

CERTIFIED MAIL

February 7, 1986

Mr. Robert S. Lee
236 Kanoelani Street
Hilo, HI 96720

Dear Mr. Lee:

Variance Application (V85-32)
Robert S. Lee
Tax Map Key 2-4-15:20

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 creation of a two lot subdivision with one lot having an average width of approximately 73'-0" in lieu of the minimum 90'-0" requirement in the Single Family Residential (RS-15) zoned district.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property which consists of 39,960 square feet which is situated within the County's Single Family Residential (RS-15) has two dwellings located on it. They were constructed prior to the adoption of the County's Zoning Ordinance which became effective on December 26, 1968 for the City of Hilo. The special circumstances is that two dwellings are located such that any new property line that is established by a subdivision action will require that line to be between the existing dwellings. In order to do this and meet with the present sideyard setback requirement, proposed lot 16-B will result with an average width of 73 feet which is below the minimum 90-foot requirement of the RS-15 zone district. Although the proposed lot does not meet with the present building site average width, the existing single family dwellings will meet with the setback requirements.

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As such, these factors are considered to be special or unusual circumstances applying to the subject real property which exist either to a degree which interferes with the best use or manner of development of the property. Moreover, we have determined that there is conclusive evidence to show a deprivation of property rights which curtail or reduces existing property development rights.

ALTERNATIVES

There are no other reasonable alternatives which the petitioner could use to resolve the difficulty that they are claiming for the proposed subdivision. In order to meet with the necessary 90-foot building site average width, the existing garage (16' X 35') which is part of one of the dwellings would have to be removed. In light of the constraints and circumstances (location of the existing dwellings) any other design solution alternatives would only be putting excessive demands upon the petitioner when a more reasonable alternative is available.

INTENT AND PURPOSE

The intent and purpose for the minimum building site average width requirement is to assure that there is adequate building area available to construct any buildings in addition providing adequate area for light, air and circulation. The proposed lot 16-B with a building site average width of 73 feet will result in the existing dwelling on it meeting with the minimum setback requirements of the RS-15 zone district. Because of the location of the existing dwellings on the property and the minor deviation being requested in resolving the subdivision design solution for proposed lot 16-B, we have also determined that there will be no major visual or physical impact to the surrounding properties.

In view of these considerations, we have further determined that the approval of the variance will not be materially detrimental to the public welfare or cause substantial adverse impact to the area's character or adjoining properties.

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

1. The petitioner or its authorized representative shall be responsible for complying with all stated conditions of approval.

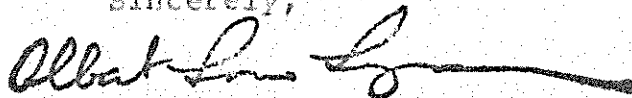
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2. The plans for final "Subdivision Approval" be submitted within one year from the effective date of approval of the variance request.
3. All future improvements on proposed lot 16-B shall meet with the minimum setback requirements.
4. All other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be complied with, the variance permit shall automatically be voided.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



ALBERT LONG LYMAN
Planning Director

NO:ds

cc: Inata & Associates
Subdivision Section