

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
COUNTY OF HAWAII, DEPARTMENT)
OF PUBLIC WORKS)
from)
MINIMUM AREA REQUIREMENT)
in)
Kiolakaa-Keaa Homesteads, Kau, Hawaii)

Variance No. 325

TMK 9-4-03:7, 14, 21, 22, 52, 53 & 9-4-05:17

VARIANCE PERMIT

The Planning Commission at a duly held public hearing on February 8, 1973, considered the application of DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII, for a variance from Section 13-D(2), Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow the creation of lots below the minimum area requirements of the zoned districts in which located. The subject request results from proposed improvements to the Mamalahoa Highway between Kahuku and Waiohinu, Kau, Hawaii.

The Commission has found that:

1. The request will not be contrary to the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. The General Plan calls for such an improvement to the existing Belt Highway which will result in a safer and more efficient roadway system; and
2. 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 are not a result of specific property owners' actions, but rather the result of governmental action done in the interest of the entire public. Thus, it has been found that there are unusual circumstances applicable to the subject properties.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of lots below the minimum area requirements as prescribed by the agricultural zoned district pursuant to the authority vested in it by Section 36 of said Ordinance on the conditions that:

1. Where the existing road is realigned, the property owners adjacent to that section shall be given all opportunity to acquire such portions for consolidation with the remaining parcel;

2. At the time of possible acquisition and consolidation, the County Planning Department shall reserve the right to review such consolidations for the purpose of assuring the prevention of further parcelizations of lands and assuring their optimum configuration.

The effective date of this permit shall be from February 8, 1973.

Dated at Hilo, Hawaii, this 28th day of March



Ed C. Watt
Chairman