

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
DEPT. OF PUBLIC WORKS/LANIHAU CORP.)	
from)	Variance No. 392
MINIMUM BUILDING SITE AREA REQUIREMENT)	
in)	
Lanihau 1st, Kailua, North Kona, Hawaii)	
)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on March 14, 1974, considered the application of DEPT. OF PUBLIC WORKS/LANIHAU CORP. for a variance from Chapter 8, (Zoning Code), Article 13, Section 5, Hawaii County Code, as Amended, more specifically to allow a variance from the minimum building site area requirement within the Village Commercial (CV-10) zoned district as a result of a proposed consolidation and resubdivision to provide improvements to Palani Road located at Lanihau 1st, Kailua, North Kona, Hawaii, Tax Map Key 7-5-04:lot B of parcel 27.

The Commission has found that:

1. 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 widening of the existing Palani Road would in essence create a safer traffic circulation pattern and situation.
2. 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 lot. Furthermore, although the resultant area of the lot will be reduced to 6,272 square feet, the entire parcel which ties particular lot is situated within would still have a remaining area of 33,425 square feet to conduct the present operation.

Therefore, the Commission hereby grants to the applicant a variance from the minimum building site area requirement within the Village Commercial (CV-10) zone district for the subject property pursuant to the authority vested in it by Section 7 of said Code.

The effective date of this permit shall be from March 14, 1974.

Dated at Hilo, Hawaii, this 2nd day of May 1974.

Arthur H. Martin
Chairman