

ZONING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

RECEIVED

OCT 28 1964

State of Hawaii
LAND USE COMMISSION

IN THE MATTER OF THE APPLICATION)
)
 OF)
)
 BOARD OF LAND AND NATURAL RESOURCES)
)
)
)
)

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

In the matter of the application by the Board of Land and Natural Resources, State of Hawaii, for a Special Permit to use a parcel of land located within an Agricultural district for convalescent home purposes, the expansion of this use and/or the addition of improvements to this parcel, a public hearing was held before the Zoning Board of Appeals on September 17, 1964, following due notice to interested persons. Previous consideration was given to this application by the Zoning Board of Appeals at its regular meetings on September 3 and October 15, 1964.

On the basis of the evidence presented, the Board makes the following findings of facts:

1. The subject land in question is Parcel 51 of Tax Map Key 5-8-01, situated at 58-130 Kamehameha Highway, located on the mauka side of Kamehameha Highway in Waialeale, same being a portion of the former Waialeale Boys' Training School premises and comprises an area of 12.13 acres;
2. The land in question is within Agricultural District 0-7, as designated by the Land Use Commission;
3. The existing convalescent home on the premises has been in operation since 1954 and the present lease is about to expire;

and the State of Hawaii is in the process of negotiating a new lease;

4. The new lease will be for 55 years and it will specify that the lessee expend approximately \$100,000.00 in renovation, improvement, and possibly expansion of present facilities. It is proposed that some of the old buildings will be demolished and others repaired;

5. Most of the subject land is being utilized for some form of agricultural pursuits, such as truck farming and animal husbandry, for the benefit of the patients who are able to participate in this type of activity;

6. The Department of Health and the Department of Social Services have indicated the desirability and necessity for an enterprise of this type in this area; and

7. There were no protests filed in person or by letter during or prior to the public hearing.

CONCLUSIONS OF LAW

With reference to the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. The present use of the premises for convalescent home purposes was established prior to the enactment of interim regulations governing land use;

2. The existing use or the future improvement and/or expansion of the convalescent home use is reasonable and would promote the effectiveness and objectives of Chapter 98H, R. L. H. 1955, as amended;

3. The use sought is compatible with and will not affect any of the surrounding uses. Most of the parcel of land is being used for agricultural purposes and the University of Hawaii Experimental Farm which surrounds this parcel also utilizes its land for truck farming and animal husbandry;

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Board that the application for a Special Permit be issued to the applicant, State of Hawaii, Board of Land and Natural Resources, based on the fact that the use sought is a reasonable use within an Agricultural District, and would promote the effectiveness and objectives of Chapter 98H, R.L.H., 1955, as amended.

Dated at Honolulu, Hawaii, this 15th day of October, 1964.

ZONING BOARD OF APPEALS OF THE
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

H. Hometani
Chairman

APPROVED AS TO FORM
AND LEGALITY

Herold K. Kimball
Deputy Corporation Counsel

R7
RECEIVED

Meeting of the Zoning Board of Appeals
Minutes
September 17, 1964

OCT 28 1964

State of Hawaii
LAND USE COMMISSION

The Zoning Board of Appeals met in regular session on Thursday, September 17, 1964, at 2:00 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding:

PRESENT: Harold K. Kometani, Chairman
George I. Brown
Henry C. H. Chun-Hoon

Wallace S. W. Kim, Deputy Planning Director
Wendell Kimura, Deputy Corporation Counsel

PUBLIC HEARING
ZONING VARIANCE
(CLASS A-1 RES.)
MANOA
1288 ATHERTON RD.
FRANCES OKAGA

A public hearing was held to consider an application for variance from the provisions of Section 21-2.1 b, relating to floor area limitation of an accessory building in a residential district, to permit the retention of an existing servant's quarters in its present size of 620sq, which exceeds the floor area requirement by 120sq, on a parcel of land containing 7,748sq situated at 2188 Atherton Road, at the intersection of Atherton Road and Damon Street, in Manoa.

The public hearing notice published in the Sunday Star Bulletin and Advertiser of September 6, 1964, was read by the Deputy Director who reported that copies of the hearing notice were sent to the Manoa Valley Community Association, the Manoa Community Association and to seven adjoining property owners. No written protests have been received.

The Deputy Director stated that the main dwelling was destroyed by fire and the applicant wishes to construct a new dwelling and at the same time retain an existing servant's quarters on the premises in its present size of 620sq.

No one spoke in favor or against the application.

The Board recalled that a similar case, where the main dwelling was destroyed by fire, was granted a variance for replacement although there were two existing units on the premises. The applicant had stated at the prior hearing that she will remove the kitchen facilities in the servant's quarters upon completion of the new dwelling. The servant's quarters will be occupied by her mother.

The Board determined that there is sufficient evidence to meet the three conditions of hardship specified in the Charter.

The Board closed the public hearing and granted a variance from the provisions of Section 21-2.1 b to permit the retention of the servant's quarters in its present size of 620sq with the proviso that upon completion of the new structure, the kitchen facilities in the servant's quarters must be removed. The motion was made by Mr. Chun-Hoon, seconded by Mr. Brown, and carried.

The Deputy Director stated that the applicant will be required to apply for a building permit for removal of the kitchen facilities in the servant's quarters when she applies for a building permit for the new structure.

PUBLIC HEARING
SPECIAL PERMIT
WAIALEE
58-130 KAMEHAMEHA
HIGHWAY
BOARD OF LAND AND
NATURAL RESOURCES

A public hearing was held to consider an application by the Board of Land and Natural Resources, State of Hawaii, for a Special Permit to use a parcel of land located within the Agricultural District of the State Land Use Commission's District Boundary Map for convalescent home use by permitting new improvement and expansion of the present use. The land comprising 12.13 acres is situated at 58-130 Kamehameha Highway, on the mauka side of Kamehameha Highway in Waialeale, on a portion of the former Waialeale Boys' Training School premises.

The public hearing notice published in the Sunday Star Bulletin and Advertiser of September 6, 1964, was read by the Deputy Director who reported that no written protests had been filed. He indicated that the convalescent home is surrounded by agricultural uses. The University of Hawaii Experimental Farm surrounds most of the operation.

Mr. Apoliona, representing the applicant, stated that the convalescent home occupies 12.13 acres of the former boys' home premises while the rest is set aside for use by the University of Hawaii. He had nothing further to add to his statement made at the preliminary hearing held at the previous meeting.

Mr. Brown asked whether there is any withdrawal clause by the Board for any portion of the area during the term of the lease.

Mr. Apoliona stated that as yet the lease has not been written out but in line with procedure, there will be such a clause inserted in the lease.

Mr. Brown stated that any variance granted should be for convalescent home purposes only so that the variance would not apply for any other use if the convalescent home use is withdrawn.

Mr. Apoliona stated that if the present use is withdrawn, the intent of the Department is to withdraw it for University of Hawaii use and not for other uses.

In reply to questions from Mr. Chun-Hoon, Mr. Apoliona confirmed that the term of the lease is for 55 years. This longer term was decided because of financing. The Fire Department and the Board of Health had recommended to the Department that if any new lease is sold, the lessee must undergo tremendous renovation work, even to demolishing existing facilities. He stated that the lessee will be required to expend about \$100,000 for renovation and improvement of existing conditions. He stated that the convalescent home has out-patients from the mental institution and these patients are rehabilitated by doing farming, such as raising of vegetables, cows, pigs and other animals.

When asked by Mr. Chun-Hoon on the future use of the area, the Deputy Director replied that it is agriculture. The present home has been in operation for a long time as a non-conforming use in the area.

Mrs. Crawford, operator of the convalescent home, was in the audience.

No one spoke against this application. The public hearing was closed and the matter taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In accordance with the provision of the Land Use Commission Act, the Board deferred action for 15 days.

Mr. Chun-Hoon requested that the staff give a report on how the convalescent home will affect the future use of the area.

SPECIAL PERMIT
PUNALUU
MAUKA SIDE OF
KAMEHAMEHA HWY.
HAWAII AERIAL
TRAMWAY CORP.

The Board, on motion of Mr. Chun-Hoon and second of Mr. Brown, deferred action on an application for Special Permit to permit the construction of an aerial tramway and related appurtenances on land situated within the Agricultural District of the Land Use Commission's District Boundary Map. The subject property containing an area of approximately 17.26 acres is situated on the mauka side of Kamehameha Highway in Punaluu.

A public hearing was held and closed on August 6, 1964. In compliance with the Board's request, Bishop Estate, owner of the land, submitted two proposed development plans of its lands in Punaluu. Action was deferred for presentation of these plans by a representative from the Bishop Estate.

ZONING VARIANCE
(CLASS A RES.)
KAPALAMA
2055 MAKANANI DR.
ROBERT ARRIGHI

The Board again reviewed a request for variance from the existing Class A Residential regulations to permit the construction of a duplex dwelling on a parcel of land containing 14,496sq situated at 2055 Makanani Drive in Kapalama, Alewa Heights. There is an existing single family dwelling on the premises. The Board members visited the site.

Mr. Brown observed that the neighborhood is generally a Class A single family residential district and he did not believe that a duplex was a compatible use in the area.

Mr. Kometani concurred with Mr. Brown. He stated that a duplex tends to give the impression of an apartment complex and he felt it wrong to permit such a use in a nice residential neighborhood.

Mr. Chun-Hoon believed that there is sufficient hardship because the owner of the land has such a large land area. He had no objection if the owner were to place two single family dwellings instead of a duplex on the property.

After a brief discussion, Mr. Brown made a motion to deny this application for variance on the basis that there is insufficient evidence to meet the three conditions of hardship specified in the City Charter. The motion was seconded by Mr. Kometani and carried. Mr. Chun-Hoon voted in the negative.

ZONING VARIANCE
(CLASS AA RES.)
NUUANU
2711 PALI HIGHWAY
ROLAND K. YOUNG

The Board, on motion of Mr. Chun-Hoon and second of Mr. Brown, deferred action for submission of plot plan, a request for variance from the existing Class AA Residential regulations to permit the construction of an additional dwelling on a parcel of land containing an area of 19,623sq situated at 2711 Pali Highway in Nuuanu.

There is an existing dwelling on the premises.

The Board had requested the applicant to submit a plot plan but no plan had been submitted.

ZONING VARIANCE
(CLASS A RES.)
PALOLO
1234 CENTER ST.
HENRY K. LUM

The Board members visited the property at 1234 Center Street in Palolo for which a request was made for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on said property containing an area of 9,330sq. There is an existing two-story dwelling on the rear portion of the lot and the proposal is to construct the new dwelling over an existing garage situated in the front part of the lot.

The Board noted that majority of the lots in the area are improved with single family residential homes. In addition, there are other lots in the neighborhood having the same size as the applicant's lot indicating that this is a general condition in the neighborhood and not an unusual condition.

The Board also recalled that it had denied a request for variance for a property situated in this same neighborhood because it failed to find sufficient evidence of hardship. The Board also checked back records of variances granted and noted that only one lot containing about 9,100sq, falling far below the lot size requirement, was granted a variance because the peculiar shape of the lot created a definite hardship unless a variance was granted. All other variances granted were lots falling slightly below requirement.

On the basis that it failed to find sufficient evidence to meet the three conditions of hardship specified in the City Charter, the Board denied this application for variance on motion of Mr. Brown and second of Mr. Kometani. Mr. Chun-Hoon refrained from voting.

ZONING VARIANCE
(CLASS A-1 RES.)
MOKULEIA
68-287 CROZIER DR.
LEOPOLD W. TRIEB,
JR.

The Board again reviewed a request for variance from the existing Class A-1 Residential regulations to permit the construction of two new single family dwelling units on a parcel of land containing 14,127sq situated at 68-287 Crozier Drive in Mokuleia.

At the previous meeting, the Board requested the staff to check on the availability of water, deed restrictions, if any, and to have the applicant present to answer questions from the Board.

The Deputy Director reported that the Board of Water Supply has indicated that the subject property is served by a private water system--the Mendonca Estate. The B.W.S.'s existing mains, recently installed to serve the adjoining Mokuleia Beach Subdivision, are about 700 feet east of this parcel and water from the B.W.S.'s distribution system can be made available to this parcel provided the developer installs an adequate system for connection to the existing mains. No indication has been made as to whether or not water supplied by the Mendonca's Estate is adequate to serve the area.

Mr. Ted Nobriga, representing the applicant, stated that the property is owned by his sister and brother-in-law who are presently in the Orient. The property was purchased in 1947 and it is used as a family beach place. There is

an old structure on the premises and after considerable discussion among the families, they decided to demolish the old structure and construct two cottages. They now learn that the zoning restrictions prevent them from constructing two dwellings because the property lacks 873sq ft to meet the requirement for two dwellings.

Regarding the Board's inquiry whether there is any restriction in the deed preventing them from constructing two dwellings on the premises, he stated that he could find no such restriction in the deed. The only provision is that there can be no subdivision of the property.

The Board took this matter under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board again checked the map showing the sizes of lots in the surrounding area and the proposed development plan submitted by the applicant. Lots adjoining one side of the applicant's property fall within or below the 7,500sq ft requirement with access off Crozier Loop while lots on the other side of the property are lots larger than 7,500sq ft with access off Crozier Drive. The applicant's property has access from both Crozier Drive and Crozier Loop providing for a more orderly development plan than those for lots having access from Crozier Drive only.

Mr. Chun-Hoon inquired whether Mendonca Estate would provide water for the second home.

The Deputy Director stated that the staff will check on that matter.

The Board authorized the calling of a public hearing to consider this application for a variance and requested that the applicant submit a letter stating that there will be adequate water service from the private source for both homes, on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE
(CLASS A RES.)
WILHELMINA RISE
4411 SIERRA DR.
WALTER S. S. ZANE

The Board considered a request for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on a parcel of land containing an area of 9,516sq ft situated at 4411 Sierra Drive in Wilhelmina Rise. There is an existing dwelling on the property.

The Deputy Director reported that this is the same property for which a request was made for variance to permit a two-lot subdivision but the request was subsequently withdrawn. The applicant stated that it would be economically unfeasible to subdivide the land because of the expense involved to move the existing house.

Mr. Walter Zane, applicant, requested permission to construct another house on the property. He stated that there is sufficient land area to construct another house and his being unable to utilize the land to its fullest extent is causing a hardship. Although he has no plans prepared as yet, he could present a plan at the next meeting of the Board.

The Board stated that it would prefer reviewing a plot plan showing the existing dwelling and the proposed

dwelling with the garages before considering the application.

The Board deferred action pending submission of a plot plan on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE
(RURAL PROTECTIVE,
AGRICULTURAL SUBD)
KAHALUU
MAUKA END OF
AHILAMA ROAD
CHARLES C.
MURABAYASHI &
AGNES T. IKEGUCHI

The Board reviewed an application for variance from the existing Rural Protective, Agricultural Subdivision requirement to permit the construction of two dwellings on a parcel of land containing 1.88 acres situated at the mauka end of Ahilama Road in Kahaluu. Only one single family dwelling per acre of land is permitted in an Agricultural Subdivision unless the requirements for street improvements and utilities for non-agricultural subdivision have been complied with.

The Deputy Director pointed out that the subject land is situated on a plateau bordered by a stream in the back and Ahilama Road on the adjacent side. The property slopes down to the river.

Mr. William Kawahara, agent for the owners, stated that the owners are two sisters who require two separate homes. He pointed out that the property has a frontage of about 700 feet so that two separate homes can be placed on the property. It is situated within an agricultural zone and is short about .12 acres to meet the two acres requirement for two homes.

Mr. Chun-Hoon inquired whether the owners had attempted to acquire adjoining land to meet the two acres requirement.

Mr. Kawahara replied that there is no adjoining land to acquire because the land borders the river and the road. One adjoining land contains 1.04 acres.

Asked by the Deputy Director whether the existing road is passable, Mr. Kawahara stated that the road is paved up to the lot boundary.

The Board checked the original subdivision map of the area and noted that the lots were subdivided into two 1/2 acre lots and one 1/2 acre lot was consolidated with the applicant's property and the other 1/2 acre lot was consolidated with the adjoining lot to create the 1.04 acre lot.

After further deliberation, the Board determined that there is insufficient evidence to meet the three conditions of hardship specified in the Charter. A motion to deny this application was made by Mr. Chun-Hoon, seconded by Mr. Kometani, and carried.

ZONING VARIANCE
(CLASS AA RES.)
LANIKAI
END OF KOOHOO PL.
CHARLES SMALL

The Board again reviewed a request for variance from the existing Class AA Residential regulations to permit the construction of four separate dwellings on a parcel of land containing an area of 39,232 $\frac{1}{2}$ situated at the end of Koohoo Place in Lanikai. A public hearing was held and closed on July 23, 1964. Action was deferred for submission of a more detailed plot plan and a house plan.

Mr. Charles Small, applicant, submitted a grading plan of the property. He was unable to present a house plan

because the purchaser of one of the homes failed to approve the plan for the house.

The Chairman informed Mr. Small that the Board is not interested in the detailed layout of the interior house plan. It is merely interested in obtaining a schematic drawing of the house, the type of roof, square foot area of the house, the elevation, location of the garage and so forth so that in the event a variance is granted, construction would be in accordance with that plan. The Board does not wish to see the construction of a house that differs markedly from the presentation.

Mr. Small assured the Board that the homes will be first class buildings. The house will have 1,600sq of floor area with shake roof. Presently only one house plan has been developed because the others must wait until the land is cleared to see how they would fit into the area.

In reply to questions from Mr. Brown, Mr. Small stated that all four houses have not been sold. He will occupy one home while Commander Hopkins will occupy the other. He does not intend to abandon the project. Although he may legally construct three houses, he had planned the fourth house because of the high cost of site improvements. He worked over his estimated cost figures several times to reduce his cost but he could not do it without downgrading the type of houses to be constructed which he did not wish to do. He stated that the cost of the individual houses excluding improvement costs is about \$14,000.

The Board deferred action on this matter pending submission of a detailed plot plan and a house plan on motion of Mr. Brown and second of Mr. Chun-Hoon.

MISC.
ELECTION OF
OFFICERS

At the request of Mr. Brown, the Board deferred holding of an election to select its chairman and vice chairman for this fiscal year until the first of next year. Chairman Kometani will serve until the end of this year.

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

Carole A. Kamishima
Carole A. Kamishima
Planning Reporter

W. Kim

Meeting of the Zoning Board of Appeals
Minutes
September 3, 1964

The Zoning Board of Appeals met in regular session on Thursday, September 3, 1964, at 2:15 p.m., in the Conference Room of the City Hall Annex with Chairman Harold K. Kometani presiding:

PRESENT: Harold K. Kometani, Chairman
George I. Brown
Henry C. H. Chun-Hoon

Frederick K. F. Lee, Planning Director
Wendell Kimura, Deputy Corporation Counsel

MINUTES: The minutes of August 20, 1964, as circulated, were approved on motion of Mr. Brown and second of Mr. Chun-Hoon.

SPECIAL PERMIT
PUNALUU
MAUKA SIDE OF
KAMEHAMEHA HWY.
HAWAII AERIAL
TRAMWAY CORP.
BY: ATTORNEY
MORIO OMORI

The Board again reviewed a petition filed by the Hawaii Aerial Tramway Corporation for a Special Permit to use a certain parcel of land located within an Agricultural District of the State Land Use Commission's District Boundary Map for the establishment, construction and operation of an aerial tramway and related appurtenances. The subject parcel of land comprising an area of 17.26 acres is situated approximately 300 feet mauka of Kamehameha Highway, opposite 53-089 Kamehameha Highway in Punaluu, and extends toward the mountain ridge which separates Kahana Valley and Punaluu Valley.

A public hearing was held and closed on August 6, 1964. Fifteen days have elapsed since closing of the public hearing.

The Director acknowledged receipt and read a letter of protest against the tramway operation from the Outdoor Circle signed by the presidents of the various chapters.

The Outdoor Circle stated that its organization is one of the many which have endorsed the principle of having a botanical garden on the island of Oahu. It further stated that, "A great deal of time and effort has gone into the securing of a charter from Congress for the Pacific Tropical Botanical Garden. This charter was finally granted in July. It has been the ardent hope that this garden will be located on Oahu in the area of Kahana, and possibly extend into Punaluu Valley including Kila Point. It would seem wise to protect both the Kahana and Punaluu Valleys and mountain ridges until such time as the location and complete needs of the botanical garden are determined..."

Mr. Chun-Hoon asked whether the site of the botanical garden has been specified in the Charter establishing the Pacific Tropical Botanical Garden.

The Director did not believe so. He also did not believe that an act allocating funds for the project has been approved.

Mr. Chun-Hoon then asked whether Bishop Estate has replied to the Board's request for information on the Estate's future plan for the area.

The Director replied that he has not received any reply from the Bishop Estate.

Mr. Scott Pratt, who was in the audience, volunteered information on the act establishing the Botanical Garden. He stated that he is one of the Trustees of the Hawaiian Botanical Gardens Foundation, Inc., which for three years supported the passage of the bill to establish this Tropical Garden through Congress. A Pacific Tropical Garden Foundation was created and there are seven trustees who are meeting next week to organize the Charter. No money has been appropriated by Congress but the act allows the Foundation to obtain tax free money from private organizations. The Foundation hopes to obtain donations from big organizations, local huis, taxpayers, and even from the State government. The goal is \$50 million. Two groups were here visiting the island and both have recommended Kahana Valley. However, no definite selection of the site for the Botanical Garden has been made. They envision something really wonderful and feel that the Garden should be on Oahu because of the research facilities that are here, such as the East-West Center, the Bishop Museum, and others. However, other possible locations, such as on the island of Hawaii or Kauai are being considered.

Mr. Pratt noted that a letter from the Foundation was submitted opposing the tramway's location in Punaluu Valley because it feels that a tramway operation in the immediate area might jeopardize the selection of Kahana Valley as the site of the Pacific Tropical Botanical Garden. He stated that he had ridden in aerial tramways in other countries. It is not the tramway itself that he opposes but the facilities at the base terminal. He believed that these commercial ventures would not be compatible with the surrounding area. Punaluu Valley, also known as green valley, might be developed as an adjunct to the main tropical garden operation in Kahana Valley.

Noting the applicant in the audience, the Chairman asked him whether he had considered other sites for the aerial tramway.

Mr. Alan Kruse replied that he had.

The Chairman asked what made him select this particular site, and where were the other sites he had considered.

Mr. Kruse replied that the subject area was selected because it meets all the requirements for a successful aerial tramway operation by the fact that it is close to a major highway, it has a better view from the top of the ridge and the length of the tramway itself is short. He stated that a tramway line more than four miles long will not be practical because of the expense. He had checked all possible areas from Kaneohe to Kahuku. He had tried the Kahua Ranch property four times and was refused. He also attempted to talk to the heirs of the Mary K. Foster Estate but without success because of the involvement with too many heirs. He tried Castle lands over at Olomana peak and all along that particular area; he talked to several independent property owners in the Kaneohe area, even McCandless Estate lands, all without success.

Asked by the Director whether he had contacted the State Department of Land and Natural Resources for land above the Sea Life Park in Waimanalo, Mr. Kruse stated that that was one of the first possible sites that he had checked but the Department denied his request on the basis that it was not interested in venturing into this sort of development at this time. He had tried every possible land on the island from Honolulu all the way around the island. He even went over to Makaha, tried Dillingham Corporation's land, Pacific Palisades area, Bishop Estate lands, the area behind Pearl Harbor, Zions Securities land, Campbell Estate land, and even behind Crouching Lion Lodge but the Bishop Estate wanted to retain the land for future park purpose. Many of the sites were unsuitable because of the great distance necessary for an access road and the tramway line. Other areas did not have a suitable rise up the mountain. He requires an area that has a difference in elevation, fairly close to the highway and something reasonable to work with. There are many beautiful spots but they are not easily accessible. Punaluu seems to be the only site most suitable for the operation. If he cannot obtain this site then unfortunately there will be no aerial tramway on the island of Oahu.

Mr. Kruse understood that the Outdoor Circle had submitted a letter of objection based on the contention that an aerial tramway in Punaluu would jeopardize the selection of Kahana Valley as the site of the Tropical Botanical Garden. He believed that the Outdoor Circle had accepted the word of Mrs. Marks, Vice President of the Hawaiian Botanical Gardens Foundation, without an investigation. He stated that he has a copy of a survey made on the needs of a tropical botanical garden in Hawaii. The report states that the total amount of land needed for the tropical botanical garden is approximately 2,850 acres. He pointed out that Kahana Valley has over 5,000 acres indicating that it has more than ample area for the botanical garden without necessarily going into Punaluu Valley.

Asked by Mr. Chun-Hoon whether he had any particular reason for wanting the base terminal operation so close to the highway, Mr. Kruse stated that the reason is financing and easy accessibility. If the operation is two or three miles off the highway, people would have difficulty locating it. It is for this reason that the Sea Life Park and the Polynesian Village are located near the highway. He hoped that the Board, on its field trip, had noticed a junk yard and a service station near the entrance road to the proposed tramway site and that Coco Joe's and Pat's at Punaluu, restaurant operations, are nearby.

Asked by Mr. Chun-Hoon whether he had consummated the lease with Bishop Estate, Mr. Kruse replied that the lease is subject to obtaining the variance. He stated that this is his third attempt to locate an aerial tramway on Oahu.

The Chairman asked Mr. Kruse to elaborate on the report made on the needs for a tropical botanical garden in Hawaii.

Mr. Kruse stated that the report was prepared by John L. Creech, Francis de Vos, and Henry T. Skinner, Chairman

U.S.D.A. Survey Committee for a Hawaiian Tropical Botanic Garden. It is a feasibility study sponsored by the Agricultural Research Service of the U. S. Department of Agriculture dated March, 1963. The Committee felt that Kahana Valley was most appropriate for a tropical garden. On Page 20 of the report, it states that the total amount of land needed is approximately 2,850 acres and that as much of the land as possible be relatively flat for optimum growing condition. Further in the report it states that Kahana Valley has the size necessary for the botanical garden.

Mr. Kruse pointed out that Kahana Valley has more than twice the amount of acreage necessary for the botanical garden so that if it is established there, there is no question as to whether more land would be needed by extending the garden to Kahua Ranch's or Bishop Estate's lands in Punaluu. He indicated that the land he proposes to use for the aerial tramway is primarily hillside land, impractical for agricultural or botanical garden uses. Because of the vast area involved, he felt that a botanical garden in Kahana Valley would not be affected by an aerial tramway in Punaluu. He was hopeful that he would be permitted an opportunity to develop an aerial tramway in Punaluu Valley because he did not believe that there are any other suitable sites. He had even tried Rabbit Island but received no help from the State.

Mr. Omori also stated that they had checked every possible sites on the island of Oahu. He felt that if the present site is not approved for the requested use, then there will be no aerial tramway on any part of the island of Oahu.

Asked by Mr. Chun-Hoon for the term of the lesse agreement with Bishop Estate, Mr. Kruse replied that it is for 55 years.

Mr. Omori indicated that the protective features discussed at the time of the application for the Waialae-Nui sites are also included in this lease. The features involve removal of structures, construction requirement and others.

Inasmuch as the Board had requested the Bishop Estate to submit a master plan for development of its land in the area and not received such a report, Mr. Brown suggested that the Board defer this matter until receipt of the requested information.

Mr. Omori asked whether the request to the Bishop Estate is for development of the subject land requested for the aerial tramway.

The Chairman indicated that the records show that every lessee of Bishop Estate within the beach front properties have petitioned this office against this particular operation and others are against it because of concern on the selection of the botanical garden site. For this reason he had asked whether the applicant had checked other areas. He stated that two of the Board members and the Director had driven along the coast line and felt that there might be other desirable areas which would be less objectionable. Mr. Brown was not a member of the Board when it had considered the two other sites, but the Board members are mindful of the request and will certainly

give every consideration but at the same time the Board does not wish to jeopardize any movement such as the selection of the botanical garden site. The interest of the applicant is highly commendable but the Board must also consider the feelings of others who have invested in their homes. Perhaps, the applicant should check further into other possible sites.

Mr. Kruse commented that he had checked all possible sites.

Mr. Kometani stated that if the applicant's statement is that he had looked and exhausted all possible sites then he is ready to take action today and vote in the negative. He was speaking for himself only and not for the other two members. He felt that the applicant should check again into other areas, such as the area suggested by the Director which is within the Sea Life Park complex.

Mr. Omori realized that there are objections but he felt that the responsibility of the Board is to look at all the facets involved and at the merit of the objections and not by the number of objectors and high feelings. He felt that the objections were selfish ones because the objectors live near the area but not quite that near. He stated that the records would show that the base operations would not be that objectionable.

The Chairman remarked that the Board can take into consideration the views of objectors.

Since the objection from people interested in the botanical garden is the location of the aerial tramway near Kahana Valley, the Director asked whether the people would still object if the tramway were located elsewhere or is the objection oriented toward this type of operation within any area.

Mr. Pratt replied to that question. Speaking for himself and not the Botanical Garden Foundation, he felt that an aerial tramway use was not a compatible use next to a botanical garden. He personally had no objection to its location within the Sea Life Park area.

Mr. Kruse felt that the objectors were not familiar with the content of the report made. He stated that the Committee also recommended commercial activities, such as motels, restaurants, theaters and other types of commercial facilities within the botanical garden complex so that the garden itself will change the entire complex of the area.

Mr. Pratt remarked that the Trustees will make its own plan selection.

This matter was taken under advisement on motion of Mr. Chun-Moon and second of Mr. Brown.

In considering this matter later, the Board deferred action for further study and report from the Bishop Estate on motion of Mr. Brown and second of Mr. Kometani.

Mr. Chun-Moon requested a report from the Chief Engineer as to how much of the land is usable or buildable.

ZONING VARIANCE
(CLASS AA RES.)
LANIKAI
END OF KOOHOO PL.
CHARLES SMALL

The Board again reviewed a request for variance from the Class AA Residential regulations to permit the construction of four separate dwelling units on a parcel of land containing 39,232sq situated at the end of Kooahoo Place in Lanikai. A public hearing was held and closed on July 23, 1964. Action was deferred for receipt of certain information requested of the Corporation Counsel by the Board.

The Chairman informed Mr. Charles Small, applicant, that the Board is of the opinion that before any variance is granted, that the applicant submit the house plan and a plot plan of his development for attachment to the variance permit. The Board feels that actual construction should not deviate from the plot plan submitted. This will then assure proper spacing between buildings and the maintenance of the same grade as represented on the plan.

Mr. Small stated that that is a fair request. He has only one definite house plan drawn at the moment and he will submit the house plan and a more detailed plot plan.

The Board deferred action until submission of further plans by the applicant on motion of Mr. Chun-Moon and second of Mr. Brown.

SPECIAL PERMIT
WAIALEE
58-130 KAMEHAMEHA
HIGHWAY
BOARD OF LAND
AND NATURAL
RESOURCES

The Board reviewed a petition filed by the Board of Land and Natural Resources, State of Hawaii, for Special Permit to use a certain parcel of land located within an Agricultural District of the State Land Use Commission's District Boundary Map for future improvement and/or expansion of the existing use--convalescent home purposes-- on area of land comprising 12.13 acres at 58-130 Kamehameha Highway, situated on the mauka side of Kamehameha Highway in Waialeale, same being a portion of the former Waialeale Boys' Training School premises.

Mr. Apoliona spoke on behalf of the Department of Land and Natural Resources in its application for a Special Permit to use certain land situated in Waialeale for convalescent home purposes. He noted that the Department has submitted a resume of the history of this particular request. He stated that approximately 12 acres of land was leased in 1954 for convalescent home purposes. Inasmuch as the present lease is about to expire, the Department was in the process of negotiating a new lease when the new zoning regulations of the Land Use Commission became effective. Since the land is situated in an Agricultural area, the Department is requesting a Special Permit in order to continue the present use. He reported that the Department has also filed copies of letters from the Department of Health and the Department of Social Services strongly recommending the continuance of this convalescent home.

The Director pointed out on the map the subject land situated in Waialeale on the mauka side of Kamehameha Highway, being the former Waialeale Boys' Training School premises. He stated that the existing convalescent home has been in operation since 1954 and presently the home has 56 mental health patients. The area contains 12.13 acres most of which is being utilized by the home in some form of agricultural pursuits, such as vegetable farms.

The proposal is to expand and improve the present facilities. The new lease will be for 55 years so that if a special permit is granted, it should be for the same length of time.

The staff's feeling is that the present use within the area would not affect any of the surrounding uses since most of the land is used for agricultural purposes and the University of Hawaii Experimental Farm surrounds most of the operation. Regarding public facilities, there is adequate water. A booster pump can be provided for additional pressure. City sewers are not available but septic tank or cesspools could be substituted. Natural drainage is available since the land has a suitable slope. The staff feels that the need for this type of facilities is acute and that it will not be detrimental to the surrounding neighborhood. There has been no complaint from people in the surrounding area.

In reply to Mr. Kometani's question, the Director stated that the General Plan designates the area for public facilities use so that there will be no conflict if used for convalescent home purposes.

In reply to questions from Mr. Chun-Hoon, Mr. Apoliona stated that the lease is subject to public auction. The present tenant is interested in purchasing the new lease. The new lease will specify that the lessee expend approximately \$100,000 in renovation, improvement, and possibly expansion of present facilities. Some of the old buildings will be demolished and others repaired into a safe condition.

Further replying to questions from Mr. Chun-Hoon, the Director stated that the present use was established prior to adoption of the Land Use Commission's interim regulations governing land use. The land is State property and convalescent home is a permissible use in a Rural Protective zone area. The subject land is situated in the midst of the Agricultural District boundary.

This matter was taken under advisement on motion of Mr. Brown and second of Mr. Chun-Hoon.

In considering this matter later, the Board authorized the calling of a public hearing to consider the petition for a Special Permit on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE
(CLASS A RES.)
KAPALAMA
2055 MAKANANI DR.
ROBERT ARRIGHI

The Board considered a request for variance from the existing Class A Residential regulations to permit the construction of a duplex unit on a parcel of land containing 14,496 $\frac{1}{2}$ situated at 2055 Makanani Drive in Kapalama which has an existing single family residential dwelling.

The Director pointed out the property situated in Alewa Heights near the Natsunoya Tea House. He stated that if 10,000 $\frac{1}{2}$ is set aside for the duplex unit, the existing unit will have 4,496 $\frac{1}{2}$ of area which is 10% below requirement. However, if 5,000 $\frac{1}{2}$ is set aside for the existing dwelling, the duplex unit will have an area of 9,496 $\frac{1}{2}$ which is 5.04% below requirement. There is an existing guest quarters with kitchen facilities in the rear of the property.

Mr. Robert Arrighi, the applicant, was present and in reply to questions from the Chairman stated that the present dwelling is about 50 years old and ready to fall apart. Presently just he and his wife occupy this big three bedroom house. He plans to demolish the house and build a duplex for rental purposes and live in the one bedroom guest cottage. He believed that his property is the only big lot left in this Alewa Heights area except for the teahouse property. The land has a slight slope of about 5 feet.

The Board checked the tax map key of the area. Mr. Brown asked the Director whether there are any duplex units in the surrounding area.

The Director pointed out that the only duplex development in the area is around the Kam Shopping center at the intersection of School Street and Likelike Highway. All the rest are single family residential dwellings. In the immediate vicinity of the applicant's property there are two dwellings used for multi-family purposes. One dwelling is occupied by two families while the other dwelling is occupied by three families but they are related to each other.

Mr. Chun-Hoon suggested to the applicant that he consider building his home in such a manner that he would be able to subdivide his land in the future if he so desired.

Mr. Arrighi remarked that he had not given much thought to that proposal.

Mr. Kometani expressed his reluctance to permit a duplex dwelling in this highly desirable single family residential area although under the law a duplex would be permitted as long as there is a minimum area of 10,000sq. ft. He asked, what would happen if everybody started to construct duplexes in a residential area?

Mr. Arrighi remarked what then can he do with this large parcel of land.

Asked by the Deputy Corporation Counsel whether he had considered the possibility of acquiring additional land to meet the area requirement, Mr. Arrighi stated that the adjoining owner on his right, Mrs. Thelma Gilbert, has her driveway right next to the property line so that he cannot purchase any land from her. The owners on his left, the Tsujis, have their home constructed right up to the boundary line. The Tsujis originally had a large parcel of land but it was subdivided and the lots were divided among the family. The lot to the rear had an additional unit constructed on the rear portion of the property.

In reply to Mr. Chun-Hoon's question, the Director stated that there is no setback on Makaanani Drive.

This matter was taken under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board decided to visit the site. A motion to defer action for visit of site was made by Mr. Brown, seconded by Mr. Chun-Hoon, and carried.

ZONING VARIANCE
(CLASS AA RES.)
NUUANU
2711 PALI HWY.
ROLANDK. YOUNG

The Board considered a request for variance from the existing Class AA Residential regulations to permit the construction of an additional dwelling unit on a flag lot parcel of land containing an area of 19,623sq situated at 2711 Pali Highway in Nuuanu.

The Director reported that the subject property is an interior lot, two lots away from Pali Highway. The width of the driveway is 18 feet. Presently, the applicant's parents-in-law are living with them and due to overcrowded condition, he wishes to construct another home for them on the premises. A plot plan showing only the location of the existing dwelling has been submitted.

The Board had visited the site.

In reply to questions from the Chairman, Mr. Roland Young, applicant, stated that he presently resides in the house. He had purchased this home about 8 years ago.

The Board took this matter under advisement on motion of Mr. Chun-Hoon and second of Mr. Brown.

In considering this matter later, the Board deferred action for submission of a plot plan on motion of Mr. Brown and second of Mr. Chun-Hoon.

ZONING VARIANCE
(CLASS A RES.)
PALOLO
1234 CENTER ST.
HENRY K. LUM

The Board considered a request for variance from the existing Class A Residential regulations to permit the construction of an additional dwelling on a parcel of land containing 9,330sq situated at 1234 Center Street in Palolo.

The Director reported that there is an existing two story dwelling on the rear portion of the property. The applicant proposes to construct the new dwelling over an existing garage situated in the front portion of the lot. This dwelling is to be occupied by his son's family. He noted that by setting aside 5,000sq for the existing dwelling, the proposed new dwelling will have 4,330sq which is over 11% below requirement. If the lot is divided in half, each dwelling will have 4,665sq each or over 6-1/2% below requirement.

Mr. Brown asked what is the situation of adjacent lots.

The Director pointed out on the tax map those lots which are similar in size with the applicant's lot. The area is improved with single family homes. There is no setback on Center Street. There is an elevation difference of about 5 feet between the land and the road.

Mr. Henry Lum, applicant, informed the Board that he had purchased the property in 1940 and for the past 12 years had considered seriously of constructing another dwelling on it. He had tried several times to acquire additional land in order to comply with the zoning requirement for two dwellings but the only person from whom he could acquire land, which is his neighbor in the back whose lot fronts on Sierra Drive, has refused to sell. That neighbor has an area of 11,648sq and could afford to sell him a few square foot of land but he still refused. The former owner had also refused to sell. The adjoining neighbor on his left has an identical sized lot as his.

Mr. Lum stated that his two story home is set backed 68 feet from the property line. There is a wall 10 feet in from the road curbing so that there is 65 feet of open space. The present two car garage is about 30 years old, ready to fall apart, and can accommodate only one car of present day size. He plans to demolish this garage and widen it for three cars. Over this garage and about half way in, he plans to construct a one-story, two bedroom home with a floor area of about 800 square feet for his son and family.

He did not believe that this new home would detract the appearance of the neighborhood. In fact it would look better than the old garage. During the 25 years of residence, he noticed that the area has changed from a strictly residential district to one of a commercial character. Queen Theater was there but Bank of Hawaii and Ben Franklin Store have subsequently been located there. In the past 10 years several variances have been granted, such as use of three residential lots in the back of the Queen Theater for parking purposes. Also, three lots across the street have been acquired by a business firm and are used for storage purposes. Due to this change in character, he felt that his request would not alter the general character of the neighborhood.

This matter was taken under advisement on motion of Mr. Chun-Moon and second of Mr. Brown.

In considering this matter later, the Board voted to defer action for visit of site on motion of Mr. Brown and second of Mr. Chun-Moon.

ZONING VARIANCE
(CLASS A-1 RES.)
MOKULEIA
68-287 CROZIER DR.
LEOPOLD W. TRIBE,
JR.

The Board considered a request for variance from the existing Class A-1 Residential regulations to permit the construction of two single family dwelling units on a parcel of land containing 14,127 $\frac{1}{2}$ situated at 68-287 Crozier Drive in Mokuleia.

The Director reported that the applicant proposes to demolish all existing old buildings on the premises and construct the two new units. A plot plan showing the location of the new dwellings and garages has been submitted. The applicant has stated that his lot is the only lot of this size in this area and that this is not the general condition in the neighborhood. He, therefore, felt that the use sought by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance.

The Director indicated that by setting aside 7,500 $\frac{1}{2}$ for one dwelling, the second dwelling will have 6,627 $\frac{1}{2}$ which is over 11% below requirement. However, if the land is divided in half, each unit will have 7,063 $\frac{1}{2}$ which is 5.82% below requirement.

The Director then displayed a map showing the sizes of lots in the surrounding area. Out of 85 lots, 7 are below 5,000 $\frac{1}{2}$; 8 between 5,000 $\frac{1}{2}$ and 5,999 $\frac{1}{2}$; 23 between 6,000 $\frac{1}{2}$ and 6,999 $\frac{1}{2}$; 7 between 7,000 $\frac{1}{2}$ and 7,999 $\frac{1}{2}$; 3 between 8,000 $\frac{1}{2}$ and 8,999 $\frac{1}{2}$; 6 between 9,000 $\frac{1}{2}$ and 9,999 $\frac{1}{2}$; 7 between 10,000 $\frac{1}{2}$ and 10,999 $\frac{1}{2}$; and 24 are 11,000 $\frac{1}{2}$ and over.

The Board noted that lots in the adjoining areas are of various sizes. An adjoining lot containing 13,817 $\frac{1}{2}$ in

area would require a driveway off Crozier Drive for two dwellings thus reducing the buildable area of the lot; whereas, the applicant's property has access from Crozier Drive and Crozier Loop.

Mr. Chun-Hoon believed that there is a problem of adequate water in this area. He also felt that a check should be made whether or not there are any deed restrictions for the beach lots.

The Director replied that there is a water problem; however, a nearby subdivision developed by Eugene Kennedy had a major water line installed. Whether or not there is a connection into the adjoining lots, he does not know. A check could be made of the deed restrictions.

The Board noted that the applicant was not present to provide information on his application. It requested that the applicant be notified to be present at the next meeting of the Board.

The Director reported that the applicant was notified to appear at today's meeting.

The Board deferred action for staff check of the water situation, check of any deed restrictions on the beach lots, and notification to the applicant to appear at the next meeting of the Board, on motion of Mr. Chun-Hoon and second of Mr. Brown.

ZONING VARIANCE
(CLASS A YES.)
PACIFIC HEIGHTS
2502 PACIFIC
HEIGHTS ROAD
MR. & MRS. RALPH
E. COREY

The Board again reviewed a request for variance from the existing Class A Residential regulations to permit the use of a four story building as a three unit apartment house on a parcel of land containing 6,086sq situated at 2502 Pacific Heights Road in Pacific Heights.

The Board members had checked the premises and noted that there are three complete kitchen facilities in this four story structure. The applicant had testified that construction of the structure was commenced in 1952 and abandoned in 1954 by a former owner and he had completed this partially constructed structure in 1964.

At the past meeting of the Board, a member of the Building Department had testified that the original building permit issued in 1952 was for a 1-1/2 story single family residential structure with a floor area of 1,600sq. A supplementary permit was issued in 1963 to the applicant for the purpose of completing the building in accordance with the original plan. Unfortunately a copy of the building plan was not on file in the Building Department. The Board had requested a written report from the Building Department.

The Director acknowledged receipt of a report from the Building Department. Copies of the report were circulated to the Board members. In summary, the report states that:

- (1) The owners apparently did not follow the original plans, which had authorized the construction of a single family dwelling only.
- (2) There is no record in our files that this department has ever approved any plans showing the installation of three separate kitchen sinks for this building.

- (3) Considering the change in use of the building from a single family dwelling to apartment house, the building does not comply with our Building Code requirements.

In the discussion that followed, Mr. Kometani informed the Deputy Corporation Counsel of the Board members reluctance to act on an application which is definitely in violation of the zoning ordinance and the Building Code. They feel that the violation should first be cleared before acting on this application.

Deputy Corporation Counsel Kimura stated that he knows of no statutory restrictions which would prevent the Board from acting on an application which is in violation of the zoning ordinance. He indicated that the application before the Board is a request to vary the application of the Class A zoning regulations to permit the use of a four story structure as a three unit apartment. It would be in order for the Board to deny or approve the request for a variance but it is not within the jurisdiction of the Board to force the applicant to clear the violation or cite him for the violation. This is a matter for the Public Prosecutor's Office to investigate. The fact that there is a violation is not a matter before the Board although it may take that into consideration when making its decision. The existing violation is similar to a non-conforming use, except that there is a violation after the fact, and the applicant is applying for permission to proceed with the present use. If the permission to proceed is not given then he would still be in violation but if permission is granted, from this point forward the applicant would be within the law and the matter becomes moot.

Mr. Kimura further informed the Board that the matter before the Board to consider is the physical characteristics of the lot as well as the land. He felt that the Board can consider the fact that the four story structure was constructed without the appropriate building permit which caused the present situation. Having considered the parcel and the improvements thereon, the Board can make a determination whether or not an apartment use is desirable in the area. If it should decide that it is, then it is within the authority of the Public Prosecutor's Office to determine whether or not to cite the applicant and the question before the Board becomes moot. If the Board decides that apartment use is not desirable then the matter lies with the Prosecutor's Office.

The Board then discussed whether or not apartment use would be desirable in this residential area.

Mr. Kometani felt that it was not and stated that he was ready to deny the application and refer the matter to the Prosecutor's Office for disposition.

Mr. Chun-Hoon suggested that the matter be deferred for further review of all evidence submitted and findings of law. Mr. Brown concurred with Mr. Chun-Hoon.

Mr. Kometani felt that the Board has sufficient evidence to make a decision today. He pointed out that an apartment use definitely is not a compatible use within a residential district. He could find no hardship to meet the three conditions specified in the Charter.

After a brief discussion on whether or not to defer this matter, the Board decided to review all evidence submitted by the applicant.

The Director read portions of the applicant's letter which sets forth the conditions justifying the variance applied for, as follows:

"...respectfully apply...for a zoning variance for said property from the existing Class A restricted residential zoning to a hotel and apartment district type of zoning for the following reasons and grounds, to wit:...

3. Conditions justifying variance applied for:

a. Strict enforcement and compliance with the zoning requirements of R. O. 1961, 21-2.7, would cause great practical difficulty and unnecessary hardship to Applicants, in that valuable, existing kitchen fixtures and facilities would have to be torn from the premises, removed and destroyed; existing 2-year leases entered into between Applicants and three (3) middle-aged couples, would thereby be terminated and canceled, at great loss to Applicants and their respective tenants; possible landlord-tenant litigation against Applicants might immediately thereafter ensue; and Applicants most certainly would suffer substantial economic loss, prejudice and hardship by reason of such strict enforcement and compliance."

The Board found that the existing zoning of the area is Class A Residential which permits only single family residential dwellings with one kitchen unit. The Board further found that the existing kitchen facilities in the four story structure, two in excess of requirement, were installed by the applicant and any hardship caused to require removal of the two excess kitchen units constituted a self-created hardship which may not be made a basis for a variance. This is an illegal act outside of the law and may not be considered in support of the variance request.

"b. The location of Applicants' property is highly unique, in comparison with other properties in the immediate neighborhood. Applicants' property does not lend itself architecturally or economically to single family residence construction. Said property does not overlook any immediately-adjacent residential lot or residence;...

"c. By reason of the highly unique and unusual physical and historical characteristics of Applicants' said property, the land as improved cannot yield a reasonable return to Applicants if used only for the restricted purposes allowed in Zone 'A' residential districts.

"d. The plight of Applicants is due to unusual and unique circumstances, and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself."

The Board found that the applicants' lot is a corner lot with one low and one high road entrances, sloped, and triangular shaped. In checking the lots in the surrounding area, the Board found that there are other similar type lots having the same physical shape, steepness and condition as the applicants' lot.

"e. The substantial existing use of residences in the adjacent neighborhood is for multiple dwelling purposes, which existing use clearly reflects the unreasonableness and lack of enforcement of the Class 'A' restricted residential zoning ordinance itself."

The Board noted that no evidence was submitted by the applicant that the surrounding area has multi-family dwellings.

"f. The use sought to be authorized by R. O. 1961, Sec. 21-3.1, as amended by Section 5-507, Charter, City and County of Honolulu, 1959, will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance."

The Board stated that zoning of this area for single family dwelling purposes is a reasonable and logical use and that apartment use will definitely alter the essential character of the locality and be contrary to the intent and purpose of the zoning ordinance.

Based on the findings as stated, the Board denied this application for variance on motion of Mr. Brown and second of Mr. Chun-Hoon.

The meeting adjourned at 4:45 p.m.

Respectfully submitted,


Carole A. Kamishima
Planning Reporter