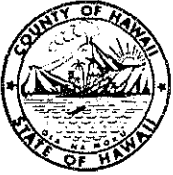


Lorraine R. Inouye
Mayor

Norman K. Hayashi
Director

Tad Nagasako
Deputy Director



Planning Department

County of Hawaii • 25 Aupuni Street, Room 109 • Hilo, Hawaii 96720 • (808) 961-8288

November 23, 1992

Mr. William Sewake, Manager
County of Hawaii Department of Water Supply
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Sewake:

Variance Application (V92-19)
Petitioner: Department of Water Supply
Variance from Minimum Front Yard Setback Requirements
Tax Map Key: 7-5-13: 27

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of your variance request to allow the construction of a motor control center replacement shed with a front yard setback of 1.5 feet in lieu of the minimum fifteen (15) feet as required in Chapter 25 (Zoning Code), Article 8 (Agricultural District), Section 25-157 (Minimum Yards).

The subject property is situated on the mauka (east) side of the Mamalahoa Highway approximately 1,900 feet south from the Hualalai Memorial Park driveway entrance in Hienaloli 1st, Puaa 1st, North Kona, Hawaii, TMK: 7-5-13: 27.

The Planning Director has concluded that the variance request from the minimum front yard setback requirements should be approved, based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver from the minimum setback requirements for the new Motor Control center building.

The subject property was created specifically for the establishment of a Water Supply pump station. The 2,686 s.f. lot was approved on October 16, 1972 by Subdivision No. 2824.

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The unusually small size lot is typical of all utility type subdivisions. Since these utility type lots are always created just for this particular purpose, the standard structural setbacks imposed by the Zoning Code, are usually restrictive for any improvements made on the lot. However, the types of structures placed on the lot are not for habitable purposes and as such, do not socially impact the surrounding properties. More important, the subject property is approximately 5 feet above the level of the existing Mamalahoa Highway. This topographical change between the highway reduces the impact of the closeness of the proposed building along the highway.

The triangular configuration of the subject property with the sloping topography, the small size, the specific purpose for which the lot was created and the location of the existing motor control shed are special and unusual circumstances applying to the subject property which exist either to a degree which deprives the applicant 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 applicant. Alternatives available to the petitioner include a possible consolidation/resubdivision action of the subject property and the adjacent lots, resiting the proposed improvements or remodeling the improvements. The consolidation/resubdivision alternative is not a viable alternative due to the existing placement of the facilities and the configuration of the property. The triangular configuration of the subject property and the location of the existing pump facilities inhibit the resiting of the control center building to any other portion of the small size lot. The remodeling of the improvements is economically unreasonable and would disrupt the function of the existing improvements.

Based on the above cited considerations, there is no reasonable available area for resiting and/or remodeling the improvements without excessive cost and undesirable design changes. The petitioner is also unable to consider a consolidation/resubdivision alternative. Therefore while these alternatives are available to the petitioner, they are deemed to be unreasonable and would place excessive demands on the petitioner when a more reasonable alternative is available by the granting of this variance application.

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INTENT AND PURPOSE

The intent and purpose of requiring building setbacks within a subdivision are to assure that adequate air and light circulation is available between structures. The subject motor control center building though not providing the necessary setbacks do provide for enough setback to allow for light and air circulation for this utility structure.

The proposed structure will be fronting onto the Mamalahoa Highway and because of the approximately 5 foot height above the highway, will reduce its impact with respect to the vehicular traffic along this portion of the highway. In addition, the location of the motor control center building adjacent to the front property line will not seriously affect any adjacent properties. The proposed setback although not meeting the minimum requirement will provide adequate light and air circulation between the front property line and the Mamalahoa Highway.

In addition, there were no objections raised to the variance request from any of the property owners within the 300 foot radius of the subject property who were notified of this variance request. The Department of Public Works also had no objections to the proposed variance request.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district, the intent and 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.

This variance request is 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 a building permit for the proposed structure be secured within one year from the effective date of approval of this variance.

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

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Should you have any questions on any of the above, please feel welcome to contact Royden Yamasato of our West Hawaii office at 329-4878.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman K. Hayashi". The signature is written in a cursive style with a large initial "N" and a long horizontal stroke.

NORMAN K. HAYASHI
Planning Director

RHY/rld/smo
7136D

cc: West Hawaii Office