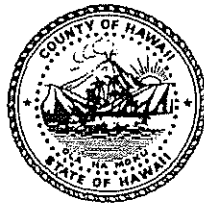


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

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

August 6, 2009

Mr. Baron R. Birtcher  
77-6425 Kuakini Highway, C2 #22  
Kailua-Kona, HI 96740

Dear Mr. Birthcher:

#### **VARIANCE APPLICATION-VAR 08-071**

**Reference:** Survey Map-Signed/Dated: October 7, 2008

**Applicant:** Baron R. Birtcher

**Owner:** Christina E. Birtcher

**Tax Map Key: 7-5-012:080**

Pursuant to discussion with staff, a request for variance regarding enclosed electrical panel and application identified on the above referenced survey map dated is not required. After reviewing the survey map signed and dated October 7, 2008 submitted with your variance application received on December 3, 2008 and other submittals including photographs of the enclosure submitted received on February 3, 2009, the Planning Department has concluded that variance from minimum yards to allow the attached electrical or enclosed electrical main panel is not necessary pursuant to Chapter 25, Section 25-4-44, Permitted projections into yards and open spaces, (a)(b) which states:

- “(a) Except as may otherwise be restricted, roof overhangs, eaves, sunshades, sills, frames, beam ends, cornices, canopies, porches, balconies, terraces, fire escapes, stairs, ramps, above-grade pools and other similar features may extend four feet into any required yard or open space that is less than ten feet, five feet when required yard or space is from ten up to fifteen feet, and six feet when required yard is over fifteen feet; provided that:
  - (1) No cornice, canopy, eave, porch, balcony, terrace, fire escape, stair, ramp or other similar feature shall be enclosed above or below the extension except that there may be individual posts or beams for support and open or grill-type railings no higher than four feet.

**AUG 10 2009**

Mr. Baron R. Birtcher  
Page 2  
August 6, 2009

- (2) No chimney may extend more than two feet into any yard.
- (3) No above-grade pool may extend into any required front, side or rear yard if the pool is over six feet in height.

(b) The extensions permitted in this section apply separately to each building.”

In view (a) which states in part: “other similar features may extend four feet into any required yard or open space”; and, consideration that the enclosure is square or rectangular shaped or similar to a chimney cited in (a)(2) above, whereas a chimney is permitted to extend 2-feet into the minimum yard, it is felt in this instance, that variance for the rectangular electrical enclosure is not necessary or variance application is not required. In addition, it is felt, that the enclosure also provides protection and insulation from weather, safety, etc.

Therefore, in consideration of the above, this office is returning your variance application, copies of your variance application, and other submittals. A copy of the original survey map attached to the original or signed application and other submittals received on February 3, 2009 will be maintained in our TMK files for future reference. Please note, the \$250.00 filing fee will be refunded and sent to the applicant’s address under separate cover.

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

Sincerely,



BJ LEITHEAD TODD  
Planning Director

WRY:mad  
P:\WP60\WRY\FORMLETT\LTRVARZCAPPNA.BIRTCHER

Enclosures

xc: Account Clerk

APPLICATION FOR VARIANCE  
FROM ZONING CODE

COUNTY OF HAWAII  
PLANNING DEPARTMENT

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2008 DEC -3 AM 10: 52

(Type or Print the requested information)

OWNER: Christina E. Birtcher

OWNER'S SIGNATURE: \_\_\_\_\_

DATE: 12/3/2008

ADDRESS: 75-680 Nani Ohai Place Kailua-Kona, HI 96740

TELEPHONE: (Bus.) (808) 937-9521

(Home) (808) 326-1776

REQUEST: 11 (Eleven) inch encroachment into side setback of enclosure that houses Main Electrical Panel and Main Cable distribution for existing home. Survey attached. Encroachment totals appx. 3 sqft

TAX MAP KEY: 7-5-012-080-0000

SUBDIVISION #- 6979

AREA OF PROPERTY: 1.0 acre

ZONING OF PARCEL: A - 1a

REPRESENTATIVE/APPLICANT: Baron R. Birtcher

ADDRESS: 77-6425 Kuakini Hwy. C2 #22 KailuaKona, HI

DATE: \_\_\_\_\_

TELEPHONE: (808) 936-8453

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 County General Plan and will not be materially

PLANNING DEPARTMENT  
County of Hawaii  
101 Puuhii St., Ste. 3  
Hilo, Hawaii 96720-3043

DATE: 12/4/08

RECEIVED FROM: Christina Emma Birtcher NO. 465943

ADDRESS: 77-6425 Kuakini Hwy, Suite C2422  
Kailua Kona, HI 96740

☐ FOR RENT  
☒ FOR Application for Variance 7-5-012-080

DOLLARS \$ 250.00

| ACCOUNT         |  | HOW PAID    |               |
|-----------------|--|-------------|---------------|
| AMT. OF ACCOUNT |  | CASH        |               |
| AMT. PAID       |  | CHECK       | <u>250.00</u> |
| BALANCE DUE     |  | MONEY ORDER |               |

BY: [Signature]