

September 29, 1970

Mr. Frank G. Ku  
P. O. Box 543  
Kealahou, HI 96750

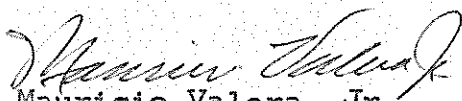
Re: Variance Application

The Planning Commission at its duly held public hearing on September 25, 1970 considered your application for a variance from Section 10-D(2) of Subdivision Ordinance No. 62. Specifically, to allow an existing 12-foot paved roadway to provide access to a proposed subdivision where the required pavement width is sixteen (16) feet. Subject location is in Kawanui 1st, North Kona, Hawaii, under Tax Map Key 7-9-14:2.

The Commission voted to deny your application because it was found that:

1. Said hardship of increasing the width of an existing 12-foot paved portion is a self-imposed hardship as the application for subdivision has been revised a number of times. This has resulted in different standards being imposed for each revised application.
2. The Department of Public Works has recommended that the pavement width be 16 feet.
3. The granting of such a request may possibly set a precedence that would have negative effect on that section of the Subdivision Ordinance pertaining to roadway standards.

We will be forwarding the official Order as soon as the document is prepared.

  
Mauricio Valera, Jr.  
Vice Chairman

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the matter of the appeal )  
of Frank G. Ku to allow relief )  
from Section 10-D(2) of Subdi- )  
vision Ordinance No. 62, TMK: )  
7-9-14:2 )

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Variance No. 215

DECISION AND ORDER

AND

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the matter of the appeal )  
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vision Ordinance No. 62, TMK: )  
7-9-14:2 )

Variance No. 215

DECISION AND ORDER

Pursuant to the Findings of Fact and Conclusions of Law of even date herewith and filed herein, it is the decision of this Commission and it is therefore ordered, that the application of Frank G. Ku for a variance from the requirements of Section 10-D(2) of Subdivision Ordinance No. 62 pertaining to providing access to residential lots, located in Kawanui 1st, North Kona, Hawaii, Tax Map Key: 7-9-14:2 be and is hereby denied on the merits.

Dated at Hilo, Hawaii, this 23 day of October 1970.

PLANNING COMMISSION

By   
Vice Chairman

PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the matter of the appeal  
of Frank G. Ku to allow relief  
from Section 10-D(2) of Subdi-  
vision Ordinance No. 62, TMK:  
7-9-14:2

Variance No. 215

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came on for hearing on September 25, 1970, Frank G. Ku, the applicant, appearing on his behalf before Mauricio Valera, Jr., O. W. Efurd, Clara K. Kahumoku, Masayuki Kai, Roy H. Nagata and Skippy T. Yasutake, constituting the Planning Commission, with Mauricio Valera, Jr., presiding and said Commission having heard the testimony and having examined the exhibits adduced, and having duly considered the issues and facts of the application, makes the following findings of fact:

1. On June 8, 1967, an application was received by the Planning Department for a proposed subdivision of a portion of Grant 1178 to Hapuku into parcels A, B, C, D and E, Kawanui 1st, North Kona, Hawaii. Tentative approval was granted on July 11, 1967 with a set of conditions which had to be met before final approval would be granted. One of the conditions was the requirement of a 16-foot pavement within a 20-foot right-of-way.
2. On December 30, 1968, a revision was submitted and received for the subdivision of a portion of Grant 1178 into parcels A, B, and C, eliminating parcels D and E from the original plans.

Tentative approval was granted on February 6, 1969 with the requirement of an 8-foot pavement.

3. On November 12, 1969, a revision was submitted and received for the subdivision of parcels A, B, C, D and E.

The applicant was notified on November 25, 1969 that a 14-foot pavement would be required.

4. On or about April 16, 1970, a 12-foot paved roadway was completed.

5. On May 21, 1970, another revision was submitted and received for the subdivision of a portion of Grant 1178 into parcels A, B, C, D, E and F.

On June 1, 1970, the applicant was notified that a 16-foot pavement would be required for the proposed subdivision.

6. On July 23, 1970, a variance application was submitted by Frank G. Ku requesting that the existing 12-foot pavement be permitted to serve as the required access roadway to the proposed subdivision.

#### CONCLUSIONS OF LAW:

Upon due consideration of the facts and applicable laws, this Commission makes the following conclusions of law:

1. This Commission, pursuant to Section 5-4.3 of the County Charter of the County of Hawaii, has the jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Ordinances.
2. The Commission has found:
  - a. that said hardship of increasing the width of an existing 12-foot paved portion is a self-imposed hardship as the application for subdivision had

been revised a number of times. This has resulted in different standards being imposed for each revised application;


- b. that a pavement width of 16 feet has been recommended by the Department of Public Works; and
- c. that the granting of such a request may possibly set a precedence that would have a negative effect on that section of the Subdivision Ordinance pertaining to roadway standards.

3. The Commission has found that the appeal of Frank G. Ku should be dismissed on the merits.

Let a decision and order in accordance herewith be entered.

Dated at Hilo, Hawaii, this 22 day of October

1970.

  
Vice Chairman