

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
MORIMASA KANESHIRO) ADMINISTRATIVE
from) VARIANCE NO. 31
MINIMUM BUILDING SITE AVERAGE WIDTHS)
in)
WAIAKEA HOMESTEAD HOUSE LOTS,)
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 September 18, 1980, on the application of MORIMASA KANESHIRO for a variance from the minimum building site average widths, more specifically, to allow the creation of two (2) lots with building site average widths of 60+ feet and 66+ feet in lieu of the minimum requirement of 70 feet at Waiakea Homestead House Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-41:31.

After hearing the case, the Planning Director has found:

1. That there are special and unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. The configuration of the subject property, which is nearly square, is such that the subdivision into three parcels cannot be accomplished without obtaining a variance from the minimum width requirement. This is because the formula for determining the minimum width is based on a more conventional or rectangular lot configuration (dividing the area of the parcel by the length of its longest side). This special and unusual circumstance would deprive the owner of substantial property rights if the Zoning Code requirements are rigidly maintained.
2. That the granting of the variance will not be contrary to the intent of the Zoning Code and the objectives sought to be accomplished by the minimum building site average width requirement of that Code. The purpose of the minimum building site average width requirement is to assure that any lot created has an adequate buildable area relative to setbacks and other requirements. Although proposed lots 1-B and 1-C will have less than the required minimum average width, the preliminary subdivision plans indicate that the objective of this provision in the Zoning Code will still be met.

Furthermore, the proposed subdivision of the subject property into three lots consisting of 10,001, 10,058, and 10,001 square feet, respectively will be consistent with size and character of surrounding properties. The subject

property and surrounding area zoned Single Family Residential - 10,000 square foot (RS-10). Therefore, the granting of this variance will not violate the spirit and intent of the minimum building site area requirements as stipulated within the Zoning Code.

3. That the granting of the request will not be materially detrimental to improvements or property rights related to property in the near vicinity. Since all setback requirements involving adjacent properties can be met, air circulation, light, and open space considerations for the proposed lots and adjacent properties can be satisfied. Therefore, although the proposed lot would have less than the required minimum average width, impacts to surrounding properties will be minimized.


Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of two (2) lots with building site average widths of 60+ and 66+ feet in lieu of the minimum requirement of 70 feet, at Waiakea Homestead House Lots, Waiakea, South Hilo, Hawaii, 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 improvements on proposed lots 1-A, 1-B, and 1-C. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
2. That the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the variance permit. The petitioner/representative shall also be responsible for securing final subdivision approval within one year thereafter.
3. That 10-foot wide future road widening setbacks along both Kilauea Avenue and Kawailani Street frontages, including a 20-foot radius at the intersection angle of these rights-of-ways be provided.
4. That the provision of accesses shall meet with the approval of the Department of Public Works. For proposed lot 1-A, no new access points will be allowed on to Kilauea. An appropriate no access planting screen shall be provided.
5. That all other 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 September 22, 1980.

Dated at Hilo, Hawaii, this 22nd day of December, 1980.



SIDNEY M. FUKU, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
County of Hawaii

Date: 18 Dec 80

September 22, 1980

Mr. Morimasa Kaneshiro
385 Oomano Place
Honolulu, Hawaii 96825

Dear Mr. Kaneshiro:

Morimasa Kaneshiro - Variance Application (V80-18)
Minimum Building Site Average Widths
Tax Map Key: 2-2-41:31

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 two (2) lots with building site average widths of 60+ feet and 66+ feet in lieu of the minimum requirement of 70 feet.

Approval of this request is based on the following findings:

1. That there are special and unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. The configuration of the subject property, which is nearly square, is such that the subdivision into three parcels cannot be accomplished without obtaining a variance from the minimum width requirement. This is because the formula for determining the minimum width is based on a more conventional or rectangular lot configuration (dividing the area of the parcel by the length of its longest side). This special and unusual circumstance would deprive the owner of substantial property rights if the Zoning Code requirements are rigidly maintained.
2. That the granting of the variance will not be contrary to the intent of the Zoning Code and the objectives sought to be accomplished by the minimum building site average width requirement of that Code. The purpose of the minimum building site average width requirement is to assure that any lot created has an adequate buildable area relative to setbacks and other requirements. Although proposed lots

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1-B and 1-C will have less than the required minimum average width, the preliminary subdivision plans indicate that the objective of this provision in the Zoning Code will still be met.

Furthermore, the proposed subdivision of the subject property into three lots consisting of 10,001, 10,058, and 10,001 square feet, respectively will be consistent with size and character of surrounding properties. The subject property and surrounding area zoned Single Family Residential - 10,000 square foot (RS-10). Therefore, the granting of this variance will not violate the spirit and intent of the minimum building site area requirements as stipulated within the Zoning Code.

3. That the granting of the request will not be materially detrimental to improvements or property rights related to property in the near vicinity. Since all setback requirements involving adjacent properties can be met, air circulation, light, and open space considerations for the proposed lots and adjacent properties can be satisfied. Therefore, although the proposed lot would have less than the required minimum average width, impacts to surrounding properties will be minimized.

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 improvements on proposed lots 1-A, 1-B, and 1-C. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
2. That the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the variance permit. The petitioner/representative shall also be responsible for securing final subdivision approval within one year thereafter.
3. That 10-foot wide future road widening setbacks along both Kilauea Avenue and Kawaiiani Street frontages, including a 20-foot radius at the intersection angle of these rights-of-ways be provided.
4. That the provision of accesses shall meet with the approval of the Department of Public Works. For proposed lot 1-A, no new access points will be allowed on to Kilauea. An appropriate no access planting screen shall be provided.

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5. That all other 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
Planning Director

BN:lkt

cc: Mr. Gordon Inaba
Subdivision Section