

November 17, 1972

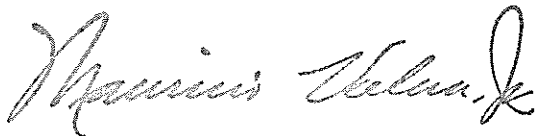
Mrs. George Pua
51 Waiwai Loop
Hilo, HI 96720

Re: Reconsideration on the Variance Application
Tax Map Key 2-5-15:30

Please be informed that the Planning Commission, at its meeting of November 16, 1972, considered your request for a reconsideration of the Commission's decision on your variance application.

After much deliberation, the Commission voted to reconsider your request. The Commission again confirmed its previous decision to deny your variance request by a vote of 3 to 2. The Planning Commission Chairman, the object of your reconsideration request, voted with the majority.

A certified copy of the Order of Denial will be forwarded to you as soon as it has been prepared. In the meantime, should you have any questions, please feel free to contact us again.



Mauricio Valera, Jr.
Chairman

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
George Pua/Isabel Pua)
Tax Map Key 2-5-15:30)
_____)

Variance Application

No. 310

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)
George Pua / Isabel Pua)
Tax Map Key 2-5-15:30)
_____)

Variance Application

No. 310

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

The above-entitled matter was brought on for a public hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 12th day of October, 1972, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Isabel Pua, the applicant appeared. 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 was received on September 1, 1972. The property under consideration is located within the Chong Manville subdivision, Ponahawai, South Hilo and is zoned for single-family residential uses with a minimum lot size requirement of 15,000 square feet (RS-15).

2. A preliminary hearing on the above matter was held on October 12, 1972, at which hearing the Commission voted to schedule the request for a public hearing.

3. A public hearing on the request was held on October 26, 1972.

4. The application requested the creation of a 12,743 square feet parcel in lieu of the minimum 15,000 square feet lot size as regulated by the single-family residential (RS-15) zoned district.

5. The subject property is 27,743 square feet in size and is proposed to be subdivided into lots of 15,000 square feet and 12,743 square feet. The property fronts Chong Street, approximately 1,800 feet off of Kaumana Drive.

6. The requested 12,743 square foot lot is 2,257 square feet or approximately 15 per cent below the minimum required 15,000 square foot lot size.

7. The subject property is vacant of any structure. The surrounding area is characterized by large lots averaging 3/4 acre in size. There are 143 lots and 66 dwellings within the Chong Manville subdivision. Twenty-four (24) non-conforming sized lots, which were created prior to the adoption of zoning for

the area, are located within this subdivision.

8. Chong Road, a 40 foot right-of-way which contains a pavement width of 12 feet, is proposed to be increased to a 50 foot right-of-way.

9. All essential utilities are available to the subject property. A 15-foot pipeline easement bisects the subject property.

10. The general plan land use allocation guide map designates the area for low density urban development.

11. The applicant has contended that the lot is too large to be used for mortgage purposes in financing the construction of one dwelling. They desire to keep the additional lot for security purposes and do not intend to sell it.

12. It was recommended by staff that the request be denied as it was found that:

- a. That there are no special conditions which exist on the subject property which do not generally apply to the surrounding property in the same district. There are over twenty-five (25) lots in the area which are confronted by the same lot size condition as the subject property. Approval of this request would indeed constitute the granting of special privilege to the applicant.
- b. That upon the subdivision of the property, the net buildable area for both parcels would be significantly below the minimum lot size requirement. There is a water easement along the front portion of the property, which takes up approximately 1,367 square feet of land. Thus, if the front portion were to consist of the 15,000 square foot parcel, the net buildable area - after subtracting the water and road easements - would be approximately 11,580 square feet. In essence, then, we would be creating two non-conforming lots.
- c. That any increase in density of the area would be served by an already inadequate private road - Chong Street - with its 12-foot wide pavement. Approval of this request and the subdivision potential of over fifty similar lots using Chong Street would surely overtax the road.

13. After discussion, it was moved and seconded that the request be denied. The motion carried by a three to two vote.

14. A letter dated November 2, 1972, was received from the applicant requesting reconsideration of the Commission's decision.

15. At its meeting of November 16, 1972, the Commission considered the request for reconsideration and voted to reconsider the request. After discussion, the Commission again confirmed its previous decision to deny your request by a vote of three to two.

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 9 of Zoning Ordinance No. 63, pertaining to minimum lot size, of Tax Map Key 2-5-15:30 located in the Chong Manville, Ponahawai, South Hilo, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 27th day of February, 1973.


Ed C. Watt, Chairman