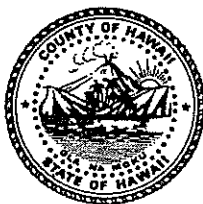


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA, LEED™ AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

April 29, 2008

Ms. Roxane L. Gomes  
289 W. Puainako Street  
Hilo, HI 96720

Dear Ms. Gomes:

#### **VARIANCE APPLICATION-VAR 08-016**

**Applicant: ROXANE L. GOMES**

**Owner: ROXANE L. GOMES**

**Request: Variance from Chapter 25, Zoning, Minimum yards**

**Tax Map Key: 2-4-014:015**

Pursuant to March 17, 2008, site inspection and photographs received on April 28, 2008, a variance from the property's minimum (side) yards for portions of 18 feet x 23 feet +/- "PATIO" denoted on your variance application's site plan is not required. The "PATIO" improvements including enclosed utility room/storage areas or rooms within "PATIO" were built and completed prior to September 21, 1966, according to the following findings:

1. The owners submitted a variance application for variance from minimum yards to allow portions of 18 feet x 23 feet dwelling to remain upon the subject TMK property. Attached to the enclosed application is an extract called a "building sketch" for the subject TMK property obtained from tax field books maintained by or at the Hawaii County Real Property Tax Office in Hilo. These field book sketch(s) include drawings or sketches of a dwelling, garage, carport, shed, and other associated building area(s) constructed upon subject TMK property between 1948 and 1972 including building permit chronology. The sketch denotes and purportedly shows that the 18 feet x 23 feet portion of dwelling improvement constructed between 1948 and 1958 upon the subject TMK property was identified as "gar." or garage; and, later assessed as "PATIO". Subsequent to 1958, (3) building permits for car shed (1958), repairs to roof, walls, framing, and gutters (1962), addition and shed (1972) were issued to the subject TMK property. The recent site inspection of the dwelling and "PATIO" and photographs of

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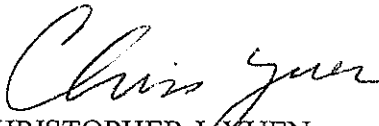
original and later improvements within the 18 feet x 23 feet "PATIO" include an enclosed laundry area or utility/storage rooms. The building materials and building age and character of the 18 feet x 23 feet area indicate that the rooms or associated spaces within the 18 feet x 23 feet area were completed and/or enclosed prior to or circa 1962. As such, portions of the 18 feet x 23 feet "PATIO" were legally constructed prior to adoption of the Zoning Code in 1967 and portions of the dwelling are considered to be legal "non-conforming" building improvements.

2. In addition, the site inspection reveals that a "car shed" identified by a building sketch or constructed circa 1958 pursuant to Building Permit 20159 was recently demolished by the current owner and replaced or rebuilt into a bedroom and closet for a family member without securing a building permit. Detailed building plans and building permit application for "AS-BUILT" bedroom/closet addition constructed without a building permit are being circulated for agency review and approval.

In view of the above, portions of "PATIO" or enclosed utility room within 18 feet x 23 feet portion of dwelling constructed into the property's minimum 10 feet side yard were legally constructed prior to September 21, 1966; and, the enclosed patio or building improvement within the property's minimum side yard are defined as "nonconforming building" pursuant to Chapter 25, the Zoning Code. Therefore, a variance application and request for variance from minimum yards for portions of the enclosed "PATIO" or "nonconforming building" is not necessary; and, your original application and attachments are being returned to you with this letter.

Should you have any questions regarding the above or enclosures, please feel free to contact our Hilo office at telephone (808) 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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Enclosures