

October 21, 1982

Ms. C. J. Kimberly
P. O. Box 1024
Kailua-Kona, HI 96740

Dear Ms. Kimberly:

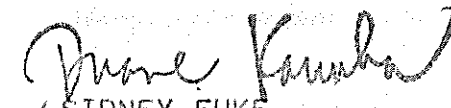
Administrative Variance Permit No. 57
Tax Map Key 7-7-10:17

This is in reference to our letter dated April 19, 1982, with regards to compliance with Condition No. 3 of the subject variance permit.

In checking with the Building Division of the Department of Public Works, no building permit has been issued to date for the proposed single-family dwelling. Therefore, since the October 15, 1982 deadline has lapsed, this is to inform you that Variance Permit No. 57 is hereby deemed void due to non-compliance with said Condition No. 3.

Should you have any questions, please feel free to contact our office at 961-8288.

Sincerely,


SIDNEY FUKU
Planning Director

AK:db

OCT 22 1982

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
C. J. KIMBERLY) ADMINISTRATIVE
from) VARIANCE NO. 57
MINIMUM FRONT YARD SETBACK REQUIREMENT)
in)
LAALOA, NORTH KONA, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department on April 15, 1981, reviewed the application of C. J. KIMBERLY for a variance from the minimum front yard setback requirement, more specifically, to allow the construction of a single family dwelling with a front yard setback of ten (10) feet in lieu of the minimum setback requirement of fifteen (15) feet as stipulated within the Single Family Residential 7,500 square foot (RS-7.5) zoned district at Laaloa, North Kona, Hawaii, Tax Map Key 7-7-10:17.

After reviewing the case, the Planning Director has found:

1. That there are special or unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. The size of the subject property is such that the buildable area of the property would be reduced to 1,360 square feet or 31.6 percent of the total and area if all setback requirements were to be complied with.
2. That special or unusual circumstances applying to the subject property exists to a degree obviously interferes with the best manner of development of the subject property. The size of the subject was reduced from 8,598 square feet to 4,303 square feet after the certification of the shoreline survey was made. As stated above, the size of the subject property buildable area would be reduced to 31.6 percent of the lot or 1,360 square feet.
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 combination of a relatively small parcel and the shoreline setback requirement results in a buildable area of approximately 1,360 square feet. A parcel of land containing a land area of 7,500 square feet under the similar zoning designation (RS-7.5) with the same setback requirements would have a buildable area of approximately 3,800 square feet. The situation described above is rather unique and distinguishes the subject parcel from other properties under identical district classification.

construction and shall not be removed until final inspection of the residence is completed. Should the construction not commence by May 23, 1981, the shoreline survey shall be resubmitted to the Chairman of the Board of Land and Natural Resources for recertification.

7. That per the Department of Health requirement, the sewage generation be limited to 600 gallons per day per 5,000 square feet of land area criteria.
8. That all 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 April 15, 1981.

Dated at Hilo, Hawaii, this _____ day of _____, 1981.

SIDNEY M. FUKU, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:

Robert Bulazaki
Deputy Corporation Counsel
County of Hawaii

Date: 12 May 81

April 15, 1981

Ms. C. J. Kimberly
P. O. Box 1024
Kailua-Kona, HI 96740

Dear Ms. Kimberly:

Variance Application (V80-28)
Tax Map Key: 7-7-10:17

After review of your application, the Planning Director is hereby certifying the approval of the variance to allow the construction of a single family dwelling with a front yard setback of ten (10) feet in lieu of the minimum setback requirement of fifteen (15) feet as stipulated within the Single Family Residential 7,500 square foot (RS-7.5) zoned district.

Approval of the request is based on the following findings:

1. That there are special or unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. The size of the subject property is such that the buildable area of the property would be reduced to 1,360 square feet or 31.6 percent of the total and area if all setback requirements were to be complied with.
2. That special or unusual circumstances applying to the subject property exists to a degree obviously interferes with the best manner of development of the subject property. The size of the subject was reduced from 8,598 square feet to 4,303 square feet after the certification of the shoreline survey was made. As stated above, the size of the subject property buildable area would be reduced to 31.6 percent of the lot or 1,360 square feet.
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 combination of a relatively small parcel and the shoreline setback requirement results in a buildable area of approximately 1,360 square feet. A parcel of land containing a land area of 7,500 square feet

under the similar zoning designation (RS-7.5) with the same setback requirements would have a buildable area of approximately 3,800 square feet. The situation described above is rather unique and distinguishes the subject parcel from other properties under identical district classification.

Further a review of the area between the subject parcel to Kuemanu Heiau (southern direction) makai of Alii Drive revealed that 13 out of 28 structures have setback ranging from none to 13'± which do not meet with the 15-foot front yard setback requirement.

4. That the granting of the variance will not be inconsistent with the general purpose of the district or intent and purpose of the Zoning Code. Under the present zoning, an open type carport can project 5 feet into the front yard. The proposed structure will project 7 feet into the front yard. Furthermore, the granting of the variance will not militate against the County General Plan nor be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. The proposed use of the property is consistent with the present zoning and General Plan designations for the property. None of the projections beyond the exterior walls of the proposed structure will encroach upon sidewalks, streets, alleys or other property. Therefore, it is felt that the granting of this particular variance with appropriate conditions will not violate the spirit and intent of the minimum setback requirements which are to provide light, air and circulation nor impede on surrounding properties.

The approval of the request is subject to the following conditions:

1. That the petitioner, C. J. Kimberly, be responsible for complying with all of the conditions of approval.
2. That construction commence within one (1) year of the date of this permit and be completed within two (2) years thereafter.
3. That the only portion of the dwelling allow to project into the front yard setback area be the carport and restricted to one (1) story in height. The portion of the carport within the front yard setback shall have no walls and remain as an open type structure.

Ms. C. J. Kimberly
April 15, 1981
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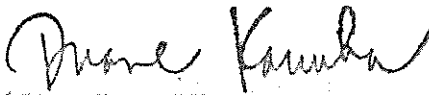
4. That the edge of the roof projection have a clearspace requirement of no less than 8 feet with the post setback no closer than 10 feet to the front property line.
5. That all future improvements shall comply with the minimum setback requirements. No setback variance shall be granted for any future improvement. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances. Copy of this recorded document shall be filed with this office.
6. That pins designating the shoreline survey and shoreline setback line be placed on the property for the duration of construction and shall not be removed until final inspection of the residence is completed. Should the construction not commence by May 23, 1981, the shoreline survey shall be resubmitted to the Chairman of the Board of Land and Natural Resources for recertification.
7. That per the Department of Health requirement, the sewage generation be limited to 600 gallons per day per 5,000 square feet of land area criteria.
8. That all applicable rules, regulations, and requirements shall be complied with.

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

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

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

Sincerely,


for SIDNEY FUKU
Planning Director

MO:lgv
cc: Planning Commission
Colbert Nozaki
Mr. Henry Y. S. Chun

bcc: Rodney