

CERTIFIED MAIL

April 27, 1982

Mr. Alexander Botelho
P. O. Box 22
Honokaa, HI 96727

Dear Mr. Botelho:

Variance Application (V82-2)
Tax Map Key 4-5-8:11

We regret to inform you that after reviewing your application and the information presented in its behalf, the Planning Director is hereby denying your variance request. The reasons for the denial are as follows:

- 1. There are no special or unusual circumstances applying to this property which deprives the owner or applicant of substantial property rights or interferes with the best use or development of the property.

The proposed addition comprising of approximately 560 square feet (14' x 40') can be located on the property without encroaching into the front yard setback area.

The existing house is located at the mauka, Waipio corner of this parcel. The structure is situated thirteen (13) feet from the Waipio side property line and twenty-five (25) feet from the front (mauka) property line. As such, the sideyard towards Hilo is approximately ninety (90) feet and the rear (makai) yard is approximately one hundred and sixty (160) feet. Prior to the construction of the Honokaa-Waipio Road the existing structure had a fifty (50)-foot front yard setback, however, in acquiring the needed right-of-way for this road project, the State's Highways Division was able to purchase sufficient land from the Branco's without requiring the need for a front yard setback variance.

APR 28 1982

Mr. Alexander Botelho
Page 2
April 27, 1982

There are no severe topographic limitations and there is ample land area.

The existing parcel, greater than 36,000 square feet in area, slopes towards the rear property line. No large "gullies" or steep "hills" are found on the property. The existing buildings on this property occupy approximately 2,000 square feet and the net buildable area is approximately 26,000 square feet. Approximately 90 percent of the net buildable area remains on this site to accommodate this extension.

2. There are reasonable alternatives that could resolve the difficulty.

The addition could be placed on the Hilo side of the existing building or attached to the rear without encroaching into setback areas.

The location of the detached laundry shed (makai/Waipio side of dwelling) would interfere with the placement of the addition on the makai/Waipio corner of the dwelling. The detached carport and macadamia nut orchard would not interfere with the placement of the addition on the Hilo side of the dwelling.

3. The RS-10 district is intended to provide low density residential use for urban and suburban living. The minimum front yard setback is intended to maintain the low density appearance and to restrict "crowding" of structures along streets. Granting this variance will be materially detrimental to the area's character.

The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Mr. Alexander Botelho
Page 3
April 27, 1982

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

Sincerely,



SIDNEY M. FUKÉ
Planning Director

RN:lrp

cc: Planning Commission