

CERTIFIED MAIL

June 10, 1991

Mr. and Mrs. David W. Taylor
120 Kohola Street
Hilo, HI 96720

Dear Mr. and Mrs. Taylor:

Variance Application (V91-1)
Minimum Front and Rear Yards Setback Requirements
Tax Map Key: 1-7-09:11

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 a proposed dwelling to be situated at a minimum 8 feet front and rear yard setbacks in lieu of the required minimum 15 feet for the subject 9,669 square feet lot. The parcel has a depth of 41 feet and is trapezoidal in shape. The structure is proposed to be 24 feet wide. The subject property is identified by Tax Map Key: 1-7-09:11 and is located on the south side of the Volcano Highway, between Kurtistown and Mountain View, approximately 300 feet Hilo side of the 13 mile marker, Olaa Reservation Lots, Puna.

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.

According to Real Property Tax office records, this parcel has been a taxable and legal residential houselot since 1944. Its dimensions of 41' X 220' X 60' X 272' (front) give it an extremely wide frontage but very shallow depth. Even a modest 24' X 36' single story dwelling cannot be sited on the lot and still meet the

minimum 15 feet front and rear yard requirements. If the minimum setbacks are imposed, only an 11 feet wide structure could be built on the subject property. A dwelling with that proportion is not reasonable nor practical to be constructed nor used as a residence.

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 no other design alternatives to build a liveable dwelling on this lot while abiding by the Zoning Code minimum setback requirements. Seeking a variance from the 15 feet front and rear setbacks is the only reasonable alternative, given the lot's dimensions. Expanding the lot's depth might have been a possibility except that the most affected land owner is the sole objector to the variance request, and the front is the Volcano Highway.

INTENT AND PURPOSE

The intent and purpose of the setback requirements is to provide open space, air, light, visual and related spatial considerations between properties and buildings. In this case the shallow depth of the lot precludes a reasonably proportioned dwelling from meeting the minimum setback distances required of a 9,669 square feet lot. While the owner of the adjacent lot most affected by the applicant's request objects to the granting of a variance, her property has been vacant of any uses or structures and consists of 1.6 acres with approximately 400 feet of road frontage on the Hilo side of the subject property. However, considering the objection that "a house that close to the property line would not be aesthetically pleasing," certain conditions are imposed on the development to lessen the visual effects of the applicants' dwelling on the vacant lot owned by Ms. Swain and for other landscape purposes.

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.

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

1. The petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The rear property boundary shall be planted with trees to screen the dwelling from that portion of the adjacent vacant parcel 15.
3. No ohana or other dwelling unit shall be permitted on this parcel.
4. Provide a permanent "No Vehicle Access" planting screen or wall along the entire frontage of the lot exclusive of the driveway. The driveway connection to the Volcano Highway shall be in accordance with State Highways Division's standard requirements.
5. A building permit for the dwelling must be secured within one year of the effective date of the variance permit and the structure shall be completed within two years thereafter.
6. 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 the variance null and void.

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

Sincerely,



NORMAN K. HAYASHI
Planning Director

DT:mra
1882D

cc: Building Division, DPW
Susan M. Pesner