

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
HILO VOCATIONAL REHABILITATION CENTER) ADMINISTRATIVE
from) VARIANCE NO. 53
MINIMUM FRONT AND SIDE YARD SETBACKS)
in)
PIIHONUA, SOUTH HILO, HAWAII)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department on February 27, 1981, reviewed the application of HILO VOCATIONAL REHABILITATION CENTER for a variance from the minimum front and side yard setbacks, more specifically, to allow the construction of a 7-foot high fence with no front and side yard setbacks in lieu of the minimum requirements of 20 and 10 feet at Piihonua, South Hilo, Hawaii, Tax Map Key 2-3-32:6.

After reviewing the case, the Planning Director has found:

1. That there are special circumstances applying to the use of the subject property which do not generally apply to surrounding property or improvements in the same district. The property involved is the site of the existing Hilo Vocational Rehabilitation Center which provides training for severely disabled clients confined to work under supervision only. Present improvements on the property include a workshop area where craft work is done and office space for administrative purposes. In addition, the center plans to develop much of the remaining land area for agricultural and nursery training. The improvements, equipment, and vehicles situated on the subject property greatly exceed that which is normally found within the single family residential zoned district. Therefore, the proposed fence provides an additional security measure not usually required.

Furthermore, the height of the fence was increased from six to seven feet as a safety precaution for the clients at the center. A five foot high chain link fence with three stands of barbed wire above it would place the barbed wire at eye level for many of the clients. Taking both the security and safety factors into consideration, it was felt that the seven foot high fence was the best solution.

2. That the special circumstances described above would interfere with the best use and manner of development of the subject property if the minimum setback requirements, as stated in the Zoning Code, are rigidly imposed. The front and side yard setbacks required for a seven foot high fence would take valuable land area out of productive use. These strips of land could be better used in the agricultural and plant nursery training program.

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. Other variance applications having similar circumstances with regards to safety, security, and land uses will be evaluated consistently.
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 setback requirements of that code. The purpose of the minimum setback requirements is to assure that adequate light, air, and circulation is maintained for all parcels. Although the proposed chain link fence will have less than the required minimum setbacks, the objective of this provision in the Zoning Code will still be met.
5. That the granting of this variance will not militate against the General Plan. None of the goals or policies of the General Plan will be violated by the granting of this request.
6. That the granting of this variance request will not be materially detrimental to improvements or property rights related to property in the near vicinity. As was stated previously, light, air, and circulation considerations will not be affected by the approval of this request. Furthermore, mitigative measures will be taken, through conditions of approval, to assure adequate sight distances for all vehicular access points. Therefore, although the proposed chain link fence would have less than the required minimum setbacks, impacts to surrounding property will be minimal.


Therefore, the Planning Director hereby grants to the applicant a variance to allow construction of a 7-foot high fence with no front and side yard setbacks in lieu of the minimum requirements of 20 and 10 feet at Piipihonua, South Hilo, Hawaii, Tax Map Key 2-3-32:6, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner, Hilo Vocational Rehabilitation Center, is responsible for complying with all of the stated conditions of approval.
2. That the petitioner shall secure a building permit within six (6) months from the date of approval for the variance permit and complete construction within six (6) months thereafter.
3. That the fence should have adequate setbacks to provide a good sight distance for the roadway easement at the northwest corner of the subject property and Waianuenue Avenue, and the driveway entrance to the subject property.
4. That no other setback variance shall be granted for any future improvements on the subject property. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
5. That all other applicable rules, regulations and requirements shall be complied with.

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


The effective date of this permit shall be from February 27, 1981.

Dated at Hilo, Hawaii, this 12 day of March, 1981.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 11 Mar 80

February 27, 1981

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Ms. Alice Kim
Hilo Vocational Rehabilitation Center
1099 Waiianuene Avenue
Hilo, HI 96720

Dear Ms. Kim:

Variance Application (V81-5)
Minimum Front and Side Yard Setbacks
Tax Map Key: 2-3-32:6

After review of your application, the Planning Director is hereby certifying the approval of the variance to allow the construction of a 7-foot high fence with no front and side yard setbacks in lieu of the minimum requirements of 20 and 10 feet respectively.

Approval of this request is based on the following findings:

1. That there are special circumstances applying to the use of the subject property which do not generally apply to surrounding property or improvements in the same district. The property involved is the site of the existing Hilo Vocational Rehabilitation Center which provides training for severely disabled clients confined to work under supervision only. Present improvements on the property include a workshop area where craft work is done and office space for administrative purposes. In addition, the center plans to develop much of the remaining land area for agricultural and nursery training. The improvements, equipment, and vehicles situated on the subject property greatly exceed that which is normally found within the single family residential zoned district. Therefore, the proposed fence provides an additional security measure not usually required.

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Furthermore, the height of the fence was increased from six to seven feet as a safety precaution for the clients at the center. A five foot high chain link fence with three stands of barbed wire above it would place the barbed wire at eye level for many of the clients. Taking both the security and safety factors into consideration, it was felt that the seven foot high fence was the best solution.

2. That the special circumstances described above would interfere with the best use and manner of development of the subject property if the minimum setback requirements, as stated in the Zoning Code, are rigidly imposed. The front and side yard setbacks required for a seven foot high fence would take valuable land area out of productive use. These strips of land could be better used in the agricultural and plant nursery training program.
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. Other variance applications having similar circumstances with regards to safety, security, and land uses will be evaluated consistently.
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 setback requirements of that code. The purpose of the minimum setback requirements is to assure that adequate light, air, and circulation is maintained for all parcels. Although the proposed chain link fence will have less than the required minimum setbacks, the objective of this provision in the Zoning Code will still be met.
5. That the granting of this variance will not militate against the General Plan. None of the goals or policies of the General Plan will be violated by the granting of this request.
6. That the granting of this variance request will not be materially detrimental to improvements or property rights related to property in the near vicinity. As was stated previously, light, air, and circulation considerations will not be affected by the approval of this request. Furthermore, mitigative measures will be taken, through conditions of approval, to assure adequate sight distances for all vehicular access points. Therefore, although the proposed chain link fence would have less than the required minimum setbacks, impacts to surrounding property will be minimal.

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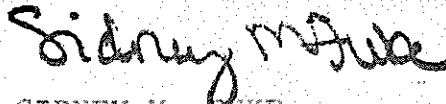
It is further determined that the approval of this variance request should be subject to the following conditions:

1. That the petitioner, Hilo Vocational Rehabilitation Center, is responsible for complying with all of the stated conditions of approval.
2. That the petitioner shall secure a building permit within six (6) months from the date of approval for the variance permit and complete construction within six (6) months thereafter.
3. That the fence should have adequate setbacks to provide a good sight distance for the roadway easement at the northwest corner of the subject property and Waiianuenue Avenue, and the driveway entrance to the subject property.
4. That no other setback variance shall be granted for any future improvements on the subject property. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
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.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



SIDNEY M. DUKE
Planning Director

BN:wkm

cc: Planning Commission