

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
MAILE RIERSON) ADMINISTRATIVE
from) VARIANCE NO. 47
MINIMUM BUILDING SITE)
AVERAGE WIDTH REQUIREMENT)
in)
PIIHONUA, SOUTH HILO, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on January 6, 1981, on the application of MAILE RIERSON for a variance from the minimum building site average width requirement, more specifically, to allow the creation of two lots with building site average widths of 56+ and 70+ feet in lieu of the minimum requirement of 90 feet at Piihonua, South Hilo, Hawaii, Tax Map Key 2-3-15:51.

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 property or improvements in the same district. The subject property has an area of 30,507 square feet, which, under normal circumstances, would be sufficient to create two 15,000 square foot parcels in conformance with the RS-15 zone. However, severe topographic constraints limit the options available for meeting the minimum average width requirement of the zoning code.
2. That the special and unusual circumstances described above would deprive the owner of substantial property rights if the minimum building site average width requirement, as stipulated in the Zoning Code, is rigidly imposed. Although the property has the necessary land area for creating two lots, no subdivision could be created unless the requested variance is granted.
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 special and unusual circumstances described previously will adequately distinguish this application from others which may be submitted.
4. 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. Proposed Lot A will have a buildable area of approximately 4,500 square feet and proposed Lot B will have a buildable area of approximately 4,050 square feet. The available buildable area is determined to be reasonable and adequate to accommodate structures on the properties. Although the proposed lots will have less than the required minimum average width, the objective of this provision in the Zoning Code can still be met.

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

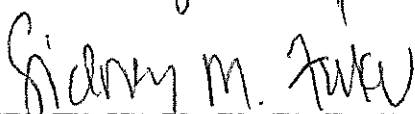
Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of two lots with building site average widths of 56+ and 70+ feet in lieu of the minimum requirement of 90 feet at Piihonua, South Hilo, Hawaii, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner or his authorized representative shall secure final subdivision approval within one (1) year from the effective date of the Variance Permit.
2. That no variances from the minimum setback requirements for the proposed lots shall be applied for in the future. That this requirement shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
3. 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 January 20, 1981.

Dated at Hilo, Hawaii, this 28 day of January.



SIDNEY M. FURE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 27 Jan 81

January 20, 1981

Ms. Maile Rierson
555 Alawaena Road
Hilo, Hawaii 96720

Dear Ms. Rierson:

Variance Application (V80-40)
Minimum Building Site Average Width Requirement
Tax Map Key: 2-3-15:51

After review of your application and receiving no additional information at the administrative public hearing on January 6, 1981, the Planning Director is hereby certifying the approval of the variance to allow the creation of two lots with building site average widths of 56+ and 70+ feet in lieu of the minimum requirement of 90 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 property or improvements in the same district. The subject property has an area of 30,507 square feet, which, under normal circumstances, would be sufficient to create two 15,000 square foot parcels in conformance with the RS-15 zone. However, severe topographic constraints limit the options available for meeting the minimum average width requirement of the zoning code.
2. That the special and unusual circumstances described above would deprive the owner of substantial property rights if the minimum building site average width requirement, as stipulated in the Zoning Code, is rigidly imposed. Although the property has the necessary land area for creating two lots, no subdivision could be created unless the requested variance is granted.

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 special and unusual circumstances described previously will adequately distinguish this application from others which may be submitted.
4. 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. Proposed lot A will have a buildable area of approximately 4,500 square feet and proposed lot B will have a buildable area of approximately 4,050 square feet. The available buildable area is determined to be reasonable and adequate to accommodate structures on the properties. Although the proposed lots will have less than the required minimum average width, the objective of this provision in the Zoning Code can still be met.
5. That the granting of this variance request will not be materially detrimental to improvements or property rights related to property in the near vicinity. Since all setback requirements can be met, air circulation, light, and open space considerations for the proposed lots and adjacent properties can be satisfied. Therefore, although the proposed lots would have less than the required minimum average width, impacts to surrounding property will be minimal.

The conditions of approval are as follows:

1. That the petitioner or his authorized representative shall secure final subdivision approval within one (1) year from the effective date of the Variance Permit.
2. That no variances from the minimum setback requirements for the proposed lots shall be applied for in the future. That this requirement shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.

Ms. Maile Rierson
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3. 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 FUKÉ
Planning Director

BN:lkt

bcc: Subdivision Section, Planning Dept.