

CERTIFIED MAIL

February 13, 1982

Mr. Joseph Velez
P. O. Box 519
Honokaa, HI 96727

Dear Mr. Velez:

Variance Application (V81-29)
Front Yard Setback
Tax Map Key 4-7-2:28/7 :017

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the construction of a warehouse with a five (5) foot front yard setback in lieu of the minimum thirty (30)-foot requirement in an Agricultural zone in Kapulena, Hamakua, Hawaii.

The approval is based on the following:

1. Special and unusual circumstances apply to the subject property which do not generally apply to surrounding properties in the area. With the terrain steeply sloping toward the access road, the subject area provides the only level ground in the vicinity. Other properties in the area are mostly used for residential purposes and have level topography.

Although the property in question consists of approximately one acre of land, it is also heavily planted with highly productive mature macadamia nut trees. In combination with the sloping topography, the vicinity of the existing storage shed provides the only area where any structural improvement can occur without significant site improvements (excavation and grading).

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The purpose of setbacks are generally to insure a healthful and safe environment for occupants of structures. More specifically, the front yard setback imposition is usually related to providing adequate buffers between properties and circulation systems (roadways). In this instance, the homestead road is unimproved and basically unused except by the petitioner.

Based on the above, therefore, it is concluded that these special circumstances also exist to a degree that interfere with the best use or manner of developing the subject property.

2. Due to the above special circumstances, the granting of this variance would not constitute a grant of special or personal privilege inconsistent with limitations placed upon other similarly classified properties.
3. This approval will not be contrary to the intent of the General Plan nor the Zoning Code, as both seek the preservation of agricultural lands and the fostering of intensive and diversified agriculture. Furthermore, the public welfare or surrounding property rights are not anticipated to be negatively impacted as a result of this variance.

The variance request is approved subject to the following conditions:

1. No portion of the building, including the roof overhang, shall be placed closer than five (5) feet from the front property line as shown on the surveyor's plat submitted with the variance application.
2. Any future road widening necessitating additional land will not require the State or County to acquire the improvement nor absorb its removal costs; this condition will be entered on the deed and apply to the successors and inheritors of the property and a duly recorded copy shall be sent to the Planning Department within six (6) months of the effective date of this variance.
3. The applicant, or authorized representative, shall obtain final plan approval within six (6) months of the effective date of this variance approval and complete construction within one (1) year after the receipt of said final plan approval.

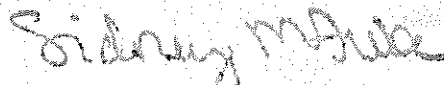
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4. All other applicable State and County rules, regulations and requirements shall be complied with.

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

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

Sincerely,



SIDNEY M. FUKÉ
Planning Director

DT:lgv

cc: Dept. of Public Works
Planning Commission

bcc: M. Onuma