

CERTIFIED MAIL

January 29, 1986

Mrs. Susan Kaye Lundburg
P. O. Box 904
Honokaa, HI 96727

Dear Mrs. Lundburg:

Variance Application (V85-30)
Susan Kaye Lundburg
Tax Map Key 4-3-14:19

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 between the existing single family dwelling and garage with no front yard setback in lieu of the minimum 30'-0" front yard requirement within the Agricultural zoned district.

The approval is based on the following:

That there are special or unusual circumstances which apply to the subject property which exist to a degree that would otherwise be available and to a degree which obviously interferes with the best use or manner of development of the property. The existing buildings between which the proposed addition is to be constructed has been in existence prior to 1939. These buildings are non-conforming since they do not meet with the 30-foot front yard setback requirement. The petitioner proposes an addition to connect both buildings maintaining the present building line along the front of the buildings.

Although there is adequate land to construct the proposed addition meet with the setback requirement, the topography (slope) of the property is such that in order to construct a bathroom/workroom, extensive filling or a two story type of construction will be required.

JAN 31 1986

Mrs. Susan Kaye Lundburg
January 29, 1986
Page 2

Based on the foregoing, it has been determined that there are special and unusual circumstances applying to the subject property which exists to a degree which deprives the owner of substantial property rights that would otherwise be available or which unreasonably interferes with the best use or manner of development of the property.

ALTERNATIVES

There are no reasonable design alternatives. As noted previously, the proposed addition could be designed to meet with the 30-foot front yard setback requirement. However, in doing so, due to the drop in the property, extensive filling or a two story like structure must be constructed. However, this alternative would not fit into the existing design since the bathroom/workroom would be located at the rear of the dwelling away from what it is intended to serve. Further, the majority of the dwelling is located within the front yard setback. As such, the proposed design scheme would be a reasonable alternative in light of topographic constraint and the non-conforming building situation. 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 characteristics and its present non-conforming status. In this particular case, the imposition of 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 the proposed addition and the area around it. 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.

Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purpose 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.

Mrs. Susan Kaye Lundburg
January 29, 1986
Page 3

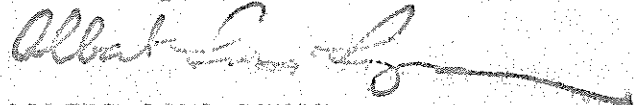
The variance request is approved, subject to the following conditions:

- 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 addition 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 rules, regulations and requirements, including those of the Department of Public Works, shall be complied with.
- D. The applicant, its successors or assigns, shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officer, employees, contractors, and agent under this variance permit or relating to or connected with the granting of this variance permit.

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,



ALBERT LONO LYMAN
Planning Director

NO:lkt

cc: Chief Engineer