

CERTIFIED MAIL

June 13, 1986

Mr. Edward Harada
M & E Pacific, Inc.
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Harada:

Variance Application (V86-18)
Edward & Patricia Silva
Tax Map Key 2-2-37:53

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 reconstruction of an existing wood-frame roof structure with an existing front yard setback of 6-1/2 feet in lieu of the required 20 feet front yard setback requirement in the General Industrial zoned district. The subject property which consists of 13,250 square feet and identified by TMK: 2-2-37:53, is located on the east side of Kanoelehua Avenue, approximately 200 feet south (Puna side) of the Kanoelehua Avenue/Leilani Street intersection, Waiakea House Lots, Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances which apply to the subject property. The existing property with a land area of 13,250 square feet was created prior to the adoption of the present zoning and is considered as a non-conforming lot since it does not meet with the minimum 1 acre requirement. In addition, the existing building, which was constructed in 1964, is considered as a non-conforming building since it does not meet with the minimum front yard setback of 20'-0". Due to the age of the structure and leakage problem, the existing wood-framed roof has been severely

JUN 16 1986

Mr. Edward Harada
Page 2
June 13, 1986

deteriorated to a point where it would be more economical to replace the entire roof structure than repairing it. No expansion of the present roof structure is proposed.

As such, these foregoing 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 curtails or reduces existing property development rights.

ALTERNATIVES

The petitioner does not have other reasonable design alternatives. As stated previously, the petitioner could repair the existing wooden roof structure. However, due to its deteriorated condition, the most feasible alternative would be to demolish and reconstruct the existing roof structure. Functionally, the resultant reconstruction would not change or add to the existing building.

Therefore, we have determined that the visual and physical impact of the reconstruction will not change. As such, although other alternatives may be available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

INTENT AND PURPOSE

The intent and purpose of the setback requirements is to ensure that air, light 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 petitioner is proposing to demolish and reconstruct an existing roof structure with the resultant action being no change or expansion of the existing structure. As such, there would be no change to the present air, physical and visual circulatory that presently exists.

Consequently, it has been determined that the granting of the variance will be consistent with the general purpose of the zoning district and the intent and purpose of the Zoning Code and the General Plan. The granting of the variance will also not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the areas character or to adjoining properties.

Mr. Edward Harada
Page 3
June 13, 1986

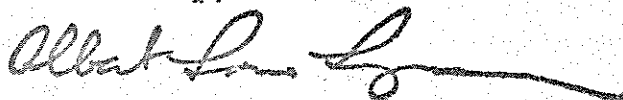
This variance request is approved, subject to the following conditions:

- A. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
- B. Plans for the reconstruction shall be submitted for Plan Approval within one (1) year of the date of this Variance Permit.
- C. Construction of the improvements shall commence within one (1) year of the date of Final Plan Approval and be completed within two (2) years thereafter.
- D. 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,



ALBERT LONO LYMAN
Planning Director

MO:lv