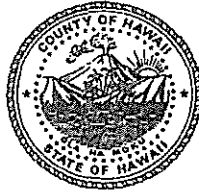


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

October 25, 2004

Mr. and Mrs. David Arthurs
77-6466 Pualani Street
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Arthurs:

SUBJECT: VARIANCE APPLICATION (VAR 04-087)
Applicants: DAVID ARTHURS, ET AL.
Owners: DAVID ARTHURS, ET AL.
Request: Variance from Zoning Code
Tax Map Key: 7-7-011:003, Lot 3

The variance application and submittals were considered by this office.

The variance application is incomplete and the following variance information and required copy(s) are required:

1. Please attach detailed written explanation of the variance request to the original variance application and include 4-copy(s) of the variance explanation or background report.

We note the "REQUEST" cited on the enclosed or original variance form mentions "CRM" encroachment within a right-of-way, but does not address or mention deck or building encroachments within the minimum yards pursuant to the Zoning Code. A revised and separate explanation or variance background report and 4-copys of a variance background report to explain any building or "Deck" encroachments within minimum yards or minimum open yard space requirements of the Zoning Code must be included with your variance application. Regarding wall or existing CRM encroachments within a County owned roadway (Right-of-Way), please contact the

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Mr. and Mrs. David Arthurs
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Department of Public Works (DPW) Engineering Division in Kona or discuss your variance request or application with the affected agency to confirm if the variance request from Chapter 25, Zoning is appropriate or necessary.

2. Include five (5) copies of a written description or directions using plan language for the public and staff to precisely locate the affected TMK property or proposed subdivision.
3. The required list (1-copy) of names, addresses, and tax map keys of surrounding property owners within three hundred feet (300') of the perimeter boundary lines of the subject TMK property was not included with the original variance application. The listed applicant is required to send required public notice(s) to a list of surrounding property owners within the owners and lessees of record of all lots of which any portion is within three hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the State Land Use Urban in accordance with Zoning Code, Section 25-2-4, Notice to property owners and lessees of record of pending application.

Please revise your application and return a copy of this letter together your revised variance application, submittals, and \$250 filing fee check to our Hilo office.

Thank you for your understanding and patience.

Any questions may be directed to our Hilo office at telephone (808) 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

WRY:mad
P:\WP60\WRY\FORMLETT\VARL\TRTMK77011003.ARTHURS

Enclosures

Variance No. 04-08;

APPLICATION FOR VARIANCE FROM ZONING CODE

Action Date: 11/30/04

2004 OCT 1 PM 3:32 COUNTY OF HAWAII PLANNING DEPARTMENT

(Type or Print the requested information)

OWNER: David Arthur Ruth Arthurs

OWNER'S SIGNATURE: David A.R. Ruth Arthurs DATE: 8-31-04

ADDRESS: 77-6466 Pualani St. Kailua-Kona, HI 96740

TELEPHONE: (Bus.) 208-320-2200 cell (Home) 208-324-4522

REQUEST: Variance for existing CRM wall along westerly rear lot line which extends as much as 0.5 feet into Kailua-Keauhou Mid. Rd. right-of-way

TAX MAP KEY: 7-7-11-03 SUBDIVISION #: Sunset View Terr. Unit # Lot 3

AREA OF PROPERTY: Holualoa 4th, N. Kona ZONING OF PARCEL: RS-10

REPRESENTATIVE/APPLICANT: -Same-

ADDRESS: _____ DATE: _____

TELEPHONE: _____

APPLICANT'S REASONS(S) FOR REQUESTING A VARIANCE: (Please attach a detailed written explanation of the Purpose or Nature of the request. Photos and maps may be included.)

No variance may be granted unless it is found that:

1. There are special or unusual circumstances applying to the subject real 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 that property;
2. There are no other reasonable alternatives that would resolve the difficulty; and
3. The variance shall 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 and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

THIS APPLICATION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) payable to the County Director of Finance.

AND:

1. The Original and four (4) copies of the completed application form with attachments;
2. Five (5) copies of description of the property in sufficient detail for the public to precisely locate the property;
3. Five (5) copies of a scale-drawn plot plan of the property showing all existing and proposed structures and improvements including any intrusions into setbacks; and
4. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 25-2-4 of the Zoning Code.
5. A certification of clearance (from the Director of Finance that the real property taxes and all other fees relating to the subject parcel(s) have been paid and that there are no outstanding delinquencies) shall accompany this Application.