

REGISTERED MAIL

October 27, 1986

Mr. Tom Heyerdahl
1249 W. 7th Avenue
Vancouver, B.C. V6H1B7 Canada

Dear Mr. Heyerdahl:

Variance Application (V86-34)
Tom Heyerdahl
Tax Map Key 8-2-08:34

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 2-lot subdivision with one lot having a building site average width of approximately 62 feet in lieu of the minimum 120-foot requirement within the Agricultural (A-1a) zoned district, Kahauloai, South Kona, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property which consists of 2.18 acres is situated within the County's Agricultural (A-1a) zoned district. The special circumstances is that the property is triangular in shape with the widest portion (base of the triangle) of the property being only 163.21 feet. In subdividing the property, the proposed Lot 2 will result in having a building site average width of approximately 62 feet with the widest portion of the property being approximately 100 feet which is less than the 120 feet building site average width requirement. Although proposed Lot 2 does not meet with the minimum building average width requirement, there is adequate area on the property on which a dwelling can be constructed meeting with the minimum setback requirements.

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

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there is conclusive evidence to show a deprivation of property rights which curtail or reduces existing property development rights.

ALTERNATIVES

There are no reasonable alternatives which the petitioner could use to resolve the difficulty that they are claiming for the proposed subdivision. Due to the triangular shape of the property with the widest (base) portion being only 163.21 feet, there is no possible way the property could be subdivided and still meet with the minimum 120 foot building site average width requirement. In light of the constraints and circumstances (narrowness of the lot) of the property, there are no other solution or alternatives 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 to providing adequate area for light, air and circulation. Although proposed Lot 2 will result in a building site average width of 62 feet, there is adequate area left on the property to construct a single family dwelling meeting with the setback requirements.

In view of these considerations, we have further determined that the approval of the variance will not be materially detrimental to the public welfare nor 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.
2. Tentative approval of the proposed subdivision shall be secured within one year of the effective date of approval of the variance.
3. All future improvements on the proposed Lot 2 shall meet with the minimum setback requirements and shall be included in the restrictive covenants of the deed.
4. All other applicable rules and regulation shall be complied with.

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Should any of the foregoing conditions not be complied with, the Planning Director may null and void the variance permit.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

MO:lkt

bcc: Kaoru (Subd. file)