

July 30, 1984

Mr. Sherwood Tanigawa  
475 Awa Street  
Hilo, Hawaii 96720

Dear Mr. Tanigawa:

Variance Application (V84-22)  
Sherwood & Margaret Tanigawa  
Tax Map Key 2-2-51.52

TMK: 2-2-051:035

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 an addition to an existing single family dwelling unit with a front yard setback of 11 feet in lieu of the minimum 25 foot front yard requirement from a proposed street as provided for the agricultural district.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property was created through Variance No. 252 and subsequent subdivision approval (No. 3046). Variance No. 252 was approved (August 12, 1971) by the Planning Commission to allow the creation of two lots with land areas of 2.117 acres and 26,327 square feet. The subdivision (No. 3046) was approved by the Planning Director on October 20, 1971.

The existing dwelling was constructed in 1960 prior to the adoption of the Zoning Map for the City of Hilo. A portion of the dwelling (approximately 11'-0") is located within the proposed 80'-0" future road and is considered as a non-conforming building. The proposed addition is setback 11'-0" from the edge of the proposed 80'-0" future road right of way.

The County presently and in the immediate future has no monies allocated for the planning and construction of the proposed roadway.

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An existing driveway is located on the north side of the existing dwelling. This driveway serves as access to the property and the rear portion of the property which is in agricultural use. Should the addition be made to the north side of the dwelling, it would require the relocation of the driveway and would require extensive grading for a driveway that would serve as access to the rear portion of the property.

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 limited design alternatives for the development of this property. The plans as submitted will utilize an area that is presently used as a yard. This results in the relocation of the front door onto a deck that is located off of the present driveway. As such, the proposed design scheme would be a reasonable alternative in light of the constraints of the property. Although it could be argued that other alternatives are available to the petitioner, the reasonableness and practical application of those alternatives have to be evaluated with respect to the land characteristic and its present usage. In this particular case, the imposition of the other alternatives is considered to be excessive, when a more reasonable solution is available.

#### INTENT AND PURPOSE

The intent and purpose of the setback requirement is to ensure that light, air, physical and visual circulatory functions are available between structural developments and property lines. It is a regulatory tool which is also used in determining design compatibility and functional solutions. In this particular application, the proposed design solution will still provide a reasonable area for these functions, although it would not meet the minimum requirements imposed by the Zoning Code.

If the request is denied, the petitioner will be required to construct new driveway access and remove existing agricultural uses on the property which would interfere with the present use of the property. Further, the present dwelling is non-conforming since it is located within the proposed 80 foot road right-of-way.

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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 the 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.

The variance request is approved subject to the following conditions:

- A. The petitioner, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
- B. A building permit for the addition must be secured within one year from the effective date of approval of this variance and shall be completed within two years thereafter.
- C. All other applicable State and County rules and regulations shall be complied with.

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

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

Sincerely,



SIDNEY M. FORE  
Planning Director

MO:wkm

cc: Chief Engineer