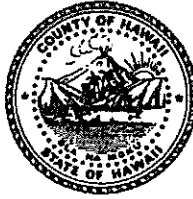


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

March 13, 2008

Mr. Peter Klauder
Klauder & Company Architects, Inc.
606 Petersen Way
Kenai, AK 99611

Dear Mr. Klauder:

SUBJECT: VARIANCE APPLICATION-VAR 08-013
Applicant: PETER KLAUDER
Owners: PETER KLAUDER, ET AL.
Request: Variance from Chapter 25, Zoning,
Minimum yards
Tax Map Key: 1-6-096:037, Lot 36

Pursuant to discussion and review of your variance received on February 27, 2008, a variance for the water tank is not required since the dwelling improvements upon Lot 36 were constructed in accordance with the 1990 Zoning Code and County building requirements. In view of the foregoing, the variance application is being returned with attachments affirming the following:

1. The enclosed variance application includes a site plan map dated January 26, 1998 denoting the location or position of dwelling (residence)/attached carport and detached water tank improvements upon Lot 36. It appears that the site plan map dated January 26, 1998 attached with your variance application matches a "FAX" or faxed map referenced in enclosed copy of a Planning Department letter or determination letter dated February 6, 1998 regarding status and position of building improvements constructed upon subject TMK property or Lot 36 circa 1990. In addition, enclosed is a copy of a "HomeSteps" letter dated February 18, 1998, addressed to the Planning Department, found in the files at the DPW-Building Division in Hilo.
2. According to Hawaii County Real Property Tax Office records, the dwelling upon the subject TMK property or Lot 36 was built pursuant to Building Permit-902463, Electrical Permit-E911659, and Mechanical or Plumbing Permit-M901706 issued by the DPW-Building Division in Hilo between 1990 and 1991. Enclosed are extracts from HC-Real Property Tax Office for your files.

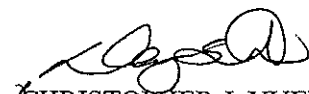
MAR 14 2008

Mr. Peter Klauder
Klauder & Company Architects, Inc.
Page 2
March 13, 2008

In view of the above, the dwelling including detached water tank constructed circa 1990 denoted on the "FAX" and variance site plan map dated January 26, 1998 attached to your variance application met with the minimum requirements of the Zoning Code in 1990. The PD letter dated February 6, 1998 states "On the matter of the water tank situated with (sic) the twenty (20) foot wide rear yard, Section 25-69(a) of the Zoning Code in effect in 1990, an accessory structure such as a water tank, did not have a rear yard requirement."; and, pursuant to the PD February 6, 1998 letter, the Planning Director determined the detached water tank identified on a "FAX" or survey map dated January 26, 1998 "is non-conforming to the present requirement. Should the water tank be demolished and a new one be constructed, the new water tank must be located a minimum of twenty feet from the rear property line and ten feet from the side property lines." In addition, since there is no public water supply system fronting Lot 36, the residence/carport or 3-BR single family dwelling improvements completed in 1992 and/or dwelling identified on the survey map dated January 26, 1998 required a private rain water catchment system including a water tank to store rain water for potable water and other household needs. Therefore, the request for variance to allow portions of a water tank constructed circa 1990 upon and within Lot 36's minimum rear yard according to a survey map dated January 26, 1998 is not necessary or required and your variance application and attachments are being returned to you with this letter (the \$250 filing fee will be refunded and sent to you under separate cover).

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:cs
P:\WP60\WRY\FORMLETT\VAR08-0013ZCSETBACK.KLAUDER

Enclosures (Application/Attachments)

xc: Account Clerk (Ltr. only)

Letter Requesting a Variance 2-22-2008
Klauder & Company Architects, Inc.

2008 FEB 27 PM 3 02

16-2092 LAUHALA, AINALOA SUBDIVISION
REQUEST FOR VARIANCE

PLANNING DEPARTMENT
COUNTY OF HAWAII

February 22, 2008

Project # 2642

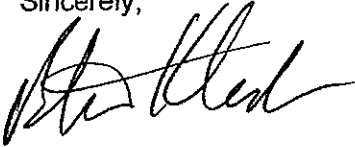
16-2092 Lauhala
TMK (3) 1-6-96:37
Ainaloa Subdivision, Hawaii

To whom it may concern,

My residence is located in the Ainaloa Subdivision and is served with a catchment type water system. The storage tank for my catchment system is located partially within the 20'-0" rear property setback line as shown on the attached survey of existing conditions. When I purchased the property the water storage tank was in this location. Most, if not all of my neighbors have their water storage tanks located at least partially within the 20'-0" rear property setback line the same as mine. The water storage tank is not visible from the road and is fenced off from my immediate neighbors. I respectfully request a Variance to allow my water tank to remain in its current location.

If you have any questions, please do not hesitate to contact me. I appreciate your assistance with this matter.

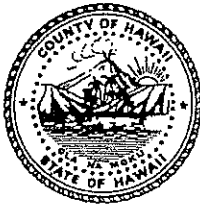
Sincerely,



Peter Klauder
Klauder & Company Architects, Inc.
Principal Architect

038620

Harry Kim
Mayor



2008 FEB 27 PM 3 03

William Takaba
Finance Director

PLANNING DEPARTMENT
COUNTY OF HAWAII

County of Hawaii

DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi St, Suite 4 • Hilo, Hawaii 96720-4224 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
75-5706 Kuakini Highway • Suite 112 • Kailua-Kona, Hawaii 96740 • Fax (808) 327-3538
Appraisers (808) 327-3542 • Clerical (808) 327-3540

REAL PROPERTY TAX CLEARANCE (rev. 07/99)

January 23, 2008

TMK(s): (3) 1-6-096-037-0000

(Owner of record: KLAUDER, PETER L and MARY LOU)

This is to certify that all real property taxes due and owing to the County of Hawaii on the parcel(s) listed are paid up to and including December 31, 2007.

This clearance was requested on behalf of Peter Klauder for the County Planning Department and is issued for this/these parcel(s) only.

By Winifred Todd
Winifred Todd, Tax Clerk
REAL PROPERTY TAX DIVISION

APPLICATION FOR VARIANCE
FROM ZONING CODE

2008 FEB 27 PM 3 03

COUNTY OF HAWAII
PLANNING DEPARTMENT

PLANNING DEPARTMENT
COUNTY OF HAWAII

(Type or Print the requested information)

OWNER: Peter Klauder

OWNER'S SIGNATURE: *Peter Klauder* DATE: 2-18-08

ADDRESS: 40195 Frogberry Kenai, AK 99611

TELEPHONE: (Bus.) 907 283 1919 (Home) 907 283 6600

REQUEST: Variance for water tank located partially within 20'-0" rear property setback line. See attached.

TAX MAP KEY: (3) 1-6-96: 37 SUBDIVISION #: AINALOA

AREA OF PROPERTY: 11,999.2 SF ZONING OF PARCEL: A1A

REPRESENTATIVE/APPLICANT: Peter Klauder

ADDRESS: 606 Petersen Way, Kenai, AK., 99611 DATE: 1-18-08

TELEPHONE: 907 283 1919

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.

February 26, 2008

Planning Department
Aupuni Center
101 Pauahi St.
Suite 3
Hilo, HI 96720-4224

2008 MAR 3 PM 3 10
PLANNING DEPARTMENT
COUNTY OF HAWAII

To whom it may concern:

I am enclosing a copy of the first page of the application I submitted last week for a variance. I am also enclosing a list of the property owners that live within 500 ft. of my property that I sent a letter to notifying them of my application for variance. The post office put a stamp of verification that I sent the letters out. A copy of the letter I sent to them was submitted with my application that I sent last week.

Please call or email me with any questions.

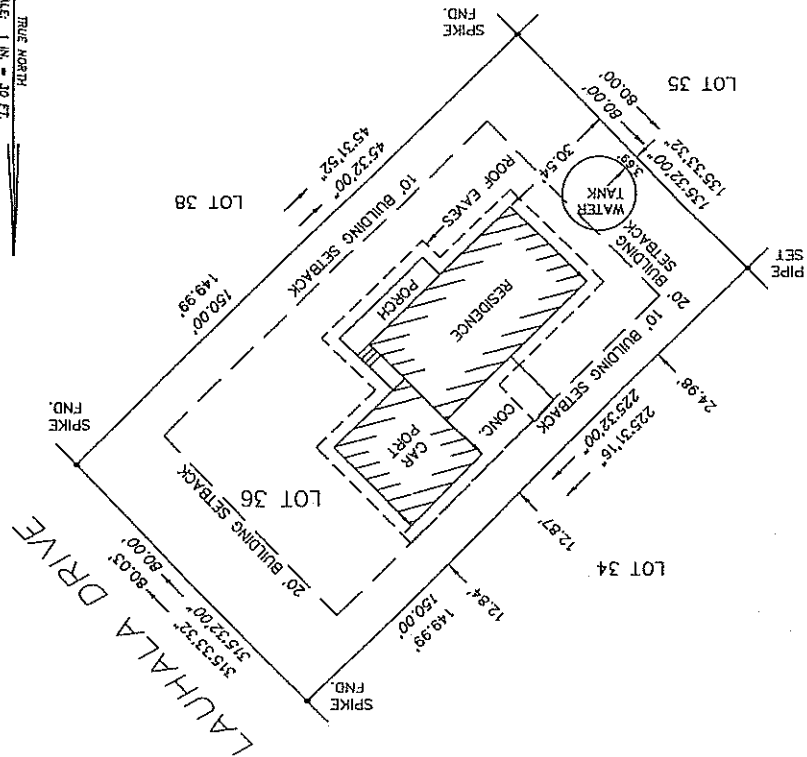


Peter Klauder
907-283-1919
klauder@alaska.net

038783

The image shows a USPS Priority Mail envelope. The top left corner has the 'UNITED STATES POSTAL SERVICE' logo and the 'Click-N-Ship' logo. Below this is a return address: 'WPKW 12245 CDFW \$4.60 US POSTAGE'. The main address is 'TWILA DANIEL KLAUDER AND COMPANY ARCHITECTS, INC. 608 PETERSEN WAY KENAI AK 99511-9001'. The envelope is dated '02/29/08' and has a postage of '\$4.60'. A large 'P' is printed on the left side. The bottom right corner has a 'ZIP - e/ USPS DELIVERY CONFIRMATION™' label with a barcode and the number '420 96720 9101 0385 5574 9169 1339 74'. The bottom left corner has a 'USPS PRIORITY MAIL®' label.

MAP SHOWING EXISTING CONDITIONS UPON LOT 36, BLOCK 52 AINALOA SUBDIVISION KEAAU, PUNA, HAWAII TMK: (3) 1-6-96: 37



TRUE NORTH
SCALE: 1 IN. = 30 FT.

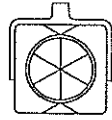
0' 30' 60' 90'
FEET

NOTES:

1. The features shown hereon were located by an actual field survey performed on January 26, 1998.
2. No boundary encroachments were found except as shown.
3. No violations of County Zoning Setback Codes were found except as shown.
4. Field measured dimensions (F) are within acceptable tolerances as compared to record dimensions (R) for land of this type and in this subdivision.
5. See attached Report pertaining to setbacks and encroachments.


DATE: January 26, 1998.
Drawing: JOB523.DWG

The
Independent
Hawaii
Surveyors
Hilo
Office
Email: 808-959-0360
Phone/FAX: 808-959-0360
1937A Kilauea
Hilo, HI 96720
mitchell@hawaii.net



Niels Christensen
Licensed Professional Land Surveyor
License Number 9077

This work was prepared by me
or under my direct supervision



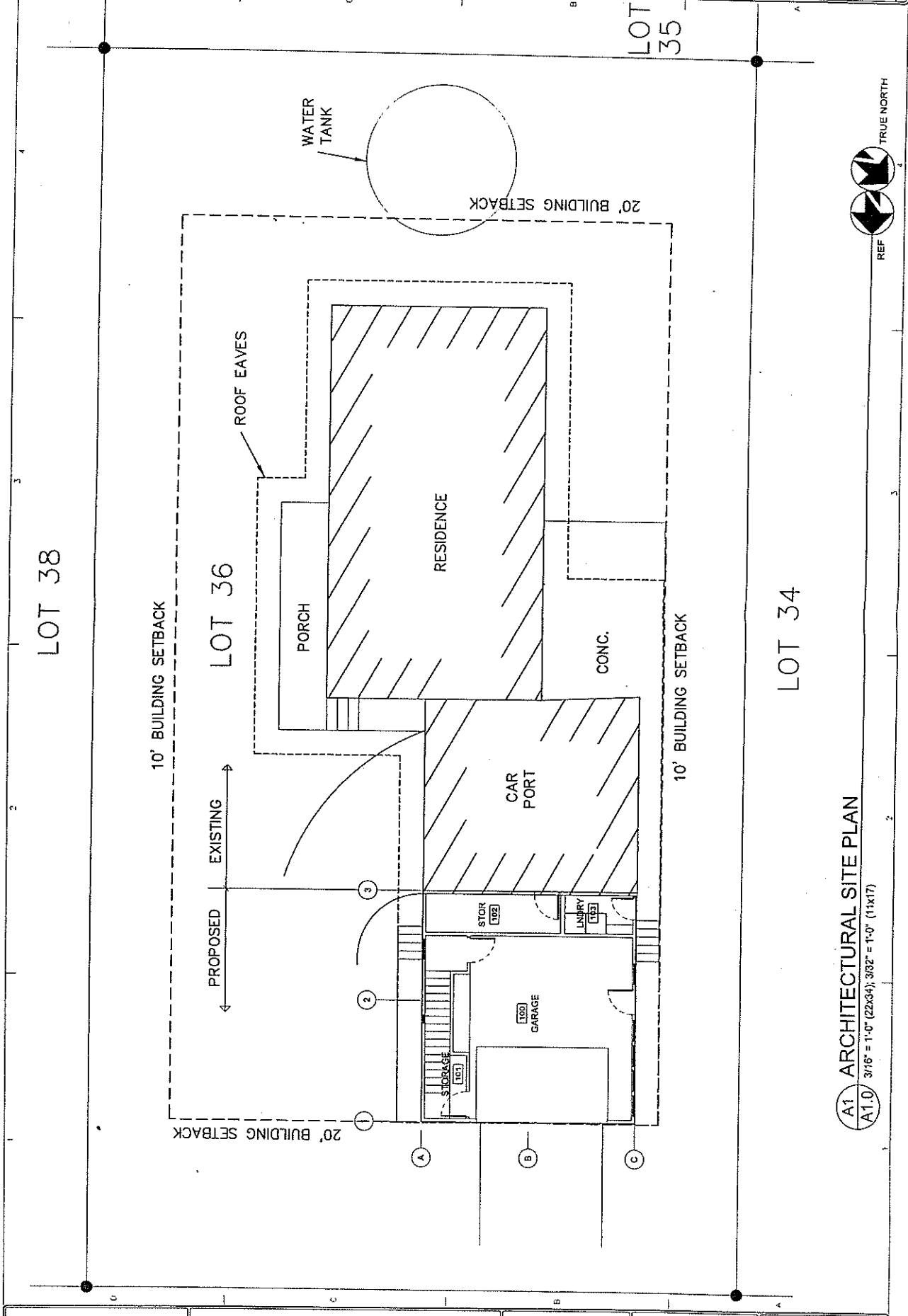
16-2092 Lauhala Addition

CLIENT: 16-2092 Lauhala Addition
Alaia Subdivision, Hawaii
(907) 283-1919

KLAUDER & COMPANY, INC.
606 Potomac Way
Honolulu, HI 96811
Tel (907) 283-0450

DESIGN BY: PK
DRAWN: PK
CHECKED: PK
JOB NO: 2842
DATE: 1/23/08
REVISIONS:

CATEGORY: SHEET
A 1.0
SHEET CONTENTS:
ARCHITECTURAL
SITE PLAN



A1.0 ARCHITECTURAL SITE PLAN
A1.0 3/16" = 1'-0" (22x34), 3/32" = 1'-0" (11x17)





HomeSteps™

PAID
BUILDING DIV.

'98 FEB 20 P3:05

February 18, 1998

County of Hawaii
Planning Department
25 Aupuni St., Room 109
Hilo, HI 96720-4252

RE: TMK: (3) 1-6-96:37

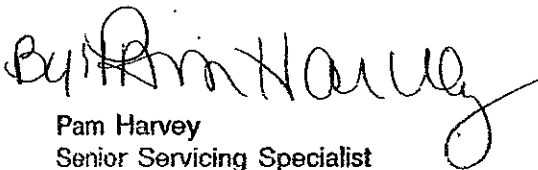
To Whom It May Concern:

I am in receipt of your 2/2/98 letter issued to Ms. Ann Roney (attached). Your letter confirms that Building Permit No. 902463 was incorrectly attributed to parcel 38 and not parcel 37 which is owned by Federal Home Loan Mortgage Corporation (aka: Freddie Mac, FHLMC or Homesteps).

Per Item 2, Paragraph 2 of your letter, I am now requesting that the Building Division update its records to correctly identify that Building Permit No. 902463 was issued to parcel 37 rather than parcel 38. I understand that the tax office has already made the appropriate correction.

I am also including a copy of the most recent survey for your records. If you have any additional questions, please contact Bonnie Oppermann at Coldwell Banker Pacific Properties in Oahu at (808) 597-5506. Thank you for your timely assistance.

Sincerely,


Pam Harvey
Senior Servicing Specialist