

CERTIFIED MAIL

August 20, 1984

Mr. Wayne Vereze
413 Wainaku Avenue
Hilo, Hawaii 96720

Dear Mr. Vereze:

Current TMK (July, 2010) is
2-6-030:004 per SUB 4870

Variance Application (V84-30)
Wayne and Nancy Vereze
Tax Map Key 2-6-17:52

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 with a sideyard setback of 7'-0" in lieu of the minimum 10'-0" sideyard setback 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.

Subdivision No. 4870, which created the subject property, resulted in a configuration which limited the area on which a garage could be located. The area which is available is 36.79 feet in width by 38 feet in length. In applying the required sideyard setbacks of 10 feet, the resultant net buildable width is 16.79 feet.

The other lots within the subdivision have garages located on them. Prior to the approval of the subdivision, the occupants of the subject dwelling utilized a garage located on the adjoining property that is located on the Hilo (south) side.

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Although there is adequate area in front of house along Mamalahoa Highway, access to a garage must be from the rear of the property where the road easement is located. There is a no access requirement from Mamalahoa Highway for this parcel.

ALTERNATIVES

There are no reasonable alternatives that would resolve the difficulty that the petitioner is claiming. The petitioner could construct a carport along the side of the dwelling and the north (Hamakua) side property line. However, due to its present setback of 20'-0", a garage of only 10'-0" in width would be permitted. 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 these 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 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 a garage with a width of 16 feet which could be large enough for one car.

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 property.

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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 proposed garage must be secured 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 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 M. FUKÉ
Planning Director

MO:wkm