

CERTIFIED MAIL

September 25, 1986

- Mr. Dennis Hoota
587 Kalanikoa Street
Hilo, HI 96720

Dear Mr. Hoota:

Variance Application (V86-31)
Dennis Hoota
Tax Map Key 2-2-35:51

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 living room addition to an existing single family dwelling with a front yard setback of 16'-0" in lieu of the minimum 20'-0" requirement within the Single Family Residential zoned district, Waiakea Houselots, South 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 one bedroom dwelling was constructed in 1954 prior to the adoption of the Zoning Ordinance which began regulating setback requirements. As such, the existing dwelling is considered as a non-conforming building since it does not meet with the 20 foot front yard setback requirement. The design of the present dwelling is such that the logical location to construct the addition is as proposed by the applicant. This addition although it does not meet with the present front yard setback requirements will maintain the same 16 foot front yard setback as the present dwelling and not create a further non-conforming situation.

Therefore, based on the above considerations, we have determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

The petitioner has limited design alternatives for the development of this property. The petitioner could move the proposed addition to conform to the 20 foot front yard setback. However, in doing so, the petitioner would not be able to continue the existing roof shape onto the new addition due to a 4 foot offset in the addition. As such the proposed design scheme would be a reasonable alternative in light that the existing dwelling is a non-conforming building since it does not meet with the 20 foot front yard setback requirement. Although it could be argued that other alternatives are available to the petitioner, the reasonableness and practical application of those alternatives have to be evaluated with respect to the land characteristics 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 design 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 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 properties.

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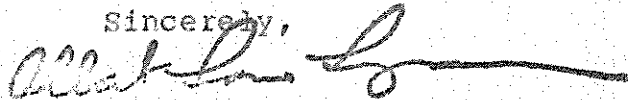
The variance request is approved, subject to the following conditions:

1. The petitioner, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. A building permit for the addition must be secured within one year of the effective date of their variance and shall be completed within two years thereafter.
3. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the variance shall be deemed null and void.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

MO:ds

cc: Building Division