

CERTIFIED MAIL

April 1, 1982

Mr. Yoshio Takemoto
P. O. Box 167
Ninole, Hawaii 96773

Dear Mr. Takemoto:

Variance Application (V81-46)
Tax Map Key 3-2-2:78

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 permit the construction of a storage shed with a two and one-half (2 1/2)-foot front yard setback in lieu of the twenty (20)-foot requirement in a Residential-Agriculture (RA-.5a) zone.

The approval is based on the following:

1. There are special and unusual circumstances applying to the land which interferes with the best use and manner of developing the property. The land slopes steeply from Kanuku Road toward the coastal highway and the owner had to cut into the slope to obtain a level portion for his building site. Furthermore, the property is long, narrow and irregularly shaped, being a six-sided lot, with three "front yards." Its configuration leaves only narrow building sites available after the required yard setback areas are imposed. This is emphasized by the fact that, for the 18,862 square foot parcel, the widest building area on the lot is 40 feet (which the owner's dwelling already occupies), tapering to 22 feet.
2. Although there is an area on the property which could accommodate a comparably sized structure, it is located at the extreme (south) opposite end of the lot from the owner's residence, and is obscured by the existing

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buildings' roof lines and thus becomes out of sight of the owner at other than work day hours. Since the structure must be of "open" type construction (for air drying the harvested ginger), the building and the drying trays must be visible from the dwelling to help guard against theft from the "blind" (and readily accessible) side of the property. The only other building site would be adjacent and too close to the dwelling (coming to within 10 feet) which would permit the ginger odor to permeate the residence. Thus, there are no other reasonable alternative sites that would resolve the difficulty.

3. Granting the variance will be consistent with the general purpose of the district, as the Residential-Agricultural zoning exists to foster small scale agricultural pursuits, as is being done by the applicant. And, although permitting the structure to remain leaves only a two and one-half (2 1/2) foot to nine (9) foot separation between the building and the road right-of-way, the road itself is already 50 feet wide and is not likely, in view of the proximity of the nearby highway, to require a change in its status of minor street to collector street. The present zoning and surrounding buildings further limit future development along this route. Additionally, the structure's proximity to Kanuku Road and surrounding properties is heavily screened by the tall hedges planted along the road edge and slope, leaving it practically invisible from the roadway except at the driveway entrance, and thus, surrounding properties are not negatively impacted as a result of the building's proximity to Kanuku Road.

This variance request is further approved subject to the following conditions:

1. No other setback variances for this property shall be granted for the duration of the subject building's existence.
2. Any future road improvements necessitating the acquisition of the subject land adjacent to Kanuku Road shall not require the State or County to acquire nor relocate the subject structure nor be responsible for the cost of its removal. This condition shall be entered on the deed and duly recorded with the Bureau of Conveyances, and a copy of the amended deed shall be sent to the Planning Department within six (6) months of the effective date of the variance.
3. The owner agrees to hold the County harmless from any claims which might arise out of any vehicular or pedestrian or natural hazard-caused damage to the subject structure

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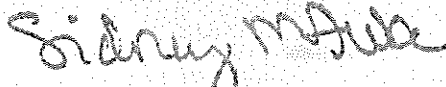
attributed to its proximity to the roadway or the steep down slope to the structure.

4. The applicant shall comply with all other applicable State and County rules and regulations. This condition shall be entered on the deed and duly recorded with the Bureau of Conveyances, and a copy of the amended deed shall be sent to the Planning Department within six (6) months of the effective date of the Variance.

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

Should you have any questions in the meantime, please feel free to contact us at 961-8288.

Sincerely,



SIDNEY M. DUKE
Planning Director

DT:gs

cc: Department of Public Works
Ronald Nagata, AIA
Planning Commission

bcc: Masa Onuma