

April 14, 1972

Mr. Shigeto Kamimura  
41 Furneaux Lane  
Hilo, Hawaii 96720

Re: Variance Application  
TMK: 1-7-13:69

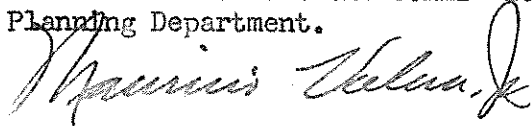
The Planning Commission at its meeting of April 13, 1972 reviewed your application for a variance to allow the creation of two lots, each 1.036 acres in size, with an agricultural (A-20) zoned district.

This is to inform you that the Commission voted to deny your request as it was found that the request to create non-conforming lots of the requested size from an already non-conforming sized parcel would be contrary to the intent of the A-20a zoned district.

The request to create these 1<sup>+</sup> acre lots are more applicable to a change of zone request on the County level or an amendment to the State Land Use district boundaries although this is not suggesting that this Commission would be committed to grant such a change should you pursue these avenues. Any change would have to be evaluated against the applicable elements of the County General Plan document or against the guidelines established for amendments to the State Land Use district boundaries.

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 )  
Shigeto Kamimura/Nobuyuki )  
Murakami )  
Tax Map Key 1-7-13:69 )  
\_\_\_\_\_ )

Variance Application

No. 288

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

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Tax Map Key 1-7-13:69 )  
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Variance Application

No. 288

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND  
DECISION AND ORDER

The above-entitled matter was brought on for hearing before 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 Shigeto Kamimura appeared on behalf of the applicants. 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 minimum lot size requirement of the agricultural (A-1a) zoned district for land located in Mountain View, Puna, Hawaii, was received on February 22, 1972.

2. A preliminary hearing concerning the above matter was held on April 13, 1972.

3. The subject application requested the creation of two lots, each 1.036 acres in size within an A-20a zoned district. The request results from the proposed subdivision of an existing 2.072 acre parcel which is in itself nonconforming in size.

4. The applicants desire to subdivide the subject property to enable each to construct a dwelling and use the remaining area for anthurium farming.

5. The subject property is located mauka of the Belt Highway, approximately one-half mile Ka'u side of the Black Coral Gift Shop, in the Olaa Reservations Lots area, Mountain View, Puna.

6. The subject area has been designated for orchards and low density urban uses on the General Plan land use pattern allocation guide map.

7. The State Land Use designation and the County's zoning designation both are for agricultural uses.

8. Average lot sizes in the general area range in size from 2+ to 30 acres.

9. The subject property abuts a State Land Use urban district which is zoned for residential agricultural (RA-5a) uses by the County.

10. The subject property is presently used for anthurium farming.

11. Access to the property is via a gravel roadway. Water is available along the highway approximately 1400 feet away.

12. The staff recommended that the request be denied at the preliminary hearing. The basis for this negative recommendation is that the request to create nonconforming sized parcels of this nature, 1.036 acres in size, from an existing nonconforming parcel would be substantially contrary to the intent of the A-20a zoned district. It was further found that to create these 1+ acre lots are procedurally processed as changes of zone.

13. It was moved by the Commission to concur with the recommendation of the staff to deny the subject request. The motion was seconded and carried that the request 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.

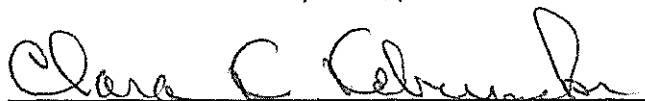
4. The requirements for the granting of a variance have not been met.

#### 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 minimum size lots of Tax Map Key 1-7-13:69 located in the Olaa Reservations Lots, Mountain View, Puna, 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*

MASAYUKI KAI, Member

*Shigeji Kawasaki*

SHIGEJI KAWASAKI, Member

*Anthony C. Veriato*

ANTHONY C. VERIATO, Member

*Ed C. Watt*

ED C. WATT, Member