

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
THE HIGAS/WAIAKEA-UKA PARTNERS) ADMINISTRATIVE
from) VARIANCE NO. 65
MINIMUM YARDS REQUIREMENT)
in)
WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII)
.....)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department reviewed the application of THE HIGAS/WAIAKEA-UKA PARTNERS for a variance from the minimum yards requirement, more specifically, to allow the retention of two (2) existing dwellings with an 11 feet and 6 feet front yard setback in lieu of the minimum requirement of 200 feet at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-37:13 and 14.

After reviewing the case, the Planning Director has found:

1. That there are special circumstances applying to the subject properties which do not generally apply to the surrounding properties or improvements in the same district. The properties involved are part of a subdivision application whereby the only adequate access is off of Ainaola through parcel 13 of TMK: 2-4-37. The overall street system within the subdivision will provide street connection to the adjoining properties located to the north and west in accordance with the road circulation plan on file with this office.
2. That should this variance request be denied, the special circumstances described above exists to a degree which would obviously interfere with the best use and manner of development of the subject property. The existing access to parcel 14 is via Maluhia Street which is substandard (30 feet in lieu of present requirement of 50 feet) by todays standard. From a planning perspective, the proposed roadway off Ainaola Drive would be much safer and would minimize traffic hazard and congestion in the area.
3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with limitations upon other properties under identical district classification. The special circumstances described above adequately distinguish this application from others which may be submitted.
4. That the granting of the variance will not be inconsistent with the general purpose of the Single Family Residential district or the intent and purpose of the Zoning Code.

Furthermore, the approval of this request will not militate against the General Plan nor will it be materially detrimental to the public welfare or injurious to improvements or property rights.

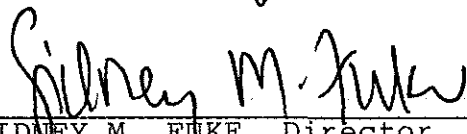
Therefore, the Planning Director hereby grants to the applicant a variance to allow the retention of two (2) existing dwellings with an 11 feet and 6 feet front yard setback in lieu of the minimum requirement of 200 feet at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-37:13 and 14, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner or its authorized representative secure tentative subdivision approval within one (1) year from the effective date of the variance permit and shall be responsible for securing final subdivision approval.
2. That all future improvements shall comply with the minimum setback requirements. No setback variance shall be granted for any future improvements. This condition 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 Administrative Variance Permit may be deemed null and void.

The effective date of this permit shall be from July 21, 1981.

Dated at Hilo, Hawaii, this 11th day of September, 1981.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 8 Sept 81

CERTIFIED MAIL

July 21, 1981

Mr. Katsuya Yamada
1289-H Kilauea Avenue
Hilo, HI 96720

Dear Mr. Yamada:

Variance Application (V81-14)
The Higas & Waiakea-Uka Partners
TMK: 2-4-37:13 & 14

After review of your application and the information presented to date, the Planning Director is hereby certifying the approval of the variance to allow the retention of two (2) existing dwellings with an 11 feet and 6 feet front yard setback in lieu of the minimum requirement of 200 feet.

Approval of this request is based on the following findings:

1. That there are special circumstances applying to the subject properties which do not generally apply to the surrounding properties or improvements in the same district. The properties involved are part of a subdivision application whereby the only adequate access is off of Ainaola through parcel 13 of TMK: 2-4-37. The overall street system within the subdivision will provide street connection to the adjoining properties located to the north and west in accordance with the road circulation plan on file with this office.
2. That should this variance request be denied, the special circumstances described above exists to a degree which would obviously interfere with the best use and manner of development of the subject property. The existing access to parcel 14 is via Maluhia Street which is substandard (30 feet in lieu of present requirement of 50 feet) by today's standard. From a planning perspective, the proposed roadway off Ainaola Drive would be much safer and would minimize traffic hazard and congestion in the area.

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Mr. Katsuya Yamada
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3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with limitations upon other properties under identical district classification. The special circumstances described above adequately distinguish this application from others which may be submitted.
4. That the granting of the variance will not be inconsistent with the general purpose of the Single Family Residential district or the intent and purpose of the Zoning Code. Furthermore, the approval of this request will not militate against the General Plan nor will it be materially detrimental to the public welfare or injurious to improvements or property rights.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the retention of two (2) existing dwellings with an 11 feet and 6 feet front yard setback in lieu of the minimum requirement of 200 feet subject to the following conditions:

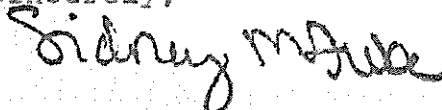
1. That the petitioner or its authorized representative secure tentative subdivision approval within one (1) year from the effective date of the variance permit and shall be responsible for securing final subdivision approval.
2. That all future improvements shall comply with the minimum setback requirements. 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.
3. 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 by the Planning Director.

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. Fuke
Director

SF:tn

cc: Planning Commission