

PLANNING COMMISSION
Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
STATE OF HAWAII, DEPARTMENT)
OF TRANSPORTATION, HIGHWAYS)
DIVISION)
from)
MINIMUM AREA REQUIREMENTS)
and)
MINIMUM SETBACK REQUIREMENTS)
in)
NORTH KOHALA, HAWAII)
_____)

Variance No. 277

VARIANCE PERMIT

The Planning Commission held a public hearing on February 10, 1972 on the application of STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, for a variance from Section 13-D, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow the creation of lots which do not meet the minimum area requirements of the zoned districts in which located and to allow variances from the minimum setback requirements of existing structures due to the acquisition of portions of properties on which the structures are located. Subject requests are in conjunction with the proposed improvements to the Mahukona-Hawi Road, North Kohala, Hawaii.

The Commission finds that:

1. The request will not be contrary to the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity.

The General Plan calls for such an improvement between North Kohala and Kawaihae. The road improvement will increase the access to and from North Kohala and will also serve to increase the overall road conditions. The present road will be widened and realigned to create a more efficient roadway.

2. There are special circumstances applying to the subject properties which do not generally apply to other properties or improvements in the same districts. The creation of lot sizes below the minimum requirements of the zone and in some cases, the reducing of front setbacks of certain buildings, are not a result of specific property owners' actions; rather such owners are the innocent party of a governmental action,

a governmental action done in the interest of the entire public. Thus, the staff finds that there are unusual circumstances peculiar to the subject properties.

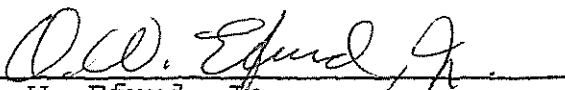
Therefore, the Commission hereby grants to the applicant a variance from the minimum area requirements of the zoned districts in which the created lots are located in and from the minimum building setbacks for affected structures pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that:

1. When the existing road become abandoned, the adjacent property owners of the road be given all opportunity to acquire such portions and to consolidate it with their remaining parcel.
2. At the time of abandonment, the County Planning Department shall reserve the right to review such consolidations for the purpose of assuring the prevention of further parcelizations of the lands and assuring their optimum configuration.

The effective date of this permit shall be from February 10, 1972.

Dated at Hilo, Hawaii, this 1st day of March, 1972.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII


O. W. Efurd, Jr.
Chairman