

CERTIFIED MAIL

January 17, 1984

Mr. Peter P. Muller, Commodore
Hilo Yacht Club
P. O. Box 924
Hilo, Hawaii 96720

Dear Mr. Muller:

Variance Application (V83-42)
Variance From Minimum Setback Requirements
Tax Map Key 2-1-15:31

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 new entry, meeting room and kitchen addition to the existing Yacht Club facility with a 44 foot setback from the makai property line in lieu of the minimum 200 feet required for private club facilities in the Single Family Residential zoned district. The subject property which consists of 2.84 acres is identified by Tax Map Key 2-1-15: 31 and is situated on the makai side of Laehala Street approximately 370 feet east of the Laehala Street-Kamakuna Street intersection in Keaukaha, South Hilo, Hawaii.

The approval is based on the following:

Special and Unusual Circumstances

The subject property was created from a partitioning action which took place prior to 1944 according to the County Tax office records. The County Tax Office nor the County Planning Department files indicate the exact date of the subdivision action. The existing Yacht Club was built in 1949, according to the County Tax Office records. Thus, the Yacht Club use on the

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property has existed for a period of at least 35 years. The subject property was previously situated within the County's Resort (V-S-.75) zoned district, in which the existing use was permitted without the minimum 200 foot structural setback. In 1979, the County General Plan was amended to change the Resort designation to a Low Density Urban Development designation. Subsequently, in 1982, the County Council downzoned the subject property to the present Single Family Residential zone.

The only factor which has changed since these two actions is the structural setback requirement for the subject use.

These factors constitute special and unusual circumstances which necessitated the application for a variance and if denied would create unreasonable hardship on the petitioner that would deprive them of substantial property rights and interfere with the best manner of development of the subject property.

ALTERNATIVES

The petitioner has other alternatives. They could relocate the proposed improvements away from the existing facility and meet the minimum structural setback requirement. However, in reviewing his request, the reasonableness of the alternatives must be evaluated. In this instance, the variance request is asking the 200 feet relief from the makai property line. The proposed improvements will meet the other 200 feet setback from all other property lines. Since there cannot be any residential development on the makai side of the property, nor is there intended to be any development which may be impacted from physical or social standpoint, the proposed alternative is determined to be reasonable. Thus, although other alternatives may be available, they have been exhausted to the point that the only reasonable alternative is for the approval of the variance request.

We have also determined that the denial of the variance would subject unnecessary and excessive hardships on the petitioner, when a more reasonable solution is available.

INTENT AND PURPOSES

The intent and purpose of the minimum structural setback requirement was to minimize the physical, social, and visual impacts on any surrounding residential development as well as to

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preserve and ensure air, light, physical and visual circulatory functions are available to minimize any adverse impacts this conditionally permitted use may have within the Residentially zone districts. The 200 feet setback is a regulatory tool which is used to require that adequate area is allowed for setbacks, parking, landscaping, pedestrian access, etc. The proposed improvements will still provide a reasonable area for these functions, although it would not meet 200 structural setback requirement on the makai side of the property, which is negligible in terms of any impacts. The 732 square foot addition is considered to be minor under the circumstances and the attendant impact of allowing the addition of the proposed uses on the property should not have any major or significant adverse physical, visual or social impact to the surrounding properties.

The subject property's historical use as a private club complex is also recognized as an important feature in the Hilo Community Development Plan. Although the requested property would not be meeting the minimum structural setback requirement, in this particular situation, the nature and historical use of the site and the character of the area would provide for the setbacks, parking, landscaping and other circulatory functions that is the basis of requiring the 200 feet minimum structural setback.

Additionally, since the private club use is a conditionally permitted use in the Residential district, it is also consistent with the district's intent and purpose. The granting of this variance along with the "Plan Approval" requirement will ensure that the visual, physical and social impacts to the surrounding properties are minimized to the point where it should have a minor rather than a major impact on the area.

Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purposes of the Zoning Code, and the General Plan. The analysis of the above issues also has concurred that granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.

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

1. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
2. The plans for the proposed entry, meeting room and kitchen addition along with a detailed landscaping plan be submitted for "Plan Approval" within one year from the effective date of approval of the variance permit.
3. The construction of the proposed improvements shall commence within one year from the effective date of final "Plan Approval" and be completed within two years thereafter.
4. The requirements of the Department of Public Works relative to grading, drainage, driveway approval, etc., shall also be complied with.
5. The requirements of the Department of Health shall be complied with.
6. All other applicable State and County rules and regulations be complied with.

Should any of the above conditions not be complied with, the variance shall automatically be deemed void.

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

Sincerely,



for SIDNEY M. FUKÉ
Planning Director

RHY:emf
Enc: Background Report
cc: Planning Commission

7/84
SUBMITTED

FINAL PA
7/20/84

7/27/84
COMM. ACQ.
CONST.