

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
ALEXANDER & FLORENCE KAHAPEA)
from)
REQUIRED MINIMUM LOT SIZE)
in)
Piihonua, S. Hilo, Hawaii)
_____)

Variance No. 307

VARIANCE PERMIT

The Planning Commission at its duly held public hearing on October 26, 1972, considered the application of ALEXANDER N. AND FLORENCE KAHAPEA for a variance from Sections 9-D and 13-D of Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the variance was to allow the creation of nonconforming sized lots resulting from proposed improvements to an existing roadway in conjunction with a proposed subdivision located in Piihonua, South Hilo, Hawaii, Tax Map Key 2-5-28:12, 18, 19 and 23. These lots include a 3,732 square foot parcel being reduced to 3,716 square feet in lieu of the single-family residential (RS-15) zone requirement; a 14,638 square foot parcel being reduced to 13,027 square feet in lieu of the single-family residential (RS-15) zone requirement; a 6,291 square foot parcel and an 8,119 square foot parcel being reduced to a combined area of 10,727 square feet in lieu of the agriculture (A-1a) zone requirement; and a 19,334 square foot parcel being increased to 22,750 square feet in lieu of the agriculture (A-1a) zone requirement. The existing 30-foot right-of-way is proposed to be widened to a 50-foot right-of-way to provide access to a proposed 43-lot subdivision.

The Commission has found that the literal enforcement of the said Ordinance would not be in the best public interest. Specifically, it was found:

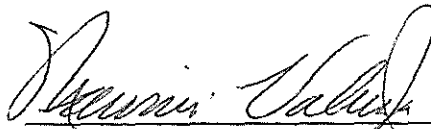
1. That the request is a result of the applicant's attempts to comply with the road right-of-way provisions of Ordinance No. 62. A 50-foot right-of-way is required for the applicant's proposed 43-lot subdivision, and the only way this can be done is for the applicant to secure strips of land from the parcels adjacent to the road. It is this very act of complying with one ordinance, the Subdivision Ordinance, which necessitates relief from another ordinance, the Zoning Ordinance. In this case, it is found that unusual circumstances exist which justify approval of this variance request; and
2. That the resultant lot sizes and their effects on the surrounding area will be negligible. The 3,716 square

foot parcel is a road parcel which provides access to two other parcels. The other resultant parcels will still consist of buildable area. They will all exceed 10,000 square feet in size.

Therefore, the Commission, pursuant to the authority vested in it by Section 36 of said Ordinance, hereby grants to the applicant a variance to waive the minimum lot sizes of the respective zones as mentioned above in order to improve the existing roadway for the proposed subdivision. This approval is subject to the condition that the applicant be responsible for securing preliminary subdivision approval of the area, and in lot sizes and numbers as substantially represented with this request, within one (1) year from the official date of approval of this request. Should this condition not be met, the variance permit shall be deemed null and void.

The effective date of this permit is October 26, 1972.

Dated at Hilo, Hawaii, this 18th day of December, 1972.



Mauricio Valera, Jr.
Chairman