

CERTIFIED MAIL

February 7, 1986

-Ms. Lillian Bautista
P. O. Box 896
Keeau, HI 96749

Dear Ms. Bautista:

Variance Application (V85-31)
Raymond & Lillian Bautista
Tax Map Key 1-5-36:111

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 parking and storage area for flowers with setbacks of 24'-0" and 60'-0" in lieu of the minimum 100'-0" setback requirements for an agricultural building in the Agricultural zoned district.

The approval is based on the following. Please note however, that since Mr. William Harvey filed an objection to your request, he has ten (10) working days in which to file a request to have the Planning Commission review this application.

SPECIAL AND UNUSUAL CIRCUMSTANCES

The property containing a land area of one acre was created in February 24, 1959, with dimensions of 135.00' x 322.67'. The special circumstances related to the land in this particular application is with respect to dimensions and size of the property. Due to the narrowness of the property (135' depth) the minimum 100 foot setback for the agricultural building (packing and storage area) cannot be met under any circumstances. However, the proposed building does meet with the minimum building setback requirement of 30'-0" front yard and 20'-0" side yard.

Based on the foregoing, we have concluded that these are special and unusual circumstances which unreasonably interfere with the best use or manner of development of the property.

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ALTERNATIVES

The petitioner does not have any other reasonable design alternatives. Due to the narrowness of the property (135') under no circumstances can an agricultural building that is used for packing and storage be constructed to meet with the minimum setback of 100 feet from all property lines.

Therefore, since there are no alternatives available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

INTENT AND PURPOSES

The intent and purpose of the setback requirements is to ensure that air, light, and 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 use will be contained in an area that is part of an existing single family dwelling. Although it does not meet with the 100 foot setback requirements for an agricultural building, it would still meet with the minimum setback requirements of the Agricultural zoned district and would still employ and afford the air, light, and circulatory functions that is the basis for requiring setbacks.

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 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 areas 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 conditions of approval, including those imposed under the Special Permit (LUC 610).
- B. Plans for the proposed packing and storage area be submitted to the Planning Department for Plan Approval by December 2, 1986.

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- C. Construction of the proposed facility shall commence within one year of the receipt of Final Plan Approval and be completed within two years.
- D. All other applicable rules, regulations, and requirements 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,



ALBERT LONO LYMAN
Planning Director

MC:ds