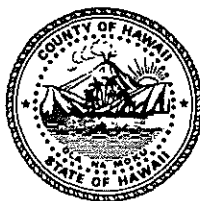


Stephen K. Yamashiro
Mayor



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

CERTIFIED MAIL

P 620 315 197

April 8, 1997

Mr. Gary W. Vancil
75-167 F. Hualalai Road, Suite B
P.O. Box 1837
Kailua-Kona, Hawaii 96740

Dear Mr. Vancil:

Variance Application WH(VAR 97-11)

Variance No. 815

Applicant: JOHN A. PEARNE and NANCY J. PEARNE

Variance from Minimum SIDE YARD Requirements

Tax Map Key: 7-8-014: 069

After reviewing your application and the information submitted, the Planning Director certifies the approval of your variance request to allow an EXISTING ONE STORY SINGLE FAMILY DWELLING with a 5.89 feet to 5.90 feet side yard in lieu of the minimum 8 feet side yard as required by Chapter 25, Article 5, Division 1, Section 25-5-7.

The subject property is located at Kahaluu Beach Lots, Lot 20, Kailua-Kona, North Kona, Hawaii, Tax Map Key: 7-8-014: 070.

The Planning Director has concluded that the variance request from the minimum side yard requirement should be approved based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property consists of 11,326 square feet of land area.
2. The subject single family dwelling was issued the following building permits:
 - a. Building Permit No. 1151 on January 15, 1975 for a carport.

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Mr. Gary W. Vancil

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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

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 existing dwelling on the subject property is presently into the side yard by 2 feet 1 and 1/4 inches to 2 feet and 1 and 3/8 inches into the required 8 feet side yard. These encroachments into the side yard are minor but are not visually perceptible that it will diminish the ability for adequate light, air and open space. Therefore, while the Zoning Code requires a minimum 8 feet side yard, in this particular case, the encroachments are minor that will not 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 requirements of the Zoning Code.

There were no objections from any of the participating government agencies. One letter of objection was received from Mr. Klaus D. Conventz relating to Variance No. 804, Terry Zerngast etal. appeal on Tax Map Key: 7-8-014: 078.

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 Code 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. The approval of this variance shall be included in the conveyance document for the subject property and a copy of the recorded conveyance document shall be submitted to the Planning Department within a year from the effective date of approval of this variance.
3. 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.