

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
STATE OF HAWAII)	
DEPT. OF TRANSPORTATION)	
HIGHWAYS DIVISION)	
from)	Variance No. 309
REQUIRED MINIMUM LOT SIZE)	
AND SETBACKS)	
in)	
Puna, Hawaii)	
)	

VARIANCE PERMIT

The Planning Commission at its duly held public hearing on October 26, 1972, considered the application of the STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, for a variance from Sections 9-D, E, and F and 13-D, E, and F of Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the request was to allow the creation of nonconforming sized lots and lot widths and nonconforming structural setbacks for existing structures in a single-family residential (RS-20) zone and in an agricultural (A-1a and A-20a) zone, which would result from the realignment of the Volcano Road and Beautification projects from the 29 to the 26 mile posts, located in Puna, Hawaii.

The Commission has found:

1. That the request will not be contrary to the County General Plan and will not be materially detrimental to the public welfare. The General Plan calls for such an improvement between Puna and Ka'u. The road improvement will increase access to and from various points on the island, while improving the overall road conditions. The present road will be widened and realigned to create a smoother and straighter road.
2. That 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 setbacks of certain buildings, are not the result of specific property owners' actions. Rather such owners are the innocent party of a governmental action, done in the interest of the entire public. Thus, there are unusual circumstances peculiar to the subject properties.

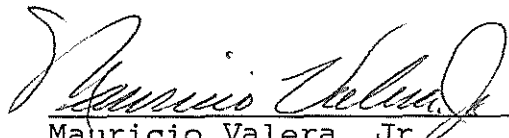
Therefore, the Commission, pursuant to the authority vested in it by Section 36 of said Ordinance, hereby grants the applicant a

variance to allow the creation of nonconforming sized lots and lot widths and nonconforming structural setbacks for existing structures resulting from the realignment of the Volcano Road and beautification projects from the 29 to the 26 mile posts subject to the following conditions:

1. That when the existing road is abandoned, adjacent property owners be given all opportunity to acquire such portions and consolidate them with their remaining parcels; and
2. That at the time of abandonment, the County Planning Department shall reserve the right to review such consolidations for the purposes of assuring the prevention of further parcelizations of the lands and assuring their optimum configuration.

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

Dated at Hilo, Hawaii, this 19th day of December, 1972.


Mauricio Valera, Jr.
Chairman

SHEET A

Variances from Minimum Lot Size Requirements

PROJECT NO. F-011-2(10)

<u>Remainder of Parcel No.</u>	<u>TMK No.</u>	<u>Area</u>	<u>Zone</u>	<u>Remarks</u>
17	1-1-05-29✓	18,243 ̳	RS-20	
36	1-1-06-141✓	30,802 ̳	RS-20	
42	1-1-06-149✓	19,913 ̳	RS-20	
✓ 108-A	1-1-14-89✓	25,282 ̳ or 0.580 Ac.	A-1a	(P. 32)
✓ 109-A	1-1-17-120✓	28,372 ̳ or 0.651 Ac.	A-1a	(1)
✓ 112-A	1-1-17-118✓	28,269 ̳ or 0.649 Ac.	A-1a	
✓ 113-A	1-1-17-116✓	30,952 ̳ or 0.711 Ac.	A-1a	
✓ 116-A	1-1-17-114✓	32,528 ̳ or 0.747 Ac.	A-1a	
✓ 118	1-1-14-67✓	19,828 ̳	A-1a	
✓ 119	1-1-14-69✓	19,828 ̳	A-1a	
✓ 122	1-1-14-71✓	19,828 ̳	A-1a	
✓ 123	1-1-14-73✓	19,828 ̳	A-1a	
✓ 126	1-1-14-75✓	19,828 ̳	A-1a	
✓ 127	1-1-14-77✓	19,828 ̳	A-1a	
✓ 130	1-1-14-79✓	19,828 ̳	A-1a	
✓ 131	1-1-14-81✓	19,828 ̳	A-1a	
✓ 134	1-1-14-83✓	19,828 ̳	A-1a	
✓ 135	1-1-14-85✓	19,828 ̳	A-1a	
✓ 141-A	1-1-17-48✓	20,250 ̳	A-1a	

PROJECT NO. LSF-011-2(5)

<u>Remainder of Parcel No.</u>	<u>TMK No.</u>	<u>Area</u>	<u>Zone</u>	<u>Remarks</u>
✓ L-23	1-1-04-1✓	3.133 Acs.	A-20	
L-24	1-1-04-1✓	16.217 Acs.	A-20	
✓ L-25	1-1-04-1✓	12.388 Acs.	A-20	Consolidate with Lot 1313.
L-33	1-1-04-1✓	14.060 Acs.	A-20	
L-34 & L-35	1-1-04-1✓	9.154 Acs.	A-20	
L-44	1-1-06-141✓	18,131 ₪	RS-20	Residence.
L-48	1-1-06-143✓	16,961 ₪	RS-20	
L-49 (Lot 3)) 1-1-06-144✓	15,790 ₪	RS-20	Residence.
L-49 (Lot 4)		14,619 ₪	RS-20	
L-51	1-1-06-146✓	13,816 ₪	RS-20	
L-54	1-1-06-146✓	12,540 ₪	RS-20	
L-57	1-1-06-148✓	11,308 ₪	RS-20	
L-89)	1-1-07-140✓	22,056 ₪	RS-20	Consolidate remnants.
L-92)	1-1-07-139✓			
L-95	1-1-07-138✓	12,873 ₪	RS-20	
L-98	1-1-07-137✓	14,105 ₪	RS-20	
L-101	1-1-07-136✓	15,335 ₪	RS-20	
L-103	1-1-07-135✓	16,567 ₪	RS-20	
L-105	1-1-07-134✓	17,797 ₪	RS-20	
L-107	1-1-07-133✓	19,028 ₪	RS-20	
L-109	1-1-07-132✓	19,948 ₪	RS-20	
-160 (Rev. 1)	1-1-14-93✓	11,783 ₪ or 0.270 Ac.	A-1a	
-162 (Rev. 1)	1-1-14-92✓	14,418 ₪ or 0.331 Ac.	A-1a	
-164 (Rev. 1)	1-1-14-91✓	17,071 ₪ or 0.392 Ac.	A-1a	
-165 (Rev. 1)	1-1-14-90✓	22,096 ₪ or 0.507 Ac.	A-1a	

SHEET B

Petitioner's reasons for requesting variances:

1. The substandard lots are the result of government action. The highway project proposed by this department is to improve the only remaining section of the highway between Hilo and the Hawaii National Park that is considered inadequate by present day standards. This section is hazardous because of its narrow pavement, lack of shoulders, insufficient superelevation on curves, sharp reverse curves, poor sight distance, deep paralleling ditches and absence of any access control. The beautification project along both sides of the highway project is to preserve to eternity the natural beauty of the tropical growth of the area for the enjoyment of the local residents and as well as the tourists.
2. The lots for which variances are being requested still contain sufficient areas to develop to the use for which they were originally intended.
3. Although some of the lots were nonconforming lots previously and were made further substandard, none of the variances requested are for lots which are smaller than the minimum lot size of 7,500 square feet permitted under your zoning ordinance. In fact, none of the lots are less than 10,000 square feet.
4. The minimum building site area and width of the lots may be substantially below the requirement of the district, but then the district designation was higher than the lots which already existed so there are many nonconforming lots which are comparable in area and width with the substandard lots created by our acquisition.
5. The applicable lots are generally adjacent to the highway beautification strips. No dwellings or other buildings will be permitted in the beautification strips. Consequently, although the lots are less in area than the minimum requirement, because of the adjacent beautification strips, it will not result in the area being congested with improvements. The overall result should be more spacious areas than it was prior to our acquisition since many of the building sites will be converted to land for the preservation of the existing vegetation.
6. The number of lots and owners in this variance application is considerable. If the variances are granted, a great many people will be able to retain their lots and realize the joy of living in this neighborhood.