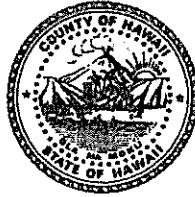


Harry Kim
Mayor



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

April 15, 2008

Mrs. Johanna Leaird-Okura
P. O. Box 963
Hilo, HI 96720

Dear Mrs. Okura:

SUBJECT: VARIANCE APPLICATION-VAR 08-018
Applicant: JOHANNA LEAIRD-OKURA
Owner: JOHANNA LEAIRD-OKURA
Request: Variance from Chapter 25, Zoning,
Minimum yards
Tax Map Key: 2-6-008:022, (SUB 07-000642)

Pursuant to a recent discussion with staff, your variance application and request for variance from minimum yards for future development of a lot being created by pending 2-lot subdivision application (SUB 07-000642) of the above referenced TMK property is being returned to you with this letter. Your request for variance from minimum yards of proposed Lot B-1-A or future lot lines related to future 2-lot subdivision of proposed Lot B-1-A is being returned to you with the following findings:

1. The above listed applicant/owner-Johanna Leaird-Okura submitted subdivision application (SUB 07-000642) proposing to subdivide subject TMK property into 2- proposed lots (Lot B-1-A and Lot B-1-B). The proposed and pending 2-lot subdivision application was granted tentative approval on December 17, 2007 and will eventually be approved (e.g. after meeting tentative subdivision conditions dated December 17, 2007) creating 2-lots (Lot B-1-B containing 0.23 acre and Lot B-1-A containing 0.78 acre). Both lots are dependent on Easement A "For Road and Utility Purposes (2,742 Sq. Ft.)" located upon proposed Lot B-1-A for utility and lot access via Wainaku Street. Pursuant to previous discussions with Planning Department staff, subsequent to receipt of final subdivision approval to SUB 07-000642, the applicant/owner intends to construct proposed multi story dwelling(s) upon both lots. According to earlier discussion with staff, the proposed 2-story dwelling upon Lot B-1-B (containing 0.23 acre) will be subject to minimum 10 feet side yards from existing and new boundary line created by the

APR 17 2008

approval of SUB 07-000642. However, the minimum yards (e.g. minimum front yard(s), minimum rear yard, and minimum side yards) for 2-proposed multi-story dwelling(s) upon proposed Lot B-1-A (containing 0.78 acre) were not clearly identified during previous discussions with Planning Department staff or determined in writing by the Planning Department or Planning Director. A written request from the applicant/owner to review existing and proposed boundary line(s) of proposed Lot B-1-A's to determine minimum yards or building setback lines or building envelope(s) upon proposed Lot B-1-A including any building setbacks from Easement A must be submitted to the Planning Department or Planning Director. A review and written determination by the Planning Department or Planning Director identifying Lot B-1-A's minimum yards and building envelope upon Lot B-1-A must be completed prior to submitting any building permit application(s) to construct any dwelling or related building improvements upon Lot B-1-A. Proposed Lot B-1-A's minimum yards including building envelope(s) must be identified and determined by the Planning Department and/or Planning Director in writing **before** any variance application from minimum yards is submitted to the Planning Department to allow alternative building positions upon Lot B-1-A **and/or** submittal of any subdivision application to further subdivide Lot B-1-A is submitted to the Planning Department for review.

2. Subsequent to issuance of final subdivision approval of SUB 07-000642, Lot B-1-A, containing 0.78 acres, will be subject to a minimum 20 feet front yard upon Lot B-1-A along Wainaku Street. However, given position and status/use of Easement A upon Lot B-1-A, the determination of remaining minimum building yards or minimum rear yard and minimum side yard(s) for proposed multi-story dwelling(s) upon Lot B-1-A must be reviewed by the Planning Department or determined by the Planning Director pursuant to the Zoning Code, before a building permit to construct any new dwelling upon proposed Lot B-1-B or dwelling(s) upon Lot B-1-A are submitted for agency review and approval; and, prior to submission of any subdivision application to further subdivide Lot B-1-A created by SUB 07-000642 to the Planning Department.
3. An extract or copy of your final plan map dated March 12, 2008 in your subdivision file (SUB 07-000642) was given to you during your recent discussion with this office on April 14, 2008. Please denote the location of the "78 feet" elevation line upon proposed Lot B-1-A (containing 0.78 acres) and location and height of proposed dwelling(s) including any proposed future lot lines to the Planning Department on the extract or full sized copy of your subdivision application's final plat map dated March 12, 2008 for a written determination of minimum yards for proposed Lot B-1-A and/or determination of minimum yards related to a future 2-lot subdivision of proposed Lot B-1-A created by SUB 07-000642. A copy of determination for Lot B-1-A created by SUB 07-000642 shall

Mrs. Johanna Leaird-Okura

Page 3

April 15, 2008

be attached and included with any variance request from minimum yards related to position of dwellings or buildings upon Lot B-1-A (containing 0.78 acres) created by SUB 07-000642 and shall be considered and utilized in reviewing a future 2-lot subdivision of Lot B-1-A created by SUB 07-000642.

In view of the above, your variance application and referenced attachments submitted on March 14, 2008 are being returned to you with this letter (the \$250 filing fee will be refunded and sent to you under separate cover).

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

WRY:mad

P:\WP60\WRY\FORMLETT\VAR08-018ZCLTRRETURNAPP.LEAIRD-OKURA

Enclosures

xc: Account Clerk (Ltr. only)

APPLICATION FOR VARIANCE
FROM ZONING CODE

2008 MAR 14 AM 9 31

COUNTY OF HAWAII
PLANNING DEPARTMENT

PLANNING DEPARTMENT
COUNTY OF HAWAII

(Type or Print the requested information)

OWNER: Johanna Leaird-Okura

OWNER'S SIGNATURE: Johanna Leaird-Okura DATE: 3/11/54

ADDRESS: PO BOX 963 Halo HI 96721

TELEPHONE: (Bx) (Home) 808-989-4266

REQUEST: To obtain a lesser setback for upcoming
sub division for lower lot rear/side setback

TAX MAP KEY: 3-2-6-8-22 SUBDIVISION #: Pukihae Gardens

AREA OF PROPERTY: lower lot ZONING OF PARCEL: RM 10

REPRESENTATIVE/APPLICANT: Johanna Leaird-Okura

ADDRESS: PO BOX 963 Halo HI 96721 DATE: 3/11/54

TELEPHONE: 808-989-4266

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.

2008 MAR 18 PM 3 22

IG DOCUMENTS TO OWNERS WITHIN 300' FEET
PLANNING DEPARTMENT
COUNTY OF HAWAII

HILLO DOWNTOWN STATION

HILLO, Hawaii

967202452

1424030320 -0098

03/18/2008 (808)933-3019 09:10:07 AM

Product Description	Sale Qty	Unit Price	Final Price
41c Purple Heart PSA	60	\$0.41	\$24.60
41c Charles W. Chesnutt PSA	7	\$0.41	\$2.87
90c Hagatna Bay Guam PSA	1	\$0.90	\$0.90

Total: \$28.37

Paid by:

Visa \$28.37

Account #: XXXXXXXXXXXX4872

Approval #: 078169

Transaction #: 9

23 903130417

Receipt showing that I mailed the notice to all owners within
the United States Postal Service within 10 days of filing for
Hawaii in Hilo, Hawaii.

Order stamps at USPS.com/shop or call
1-800-Stamp24. Go to USPS.com/clicknship
to print shipping labels with postage.
For other information call 1-800-ASK-USPS.

Bill#: 1000201168639

Clerk: 05

All sales final on stamps and postage.

Refunds for guaranteed services only.

Thank you for your business.

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

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of Rand

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receipt from
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