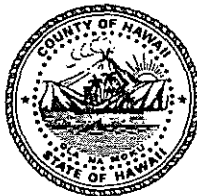


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

Z 179 517 485

February 17, 1998

Mr. Brian Y. Kajikawa, AIA
31 Aloalo Street
Hilo, Hawaii 96720

Dear Mr. Kajikawa:

Variance Permit No. 893 (VAR 97-89)
Applicant: BRIAN Y. KAJIKAWA
Owners: MR. & MRS. RUSSELL Y. HENNA
Request: Variance From the Minimum Yards and Permitted
Projections Into Yard and Open Spaces, Pursuant to Chapter 25,
Hawaii County Zoning Code
Tax Map Key: 2-4-068:041

After reviewing your application and the additional information submitted, the Planning Director certifies the approval of your variance request to allow an existing dwelling with a 19 feet front yard in lieu of the minimum 20 feet front yard and 17 feet rear yard in lieu of the minimum 20 rear yard as required by Article 5, Division 1, Section 25-5-7, Minimum yards, (a), (2), (A). Additionally, the approval allows clearspace of 13 feet in lieu of the minimum 14 feet open space requirement, pursuant to Section 25-4-44 (a), (1), Permitted Projections Into Yards and Open Spaces.

Please accept our sincere apologies for this tardy confirmation of the approval granted to allow the requested variance. We have been working within the department to improve the efficiency of this process which will hopefully result in more timely responses to future applications. Your patience is appreciated.

4503

FEB 18 1998
(plu by Helene Tajiri for
R. Kokubun - att'd by Russell)

Mr. Brian Y. Kajikawa, AIA

Page 2

February 17, 1998

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property's address is 1698 Lei Lehua Street containing 10,000 square feet; Lot 3, Alokele Subdivision, Waiakea, South Hilo, County of Hawaii; TMK: 2-4-68:41. The property is zoned Single-Family Residential (RS-10) by the County. The property is designated Urban "U" by the State Land Use Commission (LUC).
2. Building Permit No. 830980 was issued for the dwelling on June 22, 1983, and closed on September 22, 1983, by the Department of Public Works (DPW), Building Division in Hilo. Building Permit No. 930431 to enclose an existing patio and carport was issued on March 11, 1993, and closed on July 1, 1993, by the DPW.
3. The site plan, dated October 23, 1997 accurately denotes the location of the building setback line within the subject property and the distances between the building walls of the dwelling from the affected front, rear and side property lines.
4. The original dwelling and the carport was originally constructed and established on the property in 1983 and further building improvements occurred in 1993. It appears the original dwelling and related building improvements were approved and inspected by the County and other affected government agencies.
5. No objections to the variance application were received from the surrounding property owners.

Therefore, considering the foregoing facts, circumstances, and recent field inspection of the existing site and building improvements, it is felt there are special or unusual circumstances applying to the subject property which exist either to a degree which deprive the current owners 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. The applicants on their own volition are honestly trying to resolve this long standing problem which was not created by them. The investigation of this particular matter has not revealed any deliberate or intentional grounds in allowing the encroachments to occur.

Mr. Brian Y. Kajikawa, AIA
Page 3
February 17, 1998

2. Any architectural alterations or design changes to the dwelling to conform with the minimum setbacks would create undue and excessive hardships for the applicants when other more reasonable options are available.

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

INTENT AND PURPOSE

The intent and purpose of requiring building setbacks within a subdivision is to assure that adequate air and light circulation is available between permitted structures and property lines. The existing dwelling on the subject property is presently encroaching 1 foot into the required 20 feet front yard. In addition, the structure encroaches by 3 feet into the required 20 feet rear yard and by 1 foot into the minimum 14 feet open space requirement. These encroachments into the front yard, rear yard and open space will not diminish the ability of adequate light and air to circulate and will still provide adequate open space.

Pursuant to a field inspection of the affected property and immediate neighborhood, the existing dwelling's location has not altered or depreciated the character of the surrounding neighborhood.

There were no objections from any surrounding property owners to the proposed variance request.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the County General Plan. Furthermore, the variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

This variance request is approved subject to the following conditions:

1. The owner, 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.

Mr. Brian Y. Kajikawa, AIA
Page 4
February 17, 1998

3. If applicable, approval from the Board of Appeals for all Building Code Violations will be obtained.
4. The approval of this variance is only for the existing building improvements established within the minimum yards shown on the site plan dated October 23, 1997 submitted with the variance application. The existing "LEAN-TO" or portion of the existing "LEAN-TO" exceeding six (6) feet height near the south west corner of the subject property shall be removed on or before July 31, 1998. Any future building additions to the dwelling and attached garage within the minimum yards shall be subject to review under Plan Approval or comply with all requirements of the Zoning Code.
5. 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.

Should you have any questions, please feel free to contact William Yamanoha of the department at 961-8288.

Sincerely,



for VIRGINIA GOLDSTEIN
Planning Director

WRY\RK:jkg
f:\wpwin60\jan\var\lhenna2.wry

xc: Real Property Tax Office