

CERTIFIED MAIL

September 20, 1983

Mrs. Pearl Kataoka
151 Manulele Street
Hilo, HI 96720

Dear Mrs. Kataoka:

Variance Application (V83-24)
Pearl Kataoka
Tax Map Key 2-5-18:13

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 creation of a lot line resulting in a 10+-foot rear yard setback in lieu of the minimum requirement of 20 feet within the Single Family Residential-10,000 square foot (RS-10) zoned district.

The approval is based on the following:

The subject property and the proposed action is unusual in the sense that the property has been developed with the allowable number of structures prior to the initiation of the subdivision action. These circumstances differ from the more usual pattern where lot lines are created first through the subdivision of the land then the dwellings are created. These circumstances where the property has been fully developed prior to subdivision create unusual circumstances which, should the Zoning Code provisions be strictly applied, would interfere with the best manner of development of the subject property.

The proposed two-lot subdivision creating lots of 11,821 and 8,916 square feet, respectively, would be consistent with the general density implied by the Single Family Residential-10,000 square foot zoned district. As the overall

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density of the development on the property would remain within the density parameters of the zoned district, it is determined that the purpose and intent of the Zoning Code provisions relating to lot size would not be violated by the approval of the subject request.

The proposed rear yard setback of 10 feet in lieu of the minimum required 20 feet would likewise not violate the purpose and intent of the setback provisions of the Zoning Code. The purpose of these provisions are to provide for light, air, and circulation in the development of structures. Under the existing circumstances there is a distance of 40+ feet between the two dwellings on the property. This is an adequate distance for the provision of light, air, and circulation for the existing structures although not being the standards that would otherwise apply to new construction.

The proposed property line would generally follow the alignment of the pavement existing on the subject property. By doing so, the creation of the lot line between the existing dwellings would be placing a legal boundary along the same lines as the existing pattern of uses. Thus, no additional physical limitations would be created by the approval of the subject variance and thus, not creating further limitations on the light, air, or circulation than is presently existing.

The impacts arising from the location of the intermediate property line will affect only the dwellings on the subject property and thus no adverse impacts to the surrounding properties is expected from the approval of the subject request.

Given the existing location of the dwellings on the subject property, there are no reasonable alternatives available to the petitioner. The only alternatives available would be the relocation or alternation of the dwellings situated on the front portion of the property. However, since the proposed subdivision would not be violative of the intent of the Zoning Code and the proposed property lines would follow the existing paving and activity patterns, it is determined that the requirement to alter the existing dwelling is not reasonable.

There is, however, one problem that should be rectified during the subdivision process, i.e., the location of a shed on the rear portion of the subject property straddling the side property line. As the location of the structure is not entirely within the confines of the subject property, it is a condition of approval of this variance that the structure either be removed or relocated in conformance with the setback requirements of the RS-10 zoned district.

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The variance request is approved, subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all conditions of approval;
2. Final subdivision approval shall be secured within one year from the effective date of the variance permit; and
3. The shed straddling the southern side property line shall be removed prior to the issuance of final subdivision approval.
4. All other applicable rules, regulations and requirements be complied with.

Should any of the foregoing conditions not be met, the variance permit shall be automatically void.

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

Sincerely,



SIDNEY M. FUKU
Planning Director

KK:ds
Enc: Background Report
cc: Planning Commission