

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
DEPARTMENT OF PUBLIC WORKS)	
COUNTY OF HAWAII)	
from)	Variance No. 412
MINIMUM BUILDING SITE AREA REQUIREMENTS,)	
FRONT YARD SETBACK REQUIREMENT)	
in)	
The Kalopa Homesteads)	
Kalopa, Hamakua, Hawaii)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on July 17, 1974 considered the application of the DEPARTMENT OF PUBLIC WORKS/COUNTY OF HAWAII for a variance from Chapter 8 (Zoning Code), Article 7, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of five (5) lots of .968, .113, 2.805, 1.18 and 1.632 acres in size which are below the minimum building site area requirement of five (5) acres as required within the Agricultural 5 acre (A-5a) zoned district, and to allow a seven-teen (17) foot front yard setback for an existing single-family dwelling on parcel 71 in lieu of the required thirty (30) foot front yard setback requirement as required within the Agricultural 5 acre (A-5a) zoned district in the Kalopa Homesteads area, Kalopa, Hamakua, Hawaii, Tax Map Keys 4-4-08:62, 63, 69, 71 and 83.

The Commission has found that:

1. The granting of the variance request would not be contrary to the County General Plan. The General Plan's transportation element goal reflects a policy of providing a system of thoroughfares and streets for the safe, efficient and comfortable movement of people and goods between and within the various sections of the County. The proposed realignment would be in keeping with this goal as it will benefit the welfare of the general public in providing a safer and more efficient roadway and also improve the comfort and safety of vehicular and pedestrian traffic along Kalaniai Road to Kalopa State Park. It also would comply with and implement the district's transportation goal which seeks to improve substandard roads in the area. Funds for this public improvement have been appropriated through the County's Capital Improvement Program;

2. There are special circumstances applying to the subject properties which do not generally apply to other properties or improvements in the same district. The creation of lot sizes below the minimum requirements are not a result of specific property owners' activity, but rather the result of governmental action done in the interest of the general public, which in this case is to provide a safer and more efficient roadway system for the area; and
3. The reduced setback for the existing dwelling on parcel 71 results from attempting to improve the present roadway. As a result of the proposed road improvement, the existing non-conforming setback of eighteen (18) feet will be reduced to a front yard setback of seventeen (17) feet. It is determined that the proposed action to improve the roadway would be in the best interest of the public and that the reduction of the building setback of one (1) foot would not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of five (5) lots below the minimum building site area requirement of five (5) acres and to allow a seventeen (17) foot front yard setback for an existing single-family dwelling on parcel 71 in lieu of the required front yard setback of thirty (30) feet as required within the Agricultural 5 acre (A-5a) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following condition that the applicant, The County of Hawaii/Department of Public Works, submit a subdivision plan and secure tentative approval within one (1) year from the date of this subject request.

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

The effective date of this permit shall be from July 17, 1974.

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


Arthur W. Martin, Chairman

