

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
DEPARTMENT OF WATER SUPPLY)	
from)	Variance No. 401
MINIMUM BUILDING SITE)	
AREA REQUIREMENT)	
in)	
Puukapu Homesteads)	
South Kohala, Hawaii)	
)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on May 2, 1974, considered the application of the DEPARTMENT OF WATER SUPPLY for a variance from Chapter 8, (Zoning Code), Article 7, Section 5, Hawaii County Code, as amended, more specifically to allow the creation of a 9,500 square foot size lot within an Agricultural 40-acre (A-40a) zoned district in Puukapu Homesteads, South Kohala, Hawaii, Tax Map Key 6-4-03:69.

The Commission has found that:

1. 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 Waimea-Puukapu Trunk line will improve the water system for the area; and
2. There are special circumstances applying to the subject property or improvements in the same district. The present 1.07-acre parcel is already non-conforming in size and would not adversely affect the agricultural potential of the land. Furthermore, the land is presently owned by the Hawaiian Homes Commission, however, the proposed action to create lots below the minimum requirement of the zoned district is not a result of the property owner's actions; rather the owner is the innocent party of a governmental initiated action taken in the interest of the general public.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 9,500 square foot size lot within an agricultural 40-acre (A-40A) zoned district pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicant, the County Department of Water Supply, submit a subdivision plan and secure tentative approval within one (1) year of the date of approval of the request; and
2. The construction of the proposed facilities commence within one (1) year of receipt of final subdivision approval.

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

The effective date of this permit shall be from May 2, 1974.

Dated at Hilo, Hawaii, this 25th day of May 1974.

Arthur W. Martin
Arthur W. Martin, Chairman

