

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
FRANK FERREIRA ) ADMINISTRATIVE  
from ) VARIANCE NO. 48  
MINIMUM FRONT YARD SETBACK REQUIREMENT )  
in )  
PAAUHAU, HAMAKUA, 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 January 6, 1981, on the application of FRANK FERREIRA for a variance from the minimum front yard setback requirement, more specifically, to allow the construction of an addition to an existing single family dwelling with a front yard setback of twenty (20) feet in lieu of the minimum requirement of thirty (30) feet as stipulated within the Agricultural (A-40a) zoned district at Paauhau, Hamakua, Hawaii, Tax Map Key 4-4-6:20.

After hearing the case, the Planning Director has found:

There are special and unusual circumstances applying to the subject property and improvements which do not generally apply to surrounding properties and their improvements in the same zoned district.

The petitioner intends to construct a 144 square foot (12' x 12') bedroom addition to the existing single family dwelling which has a front yard setback of only twenty (20) feet. The petitioner intends to construct the addition with the same front yard setback as the existing dwelling.

Since the subject property is one (1) acre in size, there appears to be ample land area in which to construct the bedroom addition meeting the minimum setback requirement of thirty (30) feet. However, based on the layout (floor plan) of the existing dwelling and the location of the existing cesspool, there are extenuating circumstances which would warrant the granting of the request.

The bedroom addition is proposed to be constructed adjacent to the existing bedrooms located on the east or Hilo side portion of the dwelling. The living room, kitchen and dining room are located on the opposite portion of the dwelling (west side). There also is an existing carport to the rear of the dwelling adjacent to the kitchen and dining room. Although there are ample land area on the west side of the dwelling for the proposed bedroom addition, from a functional standpoint, it is felt that to site a bedroom next to the kitchen may not be the most practical solution. The proposed location of the addition next to the existing bedrooms is a more feasible alternative.

The basic problem which the petitioner is confronted with is the location of the existing cesspool which is about eleven (11) feet from the proposed addition. According to the State Department of Health's requirement, the cesspool must be located a minimum of ten (10) feet from the dwelling. If the proposed addition were to be moved an additional ten (10) feet to the rear, it will be setback only about one (1) foot from the cesspool. As a result, the cesspool would have to be relocated.

Because of the above-cited limitations due to the location of the existing improvements on the property, 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 area.

The roadway fronting the subject property is the Old Government Main Road which previously served as the primary roadway for the Hamakua Coast. This roadway, however, has since been replaced with the Hawaii Belt Highway. The Old Government Main Road now serves as a minor street which provides access for a few dwellings to the area. Since the petitioner merely intends to extend the existing building line fronting this roadway by twelve (12) feet, it is determined that the granting of this particular request 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 location of the existing improvements and the non-conforming situation of the dwelling relative to the minimum front yard setback requirement, it is 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 in the same district.

The granting of this variance request also will not be inconsistent with the General Plan and the Zoning Code as it will not violate the spirit and intent of the minimum setback requirements which are to provide for light, air and circulation nor impede on surrounding properties.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of an addition to an existing single family dwelling with a front yard setback of twenty (20) feet in lieu of the minimum requirement of thirty (30) feet as stipulated within the Agricultural (A-40a) zoned district at Paauhau, Hamakua, Hawaii, Tax Map Key 4-4-6:20, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner obtain a Building Permit for the proposed addition within one (1) year from the effective date of the Variance Permit and construction completed within one (1) thereafter.
2. 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 January 21, 1981.

Dated at Hilo, Hawaii, this 28 day of January, 1980.

Sidney M. Fuke  
SIDNEY M. FUCE, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

Ruben Subazaki  
Deputy Corporation Counsel  
County of Hawaii

Date: 27 Jan 81

January 21, 1981

Mr. Frank Ferreira  
P. O. Box 354  
Honokaa, Hawaii 96727

Dear Mr. Ferreira:

Variance Application (V80-39)  
Minimum Front Yard Setback Requirement  
Tax Map Key: 4-4-6:20

After review of your application and the information presented at the administrative public hearing on January 6, 1981, the Planning Director is hereby certifying the approval of the variance to allow the construction of an addition to an existing single family dwelling with a front yard setback of twenty (20) feet in lieu of the minimum requirement of thirty (30) feet as stipulated within the Agricultural (A-40a) zoned district.

Approval of this request is based on the following findings:

There are special and unusual circumstances applying to the subject property and improvements which do not generally apply to surrounding properties and their improvements in the same zoned district.

The petitioner intends to construct a 144 square foot (12' x 12') bedroom addition to the existing single family dwelling which has a front yard setback of only twenty (20) feet. The petitioner intends to construct the addition with the same front yard setback as the existing dwelling.

Since the subject property is one (1) acre in size, there appears to be ample land area in which to construct the bedroom addition meeting the minimum setback requirement of thirty (30) feet. However, based on the layout (floor plan) of the existing dwelling and the location of the existing cesspool, there are extenuating circumstances which would warrant the granting of the request.

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The conditions of approval are as follows:

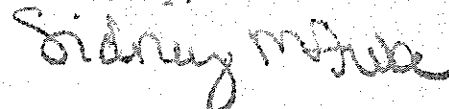
1. That the petitioner obtain a Building Permit for the proposed addition within one (1) year from the effective date of the Variance Permit and construction completed within one (1) thereafter.
2. That all other applicable rules, regulations, and requirements be complied with.

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 M. FUKÉ  
Planning Director

BN:lkt