

CERTIFIED MAIL

May 10, 1983

Mr. Alva Nakamura
Hawaii Electric Light Company, Inc.
1200 Kilauea Avenue
Hilo, Hawaii 96720

Dear Mr. Nakamura:

Variance Application (V83-10)
Variance From Minimum Front, Rear and
Side Yard Setback Requirements
Tax Map Key 6-2-01:Portion of 15

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 chain link fence around the Hawaii Electric Light Company's proposed Lalamilo Substation at a height of 9 feet with a front yard setback of 5 to 7 feet, and zero foot side and rear yard setbacks in lieu of the minimum 20 foot front and rear yard setbacks and minimum 10 foot side yard setbacks as required by the Zoning Code in Kapua, South Kohala, Hawaii.

The approval is based on the following:

There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would interfere with the best use or manner of development of the property.

Normally, a security fence is constructed on the property line of a parcel. In this case, the petitioner is proposing to locate the security fence at the perimeter of the property, as it is the most reasonable area in which to contain the facility.

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In addition, the subject parcel was specifically subdivided for the establishment of public utility purposes, more specifically, to establish Hawaii Electric Light Company's Lalamilo Substation to service this area. As such, the subject property will not be used for any purpose other than for the substation use. This is also considered to be a special circumstance in that not only is the use restricted on the subject parcel, but it is a use which is being established to service the general public. As such, since the utility use is one which needs to be provided with security, the perimeter of the property is the most ideal and efficient area in terms of constructing a fence to provide this function.

There are no other reasonable alternatives that would resolve the difficulty.

The alternative of denying the variance is determined to be an unreasonable one. The primary purpose of the proposed fence is to provide security for the substation. The height of 9 feet will permit an obstruction that would serve to curtail any outside interference with the facility. The proposed height of the fence will also be in conformance with the National Standards of the National Safety Code. The enclosure of the fence which is located on the subject property's perimeter is the most appropriate and reasonable area in which to construct the security fence. Additionally, the requirement of the minimum setbacks for this type of fence and purpose would only minimize the already reduced development potential of the parcel for its public service use.

The variance shall be consistent with the general purpose of the Zoning District, the intent and purpose of the Zoning and Subdivision Codes and the County General Plan, and will not be materially detrimental to the public welfare or cause substantial adverse impact to an area's character or to adjoining properties.

The proposed fence is to provide security for the proposed facility. The requirements for setbacks in this case is rather negligible as the minimum setback requirements were primarily geared for structural types of development. The proposed setbacks, the topography of the area and the height of 3 additional feet above the minimum 6 feet permitted is considered to be negligible in its visual as well as physical impact. This is due to the chain link type of material being used for the construction of the fence. The see-through effect of the chain link should serve to minimize the impact of the reduced setbacks as well as for the additional height. In

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addition, the area surrounding the substation is vacant and not anticipated for any intensive development which would be affected by the location of the substation. The inclusion of the proposed landscaping for this facility will also assist in the visual acceptance of the proposed fence with reduced setbacks and at the requested height.

Based on the above, the granting of this variance for reduced setbacks for the fence will not be materially detrimental to the public's welfare or cause substantial adverse impact to the area's character or to adjoining properties.

Based on the foregoing, the Planning Director has concluded that this request be approved, subject to the following conditions:

1. The petitioner or its authorized representative shall be responsible for complying with all the stated conditions of approval.
2. The plans for the proposed substation, including a detailed landscaping plan, shall be submitted for "Plan Approval" within one year from the effective date of approval of the Variance Permit.
3. Construction of the proposed improvements shall commence within one year from the date of receipt of final "Plan Approval" and be completed within two years thereafter.
4. The Department of Public Works' requirements shall be complied with.
5. All other applicable Federal, State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be complied with, the Variance Permit shall be automatically voided.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



SIDNEY M. FUKU
Planning Director

RHY:lgv
cc: Planning Commission
Department of Land & Natural Resources