

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
ALBEN NAMIHIRA/RONALD YOKOYAMA ) ADMINISTRATIVE  
from ) VARIANCE NO. 38  
MINIMUM FRONT YARD SETBACK AND PARKING )  
REQUIREMENTS )  
in )  
WAIAKEA, SOUTH HILO, HAWAII )

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ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on October 9, 1980, on the application of ALBEN NAMIHIRA AND RONALD YOKOYAMA for a variance from the minimum front yard setback and parking requirements, more specifically, to allow the construction of an addition to the existing building with a front yard setback of 4 feet 9 inches in lieu of the minimum requirement of 15 feet. Also, to allow no additional parking stalls (1 additional required) for the addition at Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-17:5 and 46.

After hearing the case, the Planning Director has found:

With regard to the request from the minimum front yard setback requirement, it is determined that there are special and unusual circumstances applying to the subject property and building which do not generally apply to surrounding properties and their improvements in the same zoned district.

The area under consideration is of irregular shape and consist of two (2) parcels totaling only 4,711 square feet (parcel 5 - 2,980 square feet; parcel 46 - 1,731 square feet). The zoning for the area is General Commercial - 7,500 square feet (CG-7.5) or a minimum lot size of 7,500 square feet. It is therefore quite obvious that the total area of the two (2) lots are much less than the minimum building site area requirement. Under the CG zoned district, the minimum setback requirements are fifteen (15) feet on the front or rear. The existing building already abuts the rear property line, therefore, the fifteen (15) feet setback is taken from the front property line along Hualalai Street. It should be noted, however, that the front yard setback for the existing building is already non-conforming since it is only about 7+ feet from the property line.

The petitioner intends to construct the 165+ square foot addition, which will be part of a "staff room," extending from one (1) corner of the existing building to the other. As a result, it will be setback only about 4' 9" from the front property line. There is, however, an existing wooden fence along the mauka portion of the front property line where the proposed addition is contemplated. This fence will screen the

proposed addition from the roadway and the sidewalk abutting the property. Further, there is an existing hollow tile wall constructed along the remaining three (3) sides of the subject area. In light of the above, it is determined that the granting of this particular setback request will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to property in the near vicinity.

Although there appears to be adequate land area for the proposed addition in the area of the existing landscaped garden, from an operational and functional standpoint of the office use, it is felt that the proposed use of the addition ("staff room") at that location may not be practical. The area abutting the garden is proposed to be used as one (1) of the accountant's private office. Therefore, to relocate a small "staff room," which will include files, next to the accountant's private office may not be the best manner of development of the property. To locate a portion of the "staff room" next to the accountant's private office would be impractical as it would only be accessible to the other workers of the office by going through the accountant's private office.

Because of certain limitations as a result of the size of the property and the location of the existing building, it is determined that special and unusual circumstances exist to a degree which obviously interferes with the best use or manner of development of the subject property.

With regard to the request for the parking variance, it is determined that the granting of it will not violate the spirit and intent of the requirements of the Zoning Code. The additional parking stall is required as a result of the proposed 165+ square foot addition. This "staff room" addition will be used primarily for the storage of files. Thus, in this particular situation, the proposed addition will not increase the demand for parking as no additional employees will be hired as a result of the addition.

There presently are two (2) parking stalls on the east side of the existing building in front of the landscaped garden area. Based on present requirements, the total floor area of the building (1,446 square feet, including the proposed 165+ square feet addition) would require four (4) stalls. However, since the existing building was constructed prior to the adoption of the Zoning Code, it is determined to be non-conforming relative to the minimum parking requirements. Further, due to the size of the property, there physically is no room for a turn around area for the existing stalls. The cars would have to back-up onto Hualalai Street. Therefore, to require an additional stall on the property would only aggravate the existing situation and will definitely increase the already hazardous condition. Rather than compound the problem, it is felt that to waive the provision of the additional parking stall in this particular case, would be in the best public interest. Based on the above, it is determined that the granting of the parking variance will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

Further, because of the size of the lot, its present improvements and non-conforming situations, it is also

determined that the granting of this particular request will not necessarily constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under the same zoned district which meet the minimum building site area requirement.

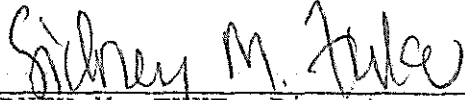
Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of an addition to the existing building with a front yard setback of 4 feet 9 inches in lieu of the minimum requirement of 15 feet. Also, to allow no additional parking stalls (1 additional required) for the addition at Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-17:5 and 46, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioners or their authorized representative submit plans for the proposed improvement and secure Final Plan Approval within one (1) year from the date of the Permit.
2. That construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within one (1) year thereafter.
3. That the existing wooden fence fronting the building shall be retained.
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 November 6, 1980.

Dated at Hilo, Hawaii, this 30 day of December, 1980.

  
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SIDNEY M. FUKU, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

  
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Deputy Corporation Counsel  
County of Hawaii

Date: 23 Dec 80

November 6, 1980

Messrs. Alben Namihira  
and Ronald Yokoyama  
166 Keawe Street  
Hilo, Hawaii 96720:

Dear Messrs. Namihira and Yokoyama:

Alben Namihira/Ronald Yokoyama  
Variance Application (V80-22)  
Minimum Front Yard Setback and Parking Requirements  
Tax Map Key: 2-2-17:5 and 46

After review of your application and the information presented at the administrative public hearing on October 9, 1980, the Planning Director is hereby certifying the approval of the variance to allow the construction of an addition to the existing building with a front yard setback of 4'-9" in lieu of the minimum requirement of 15 feet. Also, to allow no additional parking stalls (1 additional required) for the addition:

Approval of this request is based on the following findings:

With regard to the request from the minimum front yard setback requirement, it is determined that there are special and unusual circumstances applying to the subject property and building which do not generally apply to surrounding properties and their improvements in the same zoned district.

The area under consideration is of irregular shape and consist of two (2) parcels totaling only 4,711 square feet (parcel 5 - 2,980 square feet; parcel 46 - 1,731 square feet). The zoning for the area is General Commercial - 7,500 square feet (CG-7.5) or a minimum lot size of 7,500 square feet. It is therefore quite obvious that the total area of the two (2) lots are much less than the minimum building site area requirement. Under the CG zoned district, the minimum setback requirements are fifteen (15) feet on the front or rear. The existing building already abuts the rear property line, therefore, the fifteen (15) feet setback is taken from the front property line along Hualalai Street. It should be noted, however, that the

Messrs. Namihira and Yokoyama  
Page 2  
November 6, 1980

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Although there appears to be adequate land area for the proposed addition in the area of the existing landscaped garden, from an operational and functional standpoint of the office use, it is felt that the proposed use of the addition ("staff room") at that location may not be practical. The area abutting the garden is proposed to be used as one (1) of the accountant's private office. Therefore, to relocate a small "staff room," which will include files, next to the accountant's private office may not be the best manner of development of the property. To locate a portion of the "staff room" next to the accountant's private office would be impractical as it would only be accessible to the other workers of the office by going through the accountant's private office.

Because of certain limitations as a result of the size of the property and the location of the existing building, it is determined that special and unusual circumstances exist to a degree which obviously interferes with the best use or manner of development of the subject property.

With regard to the request for the parking variance, it is determined that the granting of it will not violate the spirit and intent of the requirements of the Zoning Code. The additional parking stall is required as a result of the proposed 165+ square foot addition. This "staff room" addition will be used primarily for the storage of files. Thus, in this particular situation, the proposed addition will not increase the demand for parking as no additional employees will be hired as a result of the addition.

Messrs. Namihira and Yokoyama  
Page 3  
November 6, 1980

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Further, because of the size of the lot, its present improvements and non-conforming situations, it is also determined that the granting of this particular request will not necessarily constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under the same zoned district which meet the minimum building site area requirement.

The conditions of approval are as follows:

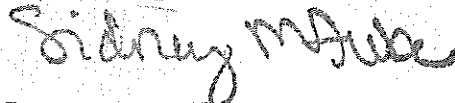
1. That the petitioners or their authorized representative submit plans for the proposed improvement and secure Final Plan Approval within one (1) year from the date of the Permit.
2. That construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within one (1) year thereafter.
3. That the existing wooden fence fronting the building shall be retained.
4. That all other applicable rules, regulations and requirements be complied with.

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

Messrs. Namihira and Yokoyama  
Page 4  
November 6, 1980

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void.

Sincerely,



SIDNEY FUKU  
Director

BN:lkt

cc: Planning Commission  
Building Division  
Mr. Ronald Nagata

bcc: Masa's Section