

CERTIFIED MAIL

May 15, 1986

Mr. Robert Carlsmith
P. O. Box 1720
Kailua-Kona, HI 96745

Mr. Carlsmith:

Variance Application (V86-7)
Robert W. & Elizabeth A. Carlsmith
Tax Map Key 6-5-07:74

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 bedroom addition to an existing single family dwelling with a rear yard of 10'-0" in lieu of the minimum 20'-0" rear yard setback requirement within the Single Family Residential (RS-15) zoned district. The subject property which consists of 15,000 square feet, is identified by Tax Map Key 6-5-07:74, and is located on the north side of Hokuula Road approximately 500 feet west of Hokuula/Lindsey Road intersection, Waimea Homesteads, South Kohala, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

That there are special and unusual circumstances which apply to the subject property which exists to a degree that would otherwise be available and to a degree which obviously interferes with the best use or manner of development of the property. Although there is adequate land to construct the proposed bedroom addition to meet with the setback requirements, the topography (slope of approx. 23%) of the property is such that should the addition be built in front of the existing dwelling, extensive fill would be required or a two story type of construction would be required.

Further, when the house was designed, it was planned and built to accommodate the Carlsmiths and two children. After the residence

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was built, the family was increased by one. The present dwelling as designed cannot be renovated to accommodate an additional bedroom without constructing an addition.

Based on the foregoing, it has been determined that there are special and unusual circumstances applying to the subject property which exists to a degree which deprives the owner of substantial property rights that would otherwise be available or which unreasonably interferes with the best use or manner of development of the property.

ALTERNATIVES

There are no reasonable design alternatives. As noted previously, the proposed addition could be designed to meet with the setback requirements. This would require the construction of the addition to the front of the existing dwelling since the dwelling is constructed at the 20 foot rear yard setback line. However, in doing so, the proposed addition will have to be constructed in front of the master bedroom or living room. Both of these rooms have existing windows along this wall which provides for light and ventilation for these rooms as required by the Housing and Building Codes. Further, this alternative would require extensive filling or a two story like structure must be constructed. As such, the proposed design scheme would be a reasonable alternative in light of the topographic constraints and the present design of the existing dwelling. Although it could be argued that other alternatives are available to the petitioner, the reasonableness and practical application of these alternatives have to be evaluated with respect to the land characteristics and its present design. 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 requirements is to ensure that light, air, physical and visual circulatory functions are available between the proposed addition and the area around it. It is a regulatory tool which is also used in determining design compatibility and functional solutions. In this particular application, the proposed solution will still provide for a reasonable area for these functions, although it would not meet with the minimum requirements imposed by the Zoning Code. The proposed 10'-0" rear yard setback is equal to the minimum 10'-0" side yard setback requirement.

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Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purpose 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 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 stated conditions of approval.
- B. A building permit for the proposed addition must be secured ~~one~~ one year from the effective date of approval of this variance and shall be completed within two years thereafter.
- C. All other applicable rules, regulations and requirements, including those of the Department of Public Works, 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:lkt