

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

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| Application for VARIANCE |) | |
| by |) | |
| COUNTY OF HAWAII/DEPARTMENT OF WATER SUPPLY |) | |
| from |) | Variance No. 416 |
| MINIMUM BUILDING SITE AREA REQUIREMENTS |) | |
| AND MINIMUM ROADWAY IMPROVEMENTS |) | |
| in |) | |
| Haukoi, Hamakua, Hawaii |) | |
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on August 22, 1974, considered the application of COUNTY OF HAWAII/DEPARTMENT OF WATER SUPPLY 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 the creation of a 4,534 square foot lot for a water tank site in lieu of the required forty (40) acres as required within the agricultural 40-acre (A-40a) zoned district and to allow relief from improving an existing 16 foot gravel road leading to the proposed site in Haukoi, Hamakua, Hawaii, Tax Map Key 4-7-02:2.

The Commission has found that:

1. The request will not be materially 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 Kukuihaele-Kapulena pipeline extension will improve the water system for the area.
2. There are special circumstances applying to the subject property which do not generally apply to the surrounding properties or improvements in the same district. Although the land is presently owned by Honokaa Sugar Company, the proposed action to create a lot below the minimum requirement of the zoned district is not a result of the property owner's action, but rather, the owner is an innocent party of a governmental initiated action taken in the best interest of the general public. Furthermore, the use and size of the remaining areas will still retain the essential character of agriculture for the area.

3. The public welfare will not be adversely affected relative to the road. The roadway easement leading to the proposed water tank site is an existing road used by the plantation. However, it will be used only periodically by the Department of Water Supply for maintenance and checking of the proposed facility at the tank site.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 4,534 square foot lot for a water tank site in lieu of the required forty (40) acres as required within the agricultural 40-acre (A-40a) zoned district and to allow relief from improving an existing 16 foot gravel road leading to the proposed site, 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 Water Supply, submit a subdivision plan and secure tentative approval within one (1) year of the date of approval of the 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 August 22, 1974.

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


Arthur W. Martin, Chairman

