

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
WILLIAM McPEEK, ET AL.	)	
from	)	Variance No. 348
ROADWAY REQUIREMENTS	)	
in	)	
Kaauhuhu Homesteads	)	
North Kohala, Hawaii	)	
	)	

VARIANCE PERMIT

The Planning Commission at a duly held public hearing on August 23, 1973, considered the application of WILLIAM McPEEK, ET AL. for a variance from Section 9-C, Ordinance 62 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, to allow relief from improving two (2) homestead roads providing access to a proposed 11-lot subdivision in Kaauhuhu Homesteads, North Kohala, Hawaii, Tax Map Key 5-5-01:41, 69 and portion of 22.

The Commission has found that the existing roadways were adequate to serve the proposed subdivision and that there is a need to provide houselots in the particular area.

Therefore, the Commission hereby grants to the applicant a variance to allow relief from improving two (2) homestead roads providing access to a proposed 11-lot subdivision pursuant to the authority vested in it by Section 36 of Ordinance 63 on the conditions that:

1. The present owners, heirs, administrators, executors and assigns agree to dedicate to the County of Hawaii a 10-foot wide strip along road frontages of the proposed subdivision at the time of final subdivision approval. This is to assure the provision of a right-of-way of fifty (50) feet should the road ever be improved to conventional subdivision standards; and
2. The present owners of the lots created by this subdivision, for themselves, their heirs, executors, administrators, successors and assigns covenant that if, on the advice of the Chief Engineer, Department of Public Works, County of Hawaii, an improvement district to improve the County roadways serving the subdivision within the next twenty (20) years is deemed to become necessary as a result of any further development in the area of the subject subdivision requiring access over said roadway, the owners, heirs, executors, administrators, successors and assigns agree, for the benefit of their property as well as for the benefit to the County roadway, to enter into any such improvement district to the extent that such improvement

district seeks to improve the roadway to standards presently required by Ordinance 62, Revised Ordinances of the County of Hawaii 1967; and further agree to include such covenant in form and language acceptable to the Corporation Counsel and Attorney Richard P. Schulze, Jr., attorney for the lot owners, to assure that such covenant will be legally enforceable against the present owners of the lots, their heirs, executors, administrators, successors, and assigns. The present owners, their heirs, ~~executors~~ executors, administrators and assigns further agree to include such covenant in all of the deeds of conveyance to the lots created by the subdivision, and to record said deeds with the Bureau of Conveyances, State of Hawaii.

Should these conditions not be met, the variance will be deemed null and void.

The effective date of this permit shall be August 23, 1973.

Dated at Hilo, Hawaii, this 1st day of November 1973.

  
Ed C. Watt, Chairman

