

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
DENNIS HASEROT)
from)
MINIMUM SIDEYARD AND)
SHORELINE SETBACK)
REQUIREMENTS)
in)
Kahului 1st,)
North Kona, Hawaii)
_____)

Variance No. 491

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on April 28, 1977, considered the application of DENNIS HASEROT for a variance from Chapter 8 (Zoning Code), Article 9, Section 7 and Article 26, Section 7, Hawaii County Code, as amended, more specifically, to allow the construction of a swimming pool with three (3) and four (4)-foot sideyard setbacks in lieu of the required eight (8) feet and also a 3'-6" shoreline setback in lieu of the required twenty (20) feet on property at Kahului 1st, North Kona, Hawaii, Tax Map Key 7-5-7-5-19:4.

The Commission has found:

1. That there are special or unusual circumstances applying to the subject property and its proposed use within the shoreline and side yard setback areas which do not generally apply to surrounding properties or improvements in the same district. The subject request is different from other such variances as the wall is existing, having been built over ten (10) years ago. The wall was constructed prior to the adoption of the Shoreline Setback Rules and Regulations.
2. That since the area behind the wall has already been dug up, to allow the swimming pool at that particular location would be an improvement to the property. Otherwise, that portion behind the wall which already has been dug would have to be filled in. Thus, a swimming pool in that particular area would be more aesthetically pleasing than the present situation.
3. That portion of Alii Drive which fronts the petitioner's property is on a curve and therefore becomes hazardous from a traffic standpoint if the future dwelling is situated further forward to the road.

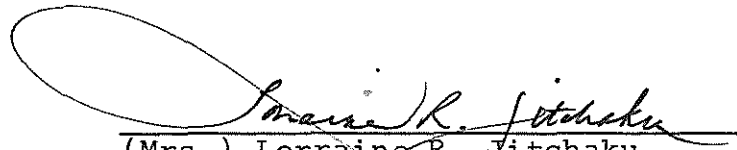
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a swimming pool with three (3) and four (4) foot sideyard setbacks in lieu of the required eight (8) feet and also a 3'-6" shoreline setback in lieu of the required twenty (20) feet on property at Kahului 1st, North Kona, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That the layout of the proposed swimming pool shall generally conform to the plans as submitted with the Variance application.
2. That construction of the swimming pool commence within one (1) year from the effective date of approval of the Variance Permit and be completed within one (1) year thereafter.
3. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from April 28, 1977.

Dated at Hilo, Hawaii, this 12th day of May, 1977.


(Mrs.) Lorraine R. Jitchaku
Chairman

