

CERTIFIED MAIL

April 5, 1988

Mr. Jeffrey T. Long, A.I.A.
Long & Associates AIA, Inc.
841 Bishop Street, Suite 1905
Honolulu, Hawaii 96813

Dear Mr. Long:

Variance Application (V88-1)
Applicant: Raymond L. Lager, M.D.
Variance from Side Yard Setback Requirement
Tax Map Key 6-2-08:01, Lot 1

After reviewing the above application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of the above variance request to allow the construction of a single family dwelling with a side yard setback of 10 feet in lieu of the minimum 15 foot side yard setback requirement within the Single Family Residential (RS-20) zoned district. The subject property is 37,529 square feet in area, identified by tax map key 6-2-08:01, Lot 1, and is located on the north side of the 5th fairway of the Mauna Kea Beach Golf Course within the "Fairways at Mauna Kea North" Subdivision, Ouli, Waimea, South Kohala, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the petitioner of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

The lot's size is one-third or more unusable due to the steep 44% slopes on its south and southwest sides. With the "flag" portion of the lot being pentagonal in shape instead of rectangular, more building siting restrictions are inherent.

April 5, 1988

The owner is also encumbered with a private deed restrictive covenant requiring a 50-foot south setback where the County's is 25 feet. It is relatively unbuildable, virtually a cliff. The "pole" portion of the lot, about 190+-foot long, further limits the amount of level building space since a full size vehicle turn-around or back-up area must be accommodated on the south or east sides only of the "flag" lot portion.

Furthermore, the direction in which requested building extensions protrude into the side setback area, are toward open space golf course reserve rather than directly toward any neighboring residence. The owners of the surrounding golf course lands, Mauna Kea Properties, have no objections to the variance request, as noted in their letter of September 3, 1987.

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

ALTERNATIVES

There are design alternatives which would basically involve decreasing the overall structure's size and spatial relationships, or shifting the dwelling, but the latter would require higher retaining walls creating a walled-in appearance which is incompatible with the open appearance which the subdivision encourages and which the existing dwellings in the neighborhood have incorporated. The former would sacrifice some of the most important aspects of this lot--its 180 degree view of the golf course and ocean--and the dwelling as proposed would only cover 16% of the lot.

INTENT AND PURPOSE

The intent and purpose of certain scale setbacks is to afford usable visual and spatial open area between a building and its property lines and between neighboring lots as well. In this case, the spaciousness is still preserved by the reverse ends of the protruding corners (they afford more setback space than the County requirement) and the protrusions are toward the golf course rough, rather than a neighboring structure, and the private 50-foot rear yard setback requirement. The golf fairways are 200 or more feet away (measured horizontally) and at least 50 feet below the heavily wooded rough in between, rendering the proposed 5-foot protrusions of the dwelling indiscernible to any viewer.

Mr. Jeffrey T. Long, A.I.A.

Page 3

April 5, 1988

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

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

1. The applicant, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The construction within the County standard side yards shall be limited to four (4) protrusions as shown on the site plan dated December 21, 1987, which was submitted to this office as part of the subject variance application: three (3) totalling 75 square feet and one (1) totalling 55 square feet.
3. A building permit for the dwelling must be secured within one year of the effective date of the variance and shall be completed within two years thereafter.
4. 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

DT:lv

cc: Charles Aina