

April 14, 1972

Mr. Edward Medeiros  
P. O. Box 242  
Holualoa, Hawaii 96725

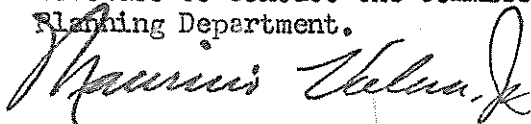
Re: Variance Application  
TMK: 7-8-07:46

The Planning Commission at its meeting of April 13, 1972 reviewed your application for a variance to allow the construction of an additional dwelling unit on property described as TMK: 7-8-07:46.

This is to inform you that the Commission voted to deny your request as it was found that the subject request would be contrary to the intent of the State Land Use agricultural district which provides for farm dwellings on a minimum lot size of one acre or per lot of record if non-conforming in size and would also be contrary to the intent of the County agricultural (A-1a) district which provides for agricultural and very low density residential uses with a maximum allowable density of one dwelling per one acre of land or per lot of record if non-conforming in size.

Inasmuch as your request was denied at the preliminary hearing, your one hundred (100) dollar filing fee is refundable and is enclosed.

Should any further questions arise regarding your request, please do not hesitate to contact the Commission or Glenn Miyao or Sidney Fuke of the Planning Department.



Mauricio Valera, Jr.  
Vice Chairman  
For  
O. W. Efurd, Jr.  
Chairman

GM:y

Enclosure

APR 17 1972

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of )	
Edward Medeiros )	Variance Application
Tax Map Key 7-8-07:46 )	
_____ )	No. 286

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of )	
Edward Medeiros )	Variance Application
)	
Tax Map Key 7-8-07:46 )	No. 286
_____ )	

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND  
DECISION AND ORDER

The above-entitled matter was brought on for hearing before  
th the Planning Commission of the Planning Department, County of  
Hawaii, on the 13th day of April, 1972, in the Planning Department's  
Conference Room, County Building, Hilo, Hawaii, at which hearing  
Edward Medeiros appeared on his behalf. The Planning Commission  
having heard the testimony and having examined the exhibits does  
hereby declare its Findings of Fact, Conclusions of Law, and  
Decision and Order.

FINDINGS OF FACT

1. An application requesting a variance from the allowable density as regulated by the County's agricultural (A-1a) zoned district was received on January 20, 1972.
2. A preliminary hearing concerning the above matter was held on April 13, 1972.
3. The application requested the construction of an additional dwelling on a 0.69 acre parcel of land located in Keauhou, North Kona, Tax Map Key 7-8-07:46.

4. The subject property is one of nine similarly sized nonconforming parcels located on the makai side of the Mamalahoa Highway in the general vicinity of the Hawaiian Telephone Communications building which fronts on Kuakini Highway.

5. The subject property is within the State Land Use agricultural district and is zoned as an agricultural (A-1a) district by the County of Hawaii.

6. The Land Use Commission's agricultural district provides for agricultural pursuits and farm dwellings on a minimum lot size of one acre or recognized lot of record if nonconforming in size.

7. The County's agricultural district provides for agricultural and very low density residential uses. The County's A-1a zoned district permits a density of one single-family dwelling per one acre of land area or per lot of record if nonconforming in size.

8. Presently situated on the subject dwelling is one single-family dwelling.

9. No adverse comments were received from the County Department of Public Works, the Department of Water Supply, and the State Department of Health.

10. The staff concluded that the request to construct the additional dwelling on a 0.69 acre parcel of land is considered to be using the subject property for residential purposes rather than that for which the land is designated (agricultural uses). The proposed use of land was found to be contrary to the intent of both the State's and County's zoned districts. For this reason, it was recommended that the request be denied at the preliminary hearing.

11. It was moved by the Commission to concur with the recommendation of the staff in denying of the request. The motion was

seconded and carried that the request by Edward Medeiros be denied.

#### CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Ordinances.

2. All procedural requirements as prescribed by law have been complied with.

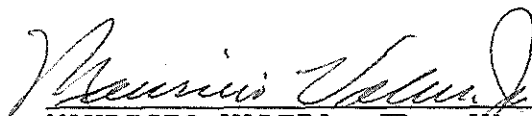
3. Under Section 5-4.3(g) of the Hawaii County Charter a variance may not be granted unless there are special or unusual circumstances applying to the subject property which would result in unnecessary hardship if the ordinance were literally enforced, and the granting of the variance would not be contrary to the public interest.

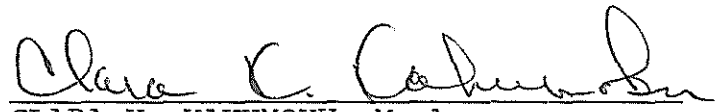
4. The requirements for the granting of a variance have not been met.

#### DECISION AND ORDER


Based upon the testimony and exhibits introduced at the hearing and the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Planning Commission and it is hereby ordered that a variance from the requirements of Section 13-B and D of Zoning Ordinance No. 63, pertaining to allowable density, of Tax Map Key 7-8-07:46 located in Keauhou, North Kona, Hawaii, be and is hereby denied on its merits.


Dated at Hilo, Hawaii, this 13th day of July, 1972.

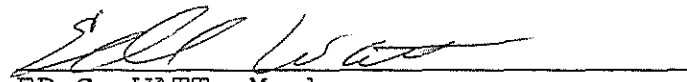
  
MAURICIO VALERA, JR., Vice Chairman

  
CLARA K. KAHUMOKU, Member

  
MASAYUKI KAI, Member

  
SHIGEJI KAWASAKI, Member

  
ANTHONY C. VERIATO, Member

  
ED C. WATT, Member