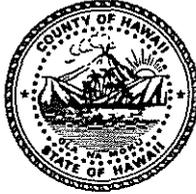


K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

VAR 615

CERTIFIED MAIL

October 17, 1994

Ms. Daffodil Mahealani Martin
P.O. Box 4068
Hilo, HI 96720

Dear Ms. Martin:

Variance Application (VAR 94-48)
Applicant: DAFFODIL MAHEALANI MARTIN
Variance from Minimum FRONT YARD SETBACK Requirements
Tax Map Key: 2-6-026:013

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 installation of a carport with a 10 foot front yard setback in lieu of the minimum 20 foot setback as required in Chapter 25 (Zoning Code), Article 4 (RS), Section 25-124 (Minimum Yards) (A) (2) (A) SECTION 25-124 (a) (1) (minimum yards).

The subject property is located in Alae, South Hilo at the end of the cul-de-sac of Makakai Place. TMK: 2-6-026:013

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

1. The Mauka/Hamakua corner of the existing residence is 20 feet from the front property line. This places the proposed structure a further 10 feet behind the existing residence, however the turnout at the end of the cul-de-sac, which is 20 feet, places this detached garage 10 feet from this point, requiring a variance.

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2. From the Plot Plan/Topographical/Soils reports, prepared by Colgan Associates (Design Consultants), the ground level drops away at the rear of the proposed structure which is the maximum rearward location possible for the garage footing. This data is confirmed by the soils report and requirements of the UBC (Uniform Building Code) with reference to required footing setbacks from descending slopes and the type of soil in this area.
3. This is the only area on the unused portion of the property for providing a disabled accessible garage with suitable access to the family area of the main residence.

Therefore, 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 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

1. One alternative would be to construct a post and pier garage structure however the soil conditions in this area are contra-indicative of such a building since point type load bearing is not high. This would also create a structure more sensitive to high winds and seismic activity.
2. Another possibility is moving the structure and attaching it to the main residence. As the structure is moved toward the main residence the existing embankment approaches the rear of the garage foundation unless a 10 foot setback is retained thus the garage may not be moved further from the property line without approaching the embankment. Light, ventilation, access and aesthetic considerations affecting the existing structure also work against this approach.

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3. The detached garage structure as outlined represents a safe, unobtrusive and cost-effective method of achieving the stated goal of providing additional, easily accessible covered parking and as such represents the best current use and manner of development of the subject tax map key parcel.
4. Any architectural alterations or design changes or relocation of the entire structure of the dwelling to conform with the minimum setbacks would create undue and excessive hardships of the applicant when other more reasonable options are available.

Based on the above cited considerations, there are no reasonable available solutions without excessive demands placed on the applicant when a more reasonable alternative is available by the granting of this variance application.

INTENT AND PURPOSE

1. The intent and purpose of requiring buildings setbacks within a subdivision is to assure that adequate air and light circulation is available between structures and property lines. The petitioners proposed garage meets this criteria since the actual front yard setback is actually 30 feet from the roadway and 10 feet to the rear of the residence. Except for the 20 foot cul-de-sac turnout this variance would not have been required.

Therefore, while the Zoning Code requires a minimum 20 foot front yard setback, in this particular case, the encroachment is such that it will not significantly visually or physically impact or be adverse to any adjacent properties or development with the granting of this variance. The rest of the existing dwelling complies with the minimum yard setbacks requirements of the Zoning Code.

There was no objection from any of the participating government agencies. There was one objection from a surrounding property owner to the proposed variance request. The objection sited visual impact of the garage structure. It is noted that the overgrown area proposed for this structure has been an area for dumping of refuse in the past.

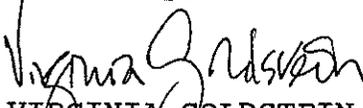
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This variance request is approved, subject to the following conditions:

1. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. All other applicable State and County rules and regulations shall be complied with.

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

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

NO:pak
WP60/martin

xc: Mr. Peter A. Mattes