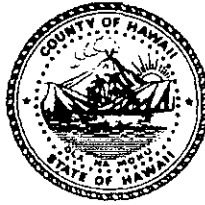


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalote Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

## County of Hawai'i PLANNING DEPARTMENT

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

November 21, 2012

Robin and Karin H. Takahashi  
300 Terrace Drive  
Hilo, HI 96720

Dear Mr. & Mrs. Takahashi:

**SUBJECT: VARIANCE VAR-12-000099**  
**Applicant: ROBIN AND KARIN H. TAKAHASHI**  
**Owners: ROBIN AND KARIN H. TAKAHASHI**  
**Request: Variance from Chapter 25, Zoning, Article 5, Division 1, Section 25-5-7, Minimum Yards, and Article 4, Division 4 Section 25-4-44 (a), Permitted Projections into Yards and Open Space Requirements (south and west front yard setback)**  
**TMK: 2-5-033:049; Lot 32**

After reviewing your variance application, the Planning Director certifies the **approval** of Variance No. 12-000099 (VAR 12-000099), subject to variance conditions. The variance allows for the construction of a carport extension and a clothes drying area with a 10-foot front yard setback and associated front yard open space along the south and west front yard area. This allowance is in lieu of the required 20-foot front yard setback and associated 14-foot front yard open space requirement as identified on the plot plan received on September 28, 2012. The variance is from the subject property's minimum side yard setback requirement pursuant to the Hawaii County Code, Chapter 25 (Zoning), Article 5, Division 3, Section 25-5-36 minimum yards and Article 4, Division 4, Section 25-4-44 (a), Permitted projections into yards and open space requirements.

### **BACKGROUND AND FINDINGS**

1. **Location.** The subject property contains approximately 10,770 square feet and is situated within the Kaumana Terrace Subdivision, shown on file Plan 778, South Hilo, Hawai'i. The subject property's street address is 300 Terrace Drive.
2. **Zoning.** The subject property is zoned Single Family Residential-10,000 square feet (RS-10) by the County and designated State Land Use Urban or "U".

3. **Variance Application.** The applicant/owner submitted the variance application, attachments, filing fee, and associated materials on September 28, 2012. The variance application's site plan map is drawn to scale and denotes the position of the proposed open carport to be constructed into the minimum 20-foot front yard setback and associated 14-foot front yard open space requirement. This request affects the south and west front yard setback.
4. **County Building Records.** Hawaii County Real Property Tax Office records indicate that a building permit (860228) was issued on February 10, 1986 for the construction of a 3-bedroom and 2 bath single-family dwelling; including a two-car carport with storage.
5. **Agency Comments and Requirements.**
  - a. The State Department of Health (DOH) memorandum, dated October 22, 2012. (Refer to attached DOH memorandum.)
  - b. No comments were received from the Department of Public Works – Building Division as of this date.
6. **Public Notice.** The applicant submitted a copy of the first and second notices sent to surrounding property owners. Pursuant to these submittals, it appears that the applicant's notices were mailed to the surrounding property owners by USPO on September 26, 2012 and October 26, 2012, respectively. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on October 17, 2012.
7. **Comments from Surrounding Property Owners or Public.** No written comments or objections from surrounding property owners or the general public were received by the Planning Department.

#### SPECIAL AND UNUSUAL CIRCUMSTANCES

The owner submitted the variance application to allow for the construction of a carport extension and clothes drying area with a 10-foot minimum front yard setback and associated front yard open space, respectively, in lieu of the minimum 20-foot front yard setback and associated 14-foot front yard open space requirement.

There is a 15-foot future road widening along Iiwipolena Road which will essentially reduce the property's usable area from 10,770 square feet to 9,662 square feet. With the reduction in land area below 10,000 square feet a 15 foot front yard setback and associated 10-foot front yard open space requirement would be appropriate. However, because the future road

widening has not been implemented the 20-foot front yard setback and associated 14-foot front yard open space requirement is still applicable.

With the 15-foot future road widening reducing the usable area of the subject property provisions of Section 25-2-51, **Grounds for Variances**, would apply in its entirety, taking into consideration the very special and unusual nature created by the future road widening.

### ALTERNATIVES

Alternatives available to the current owner to correct and/or address the encroachment into the affected front yard of the subject property include the following actions:

- Relocate or modify the proposed carport extension and clothes drying area to fit within the correct building envelope denoted on the recent plot map as prescribed by the Zoning Code.
- Consolidate the subject property with the adjoining property and resubdivide the property to modify property lines and adjust minimum yard setbacks. Given the location of the encroachments (front yard), consolidation/resubdivision with Terrace Drive would not be practical.

### INTENT AND PURPOSE

The intent and purpose of requiring building setbacks within a subdivision or as required by zoning code are to assure that adequate air circulation and exposure to light are available between permitted structure(s)/uses and boundary/property lines.

Based on the foregoing findings and unusual circumstances, the applicant's request for variance would be consistent with the general purpose of the zoning district and the intent and purposes of the Zoning Code, Subdivision Code and the County General Plan. Furthermore, the variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties. Also, no comments or objections were received from the surrounding property owners or general public in response to the Notification of Surrounding Property Owners.

### PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

This variance application is approved subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.

Robin and Karin H. Takahashi  
Page 4  
November 21, 2012

2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.
3. The proposed carport constructed upon the subject property will not meet the minimum front yard setback pursuant to the Hawaii County Code, Chapter 25, (Zoning). The approval of this variance permits the proposed carport to be constructed upon the subject property in accordance to the plot plan submitted on September 28, 2012.
4. No permit shall be granted to allow an ohana, a second single family or farm dwelling upon the subject property, subject to provisions of the Hawaii County Code, Chapter 25, (Zoning), or State Law, which may change from time to time.
5. Any further building permit and/or other construction permits issued to enlarge or change or modify the structures built upon the subject property shall be limited to the setbacks required by the underlying zoning, as modified by this variance and denoted on the plot plan submitted on September 28, 2012.
6. Future or new building improvements and permitted uses shall be subject to State law and County ordinances and regulations pertaining to building construction and building occupancy.

Should any of the foregoing variance conditions not be complied with, the Planning Director may proceed to declare subject VAR 12-000099 null and void.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

LHN: nci

P:\Admin Permits Division\Variances From CoH02\Zone2\VAR12-000099\TMK2-5-033-049Takahashi.doc.rtf

xc: Real Property Tax Office (Hilo)

Robin and Karin H. Takahashi  
Page 5  
November 21, 2012

NEIL ABERCROMBIE  
GOVERNOR



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
Director of Health  
HEALTH DEPARTMENT

2012 OCT 23 AM 9:41

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: October 22, 2012

TO: Bobby Jean Leithhead Todd  
Planning Director, County of Hawaii

FROM: Newton Inouye  
District Environmental Health Program Chief

SUBJECT: VARIANCE APPLICATION-VAR 12-000099  
Applicant: ROBIN AND KARIN H. TAKAHASHI  
Land Owner: ROBIN AND KARIN H. TAKAHASHI  
REQUEST: Variance from Chapter 25, Zoning, Article 5, Division 1,  
Section 25-5-7, Minimum Yards and Section 25-4-44(a),  
Permitted Projections into Yards and Open Space  
Requirements  
Tax Map Key: 2-5-033:049, Lot 32

Wastewater Branch found no wastewater/environmental health concerns with regulatory implications in the submittal.

We recommend that you review all of the Standard Comments on our website:  
<http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopment projects. We also ask you to share this list with others to increase community awareness on healthy community design.

WORD:VAR 12-000099.my