

CERTIFIED MAIL

August 22, 1984

Mr. Norman L. Kramer
1178 Kinooie Street
Hilo, Hawaii 96720

Dear Mr. Kramer:

Variance Application (V84-29)
Norman L. Kramer
Tax Map Key: 2-2-22:23

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 carport addition to an existing single family dwelling with a front yard setback of 10'-0" in lieu of the minimum 20'-0" front yard requirement as provided for the Single Family Residential (RS-10) zoned district.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject real property which exists to a degree which deprives the owner of substantial property rights that would otherwise be available or interfere with the best use or manner of development of the property.

Based on the topography of the property and the location of the existing dwelling which has a front yard setback of 10'-0", the proposed carport location is the most feasible location. The proposed garage will replace and enlarge an existing one which was permitted to be constructed via a variance. The addition will not change the non-conforming building status of the existing dwelling.

These factors constitute special and unusual circumstances which necessitated the application for a variance and if denied would

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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 plan as submitted will utilize an area adjoining the present carport which is at the same ground level. It will replace and add an area to accommodate a second car maintaining the present non-conforming front yard setback of 10'-0". As such, the proposed design scheme would be a reasonable alternative in light of the existing conditions and 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 characteristics 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 retain the present non-conforming carport for which a previous variance application was granted. In addition, the proposed carport addition would have to be setback an additional 10'-0" thereby creating an unusual roof design.

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.

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

- A. The petitioner, its assigns or successors 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 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,



SIDNEY FUKÉ
Planning Director

MO:emf