

CERTIFIED MAIL

October 1, 1981

Mr. Roy Osato  
31 Kukuau Street  
Hilo, Hawaii 96720

Dear Mr. Osato:

Variance Application (V80-44)  
Minimum Front Yard Setback  
TMK: 2-4-27:43, S. Hilo

After reviewing your application and the information presented in its behalf, the Planning Director by this letter hereby certifies the approval of your request to allow a front yard setback of thirty-five (35) feet in lieu of the Zoning Code requirement of forty (40) feet, for the construction of a single family dwelling at the subject site.

Approval of this request is based on the following:

1. That there are special circumstances applying to the subject property which do not generally apply to surrounding properties in the same zoned district. Due to future road widening plans for Komohana Street, the subject property is required to have a 40 foot front yard setback from Komohana Street. Under normal circumstances, for parcels between 10,000 square feet and 19,999 square feet, the subject parcel would be required to have a 20 foot front yard setback.

Once the 20 foot strip is acquired for widening Komohana Street, the area of the subject parcel would be less than 10,000 square feet. In which case the front yard setback requirement would be 15 feet instead of 20 feet. This special circumstance does not generally apply to surrounding properties in the same zoned district.

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2. That the special circumstances described above exists to a degree which deprives the owner of substantial property rights and interferes with the best use and manner of development of the subject property. Although a 40 foot front yard setback is required under present conditions, only 35 feet will be required once the 20 foot strip is acquired for widening Komohana Street. Therefore, the denial of this variance would unfairly deny the owner of substantial property rights and interfere with the best use and manner of development of the subject property.
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 special circumstances described above will adequately differentiate this request 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 zoned district or the intent and purpose of the Zoning Code. Under present conditions, the 35 foot setback will exceed the 20 foot setback requirement for 10,000 square foot parcels. When the 20 foot strip is acquired for widening Komohana Street the 15 foot setback will also be in compliance with requirements established for parcels less than 10,000 square feet in size.

Furthermore, based on the above, the granting of this variance will not militate against the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights.

Although the applicant has requested a 30 foot front yard setback, the Director has preliminarily concluded that a 35 foot front yard setback along Komohana Street is more appropriate. The proposed dwelling can be accommodated with a 35 foot front yard setback along Komohana Street. Furthermore, if the applicant builds the stonewall as shown on the plot plan, the drainage problem should be mitigated.

Approval of this variance request is subject to the following conditions:

1. That construction of the dwelling shall commence within one (1) year from this effective date and be completed within one (1) from thereafter.

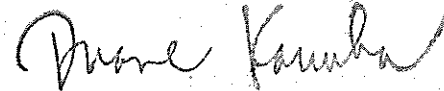
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2. That no other setback variance shall be granted for future improvements. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
3. That all applicable rules, regulations, and requirements shall be complied with.

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

Please feel free to contact us if you have any questions on this matter.

Sincerely,



*for* SIDNEY FURE  
Planning Director

DT:lp

cc: Department of Public Works  
bcc: Masa Onuma