

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
WENDELL K. S. FOO)
from)
MINIMUM YARD REQUIREMENTS)
in)
Kahului, North Kona, HI.)

Variance No. 381

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on January 17, 1974 considered the application of Wendell K.S. Foo for a variance from Chapter 8, (Zoning Code), Article 9, Section 7, Hawaii County Code, as Amended, more specifically to allow an 8 foot and 15-½ foot shoreline and front yard setback respectively in lieu of 20 foot setbacks required; and a 6 foot side yard setback in lieu of a required 12 foot setback for an addition to a sun deck to be enclosed on an existing building located on a 2,880 square foot resort-hotel (V-1.25) zoned parcel in Kahului, North Kona, Hawaii. Tax Map Key: 7-5-19:16.

The Commission has found:

1. That there is a special and unusual circumstance applying to this property in that the subject parcel which has existed since 1949 is only 2,800 square feet in area. Such size today severely restricts any dwelling or similar construction being built on the lot under more recent (1968) zoning restrictions, and

That the circumstance further exists to a degree whereby the owner could not reasonably use his property if he had to comply with the present zoning setbacks required.

2. That granting the variance for the addition would not materially prolong the existing nonconforming aspects of the presently existing building and the addition itself would be further setback by 7 feet more from the shoreline and 10 feet more from the front property line. This would result in no increase in encroachments of setback requirements.

Therefore, the Commission hereby grants to the applicant a variance to allow an 8 foot and 15-½ foot shoreline and front yard setback respectively in lieu of 20 foot setbacks required; and a 6 foot side yard setback in lieu of a required 12 foot setback for an addition to a sun deck to be enclosed on an existing building located on a 2,850 square foot lot resort-hotel (V-1.25) zoned parcel pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following condition:

That construction of the addition as proposed in the plans submitted with the variance application shall be completed within 1 year of the date of this approval or the variance permit shall be deemed expired.

Should this condition not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from January 17, 1974.

Dated at Hilo, Hawaii, this 9th day of March 1974.

Arthur W. Martin
Arthur W. Martin, Chairman

