore determined that the granting of this particular request will not be inconsistent with the general purpose of the zoned district, nor will it be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

Based on the above-cited reasons, it is felt that special and unusual circumstances exist to a degree which deprives the petitioner of substantial property rights which would otherwise be available and also to a degree which obviously interferes with the best use or manner of development of the subject property.

The conditions of approval are as follows:

1. That the petitioner or his authorized representative secure tentative subdivision approval within six (6) months from the effective date of the Variance Permit. The petitioner/representative shall also be responsible for

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securing final subdivision approval within one (1) year thereafter.

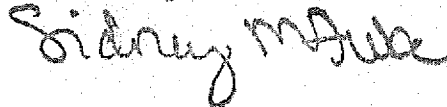
2. That no other variance requests, i.e. setbacks, shall be applied for.
3. That the setbacks shall be taken from the road easement and future road widening lines. Further, the setbacks of the RS-10 zoned district shall be used.
4. That all other applicable rules, regulations, and requirements be complied 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
Planning Director

BN:lkt

cc: Mr. Clyde Matsunaga
Subdivision Section