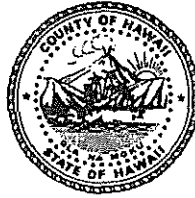


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

September 22, 2006

Mr. Alfred G. Santos, Sr.
P. O. Box 1517
Kurtistown, HI 96760

Dear Mr. Santos:

VARIANCE APPLICATION (VAR 06-074)

Applicant: ALFRED G. SANTOS, SR.

**Owner: MAUI EXCAVATION AND
CONSTRUCTION INC.**

Request: Variance from Chapter 25, Zoning

Tax Map Key: 1-8-001:049, Lot F-1, (SUB 6416)

The subject variance application and attachments received on September 8, 2006 were reviewed by staff; and, are being returned to you (the \$250 filing fee will be sent to you under separate cover) for the following reasons:

1. The original application form and 4-copy(s) must be signed by the owner(s) of Lot F-1 and the owner(s) of the "6-FOOT LANE" denoted on the map submittals.
2. The variance site plan map dated March 30, 2006 denotes the building locations or "AS-BUILT" position of the dwelling improvements on Lot F-1. In addition to the encroachment issues within the minimum yards of Lot F-1, portions of the "CARPORT/EAVES" and "APARTMENT/DECK/EAVES" were built into the adjoining property or "6-FOOT LANE". County building records show 4-building permits were issued to the subject TMK property (Lot F-1) for dwelling, "hot house", etc. improvements between 1968 and 1987. Pursuant to your submittals, it appears that the previous owner(s) built portions of the "CARPORT", "APARTMENT", "DECK", and associated "EAVES" into Lot F-1's minimum 15 feet side yard(s) and attendant minimum 10 feet side yard space required by the Zoning Code and adjoining property or "6-FOOT LANE". Pursuant to discussions with the DPW-Engineering Division in Hilo, the "LANE" does not appear to belong to the County or maintained by the County.

Mr. Alfred G. Santos, Sr.

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September 22, 2006

The ownership status of the "6 FOOT LANE" and status of the Lane's ownership must be addressed before your variance application is processed by this office. In addition, your recent site plan indicates portions of a "CARPORT" and associated "EAVES" were constructed into "EASEMENT B" and minimum side yard of Lot F-1. The purpose of Easement B and encroachments into Easement B and minimum side yard must be addressed by the current owner of Lot F-1 and status of access to adjoining property(s) utilizing the Lane abutting Lot F-1 and purpose of Easement "A", Easement "B", and Easement "C" identified on your submittals must be explained with a revised variance application.

3. Please be aware that all building improvements straddling the common boundary line shared between LOT F-1 and 6 FOOT LANE are required to meet Department of Public Works (DPW-Building Division and Uniform Building Code (UBC) requirements. A variance application from minimum yards and associated clear space requirements pursuant to Chapter 25, Zoning, does not exempt the owners of the subject TMK property and the 6 FOOT LANE from meeting DPW-Building Division's or UBC building requirements.

In view of the above, enclosed is Application for Variance from Chapter 25, Zoning Code. A variance application from the Chapter 25-Zoning together with submittals and \$250 filing fee must be filed concurrently with any variance application from Chapter 23, Subdivisions.

Prior to submitting the variance application(s), please contact staff and schedule an appointment to review any variance application(s) before submitting the applications and necessary filing fees to the Planning Department. Please be aware that the mere submittal or acceptance of a completed variance application(s) related to your any future 2-lot consolidation of Lot F-1 and Lot F-2 and subsequent resubdivision application by the Planning Department does not imply tacit approval of the variance by the Planning Director.

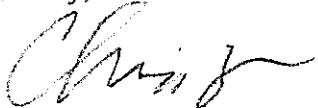
Mr. Alfred G. Santos, Sr.

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September 22, 2006

Should you require any further clarification, please do not hesitate to contact William Yamanoha or Daryn Arai of our Hilo office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

WRY/DSA:cd

P:\WP60\WRY\FORMLETT\VAR06-074ZCSETBACK\TMK18001049.SANTOS

Enclosures (Application/Submittals)

xc: Account Clerk (Ltr. only)

NOTES		RECEIPT		DATE	NO.
		RECEIVED FROM		SEP 08 2006	5428
		ADDRESS		Maui Excavation & Construction	
				DD Box 1547 Kula Hilo HI 96740	
		FOR		\$ 250.00	
				Variance P/F - Maui Excavation & Construction	
				Time 11-8-1:49	
				BY Phyllis	
				©2001 REDIFORM® 8L808	

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	250.00	CHECK	230.00
BALANCE DUE		MONEY ORDER	

(OR)

APPLICATION FOR VARIANCE
FROM ZONING CODE

COUNTY OF HAWAII
PLANNING DEPARTMENT

2006 SEP 8 PM 12 48

PLANNING DEPARTMENT
COUNTY OF HAWAII

Type or Print the requested information)

OWNER: MAUI EXCAVATION + CONSTRUCTION INC.

OWNER'S SIGNATURE: Jeffrey H. Santos Sr DATE: _____

ADDRESS: P.O. Box 1517 KURTISTOWN, HI 96760 - 18-1222 B Val Hwy

TELEPHONE: (Bus.) 808-968-7386 (Home) SAME

REQUEST: VARIANCE FOR MINIMUM YARD SETBACK

AX MAP KEY: 3-1-8-1-49 SUBDIVISION #: F-1

AREA OF PROPERTY: 22,064 sq ft. ZONING OF PARCEL: RS-20

REPRESENTATIVE/APPLICANT: ALFRED G. SANTOS SR.

ADDRESS: P.O. Box 1517 KURTISTOWN, HI 96760 DATE: 9/8/06

TELEPHONE: 808-968-7386

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.)

variance may be granted unless it is found that:

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;

There are no other reasonable alternatives that would resolve the difficulty; and

The variance shall be consistent with the general purpose of the zoning district, the intent of the Zoning and Subdivision Codes, and the County Comprehensive Zoning Ordinance, and shall not be detrimental to the public welfare or cause substantial

purpose

RECEIPT

DATE SEP 08 2006

RECEIVED FROM Maui Excavation

ADDRESS P.O. Box 1517 Kurti

FOR Variance P/F - Maui Ex

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>250.00</u>	CHECK	<u>\$236.00</u>
BALANCE DUE		MONEY ORDER	

BY [Signature]

1-8-1
06-08-06
06-08-06
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FP
DPW
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