

CERTIFIED MAIL

March 5, 1981

Mr. Henry Rapozo
315 Mohouli Street
Hilo, HI 96720

Dear Mr. Rapozo:

Variance Application (V81-3)
Maximum Allowable Density
TMK: 2-4-23:14

We regret to inform you that after reviewing your application, the Planning Director has determined that it is not warranted; as such, is hereby denying it based on the following findings:

1. That there are no special conditions which apply to the subject property which do not generally apply to the surrounding properties within the same zoned district. The petitioner has not shown that there are topographical or non-conforming conditions which particularly differentiate this parcel from others in the area.
2. That there are approximately 75 lots along Mohouli Street which are nearly similar in size. Should this request be approved, the possibility does exist that other requests for a similar type of variance will be made. Moreover, should this request be approved, we would be hardpressed not to deny other similar requests, lest it be construed as an arbitrary and capricious decision. Thus the approval of this request would represent a potential of greatly increasing the density along Mohouli Street. While Mohouli Street has a right-of-way of sixty (60) feet, the pavement width is twenty (20) feet or four feet below the standard required for collector streets. No further improvements have been scheduled for Mohouli Street in the near future. It is therefore determined that the granting of the variance request would be materially detrimental to the public welfare.

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3. That the granting of this particular variance would be contrary and inconsistent with the spirit and intent of the Zoning Code. In this case, the petitioner is requesting a waiver of what is essentially a density requirement. Particularly in view of the potential cumulative impact to surrounding areas, the variance procedure is not the appropriate vehicle to resolve this matter. The proper procedure would be to request a zone change to a lesser minimum lot size designation. It should be pointed out that although the change of zone route to accomplish the intent of this request is being suggested, this does not necessarily mean that the Planning Director is sanctioning such a zone change. We are merely pointing out the proper procedure which should have been utilized.

Further, should the request to construct another single family dwelling on this 16,441 square foot lot be granted; in essence, this action would amount to a density of approximately 8,220 square feet of land area per unit. This density would exceed the General Plan density of four (4) units per acre under the Low Density Urban Development category. As such, the granting of this particular request would also be in conflict with the General Plan.

The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

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Should you have any questions, please feel free to contact Masa Onuma of this office at 961-8288.

Sincerely,



SIDNEY FUCE
Director

NH:wkm

cc: Planning Commission