

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
COUNTY OF HAWAII/DEPT. OF WATER SUPPLY)	
from)	
MINIMUM BUILDING SITE AREA AND ROADWAY)	Variance No. 389
REQUIREMENTS)	
in)	
Kapena, North Hilo, Hawaii)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 15, 1974 considered the application of Department of Water Supply (County of Hawaii) 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 Code, as Amended, more specifically to allow relief from the minimum building site area and roadway requirements resulting from a proposed subdivision within the agricultural 20-acre minimum lot size (A-20a) zoned district located in Kapena, North Hilo, Hawaii. Tax Map Key: 3-2-02:Portion of 41, 45 & 46.

The Commission has found:

1. That the request will not be detrimental to the public welfare nor injurious to property rights related to properties in the vicinity. The proposed water project would comply with and implement the General Plan public utilities' element district goal which seeks to improve and provide for new water systems for the area. Funds for this public improvement were appropriated through the capital improvements program. The proposed project will improve the existing Ninole Water System.
2. There are special circumstances applying to the subject property which do not generally apply to the surrounding property or improvements in the same district. The area is presently owned by Walter Chaves and Richard Toledo. However, the proposed action to create lots below the minimum requirement of the zoned district 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.
3. The roadway easement leading to the proposed water tank sites is an existing cane haul road used by the sugar plantation. However, it will be used only periodically by the Department of Water Supply for maintenance and checking of the proposed facilities at the tank sites.

Therefore, the Commission hereby grants to the applicant a variance to allow relief from the minimum building site area and roadway requirements resulting from a proposed subdivision within the agricultural 20 acre (A-20a) zone district pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the

following condition:

That the applicant, namely the Department of Water Supply, submit a subdivision plan and secure tentative approval within one (1) year of the date of approval of this variance request.

Should this condition not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from February 15, 1974.

Date at Hilo, Hawaii, this 9th day of March

1974.

Arthur W. Martin
Arthur W. Martin, Chairman

