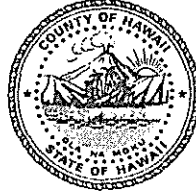


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL

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PLANNING DEPARTMENT

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

July 16, 1999

Mr. Klaus D. Conventz
P.O. Box 2308
Kailua-Kona, Hawaii 96745-2308

Dear Mr. Conventz:

Variance Application WH(VAR 99-039)
Variance No. 1033
Applicant: KLAUS D. CONVENTZ
Owners: ROBERT AND CAROL FELDMAN
Request: Variance From Minimum Rear Yard and Open Space Requirements
Tax Map Key: 7-5-033: 044

After reviewing your application and the additional information submitted, the Planning Director certifies the approval of your variance request are requesting to allow an addition to an existing two story single family dwelling with a 10.0 feet rear yard in lieu of the minimum 20 feet rear yard and a 7.0 feet rear yard open space in lieu of the minimum 14 feet open space as required by Ordinance 96-160, Chapter 25, Article 5, Division 1, Section 25-5-7(a)(2)(A) and Article 4, Division 4, Section 25-4-44(a), Ordinance 97-88.

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

The subject property is located at Kailua View Estates Subdivision, Lot 88, Unit II, at Auhaukeae 1st and 2nd, North Kona, Hawaii, Tax Map Key: 7-5-003: 044.

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property consists of 15,167 square feet of land area.
2. The subject single family dwelling was issued the following building permits:

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Mr. Klaus D. Conventz

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- a. Building Permit No. K08062 opened on March 9, 1987 and closed on October 20, 1987 for the construction of a single family dwelling.
 - b. Building Permit No. 965828 opened on October 2, 1996 and closed on October 25, 1996 for the installation of windows.
3. A site map drawn to scale and prepared by the applicant shows the proposed addition to an existing two story single family dwelling with a 10.0 feet rear yard in lieu of the minimum 20 feet rear yard. As such, the dwelling would encroach 10 feet into the required 15 feet rear yard.
 4. The site map shows the proposed addition to an existing two story single family dwelling with a 7.0 feet rear yard open space in lieu of the minimum 14 feet open space. The dwelling would encroach 7 feet into the required 14 feet rear yard open space.
 5. The variance application was filed with the Planning Department on May 10, 1999.

There were no objections from any adjacent or surrounding property owners.

Therefore, considering the foregoing facts, the Planning Director has 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. There are no reasonable alternatives in resolving the difficulty of the applicant. Alternatives available to the applicant include : A) Consider design alternatives to conform to the required setbacks or (B) construct the proposed addition in the front of the dwelling which is approximately 122 feet from the roadway.

The Zoning Code is applied and administered within the framework of the general plan which is a long range, comprehensive, general plan prepared to guide the overall future development of the County. Within this frame work, the Zoning Code purpose is to promoting health, safety, morals, or the general welfare of the County, and regulate and restrict the height, size of buildings, other structures, the percentage of a building site that may be occupied, off-street parking, setbacks, size of yards, courts, open spaces, density of population, location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

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The applicant has proposed to construct an addition to the existing dwelling with a 10 feet setback in lieu of the minimum 20 feet rear yard and a 7 feet rear yard open space in lieu of the minimum 14 feet open space setback. The proposed construction is suitable and will not create features or conditions likely to be harmful or dangerous to the health, safety and welfare of future residents of the subdivision or of the surrounding neighborhood.

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 structures and property lines. The Zoning Code requires a minimum 20 feet rear yard and 14 feet open space in this particular case, the proposed encroachments will not visually or physically impact or be adverse to any adjacent properties or development with the granting of this variance.

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.

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 recorded with the Bureau of Conveyances and a recorded copy 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.

Should you have any questions, please feel free to contact Eleanor Mirikitani of this department.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director
EMM: rld
a:\75033044\vfeldman.app
xc: West Hawaii Office