

CERTIFIED MAIL

May 29, 1991

Mr. Hiroshi Usami
Pauahi Tower, Suite 2350
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Usami:

Variance Application (V91-10)
Applicant: Hiroshi Usami
Tax Map Key: 6-2-10:33

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 an existing one-story dwelling to remain 6.5 feet from the north side property line and 3.4 feet open clearspace yard in lieu of the minimum requirements of 10 feet and 5 feet, respectively, as required by the County Zoning Code in a Single-Family Residential-15,000 square feet (RS-15) zoned district. The subject property, consisting of 15,151 square feet, is located along Mahua Street approximately 100 feet north of the Mahua Street-Puahia Street intersection in the Kohala View Estates Subdivision, Ouli, South Kohala, Hawaii,
Tax Map Key: 6-2-10:33.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a variance from the minimum setback requirements for the existing single family dwelling. The existing setback problem did not surface until a recent staking of the boundary monuments were taken in conjunction with a pending consolidation/resubdivision action. A building permit for the dwelling was issued to the applicant by the Department

of Public Works and subsequently final inspection approval was granted in April 1990.

The 3.7-foot encroachment into the 10-foot side yard setback area is located adjacent to the 12-foot wide pole portion of the adjacent property to the north. This encroachment was in existence for over one year. It should be pointed out that the property owner of the adjacent parcel has no objections in granting the variance.

Considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or petitioner 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

There are no reasonable alternatives in resolving the difficulty of the petitioner. Removing or remodeling portion of the existing dwelling is not economically feasible and would disrupt the design and function of the building. To consolidate and resubdivide the subject property with the pole portion of the adjacent property would also be unfeasible. The alternatives would be putting an excessive demand on the petitioner when a more reasonable alternative is available. The action taken by the petitioner to legitimize the existing dwelling side yard setback is one which is being done on his own accord.

INTENT AND PURPOSE

The intent and purpose of the minimum building setback requirements on a property are to assure that adequate air, light, circulation and visual and spatial considerations are available between structures and property lines. In this particular request, the location of this existing dwelling will still provide for these functions, although it does not meet the minimum 10-foot side yard setback as required by the Zoning Code. The existing dwelling lies directly adjacent to a 12-foot wide pole portion of an adjacent property. Given a dwelling constructed on the parcel north of the pole and meeting the minimum 10 feet side yard setback requirement, there will be an approximate 28 feet separation between the structures.

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In view of the above issues, this variance request would be consistent with the general purpose of the Zoning and Subdivision Codes and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the areas character and to adjoining properties.

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

1. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. That all future structural additions to the dwelling shall be in compliance with all Zoning Code requirements and no other setback variances shall be considered for any development of this property.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

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

Sincerely,



NORMAN K. HAYASHI
Planning Director

AK:mra
1896D

cc: Chrystal Thomas Yamasaki, R.L.S.
Marc Duncan
West Hawaii Office
Building Division, DPW