

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
COUNTY OF HAWAII/DEPT. OF PUBLIC WORKS	)	
from	)	
MINIMUM LOT SIZE AND MINIMUM ROADWAY	)	Variance No. 377
REQUIREMENTS	)	
in	)	
Kaapahu, Hamakua, Hawaii	)	
<u>Kaapahu</u>	)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on December 20, 1973 considered the application of County of Hawaii Dept. of Public Works/, P. Sackett & D. Quaintance for a variance from Chapter 8. (Zoning Code), Article 7, Section 5, and Chapter 9 (Subdivision Code) Article 2, Section 4.03-B, Hawaii County Codes, as Amended, more specifically to allow the creation of a 1.977 acre parcel in lieu of the required 5-acre minimum lot size and to permit the waiving of road construction improvements within a proposed 50-foot roadway off Pohakea Homestead road 3 in the Kaapahu Homesteads, Kaapahu, Hamakua, Hawaii, Tax Map Key 4-4-11:57.

The Commission has found:

1. That the request will not be detrimental to the public welfare nor injurious to property rights related to property in the vicinity. It would comply with and implement the district transportation goal which seeks to improve substandard roads in the area. Funds for this public improvement were appropriated through the County's capital improvements program. The realignment of the existing road would in essence create a safer situation by reducing the sharpness of the present road section's curvature.
2. That there are special circumstances applying to the subject property which do not generally apply to other properties or improvements in the same district. The creation of the lot below the minimum requirement of the zone is not a result of the property owners' actions; rather the owners are the innocent parties of a governmental initiated action taken in the interest of the general public. The project undertaken, a public road improvement, necessitates an alignment which cuts into the owners' property, thus creating the smaller lots.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 1.977 acre parcel in lieu of the required 5-acre minimum lot size and waiving of road construction improvements within a proposed 50-foot roadway pursuant to the authority vested in it by Section 7 of said Code.

This is a true and correct copy of the original as the same appears in the files of the Planning Commission.

The effective date of this permit shall be from December 20, 1973.

Dated at Hilo, Hawaii, this 5th day of February 1974.

  
Arthur W. Martin, Chairman

