

CERTIFIED MAIL

February 16, 1990

Mr. Shizuichi Sakanashi
P.O. Box 232
Honaunau, HI 96726

Dear Mr. Sakanashi:

Variance Application (V89-36)
Variance from Minimum Sideyard Setback Requirements
Tax Map Key 8-1-15:39

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 permit sideyard setbacks of 8 ft. on an irregularly shaped 10,029 sq. ft. lot zoned Residential 10,000 sq. ft. (RS-10). The subject property is 10,029 sq. ft. in area, identified by tax map key 8-1-15:39 and is located at the east end of Keopuka Place of Keopuka Road located 2,100 feet north of Kaawaloa Road-Mamalahoa Highway junction (Captain Cook Village) in Keopuka, South Kona, 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.

Only the two end lots in this 14-lot subdivision utilizing Keopuka Place, contain land area of 10,000 sq. ft. or more. The other twelve are between 8,366 and 8,500 sq. ft. in area. Besides being larger, the end lots also have odd shapes due to the hammer head design of the road end's turnaround. The turn protrudes into the front of these two otherwise rectangular lots (see attached map parcels 39 and 40). The resultant lot configuration reduces the buildable area of the subject parcel to a net area of 8,700 sq. ft., approximately. Zoning code setback requirements for lots of 7,500 sq. ft. through 9,999 sq. ft. are 15 ft. front and rear, and 8 ft. sides. Because of the

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unusual lot configuration rendering the subject lot small in buildable land area than its gross area of 10,029 sq. ft., this situation is special and unusual. Furthermore, the subdivision was created in 1964, prior to its RS-10 zoning designation.

There is also an approximately 30% down slope running north to south which adds to the special and unusual aspects of this property which are not characteristic of the other lots in this subdivision.

ALTERNATIVES

There are limited alternatives. The relatively small area of the lot and its steep slope do not allow for alternative siting except toward the front west end of the lot and that section is being used for an on site vehicular turnaround. The dwelling's size is not overly large, being approximately 1,800 sq. ft. plus 2-car carport. In this case, the surrounding properties in this subdivision need only 8 ft. sideyards and 15 ft. front and rear yards since their sizes are commensurate with RS 7.5 zoning requirements.

INTENT AND PURPOSE

The intent and purpose of the setback requirements are to ensure that adequate light, air, open space and related spatial amenities and consideration are available are ensured between the subject parcel and its adjacent properties and buildings, if any, in a scale appropriate to those of the surrounding area. In this case, the surrounding properties only require 8 ft. sideyards and 15 ft. front and rear yards. The applicant requests the same setback requirements as his neighbors because, although his gross land area is 10,029 sq. ft., his lot is unusual in shape such that its net buildable area is approximately 8,700 sq. ft.

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.

Therefore, the Planning Director has concluded that this variance request be approved subject to the following conditions:

1. The petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.

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2. The construction within the 8 ft. setbacks shall be limited to the portion of the dwelling as shown on the plans submitted with the application receipt dated November 6, 1989.
3. No ohana dwellings shall be permitted on this lot.
4. 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.
5. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Director may proceed to declare this variance null and void.

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

Sincerely,



DUANE KANUHA
Planning Director

DT:lm