

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
B.P. BISHOP ESTATE)
from)
MINIMUM BUILDING SITE AREA)
REQUIREMENT)
in)
Honaunau, South Kona, Hawaii)
_____)

Variance No. 419

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on September 13, 1974 considered the application of B.P. BISHOP ESTATE for a variance from Chapter 8 (Zoning Code), Article 7, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of 3 lots .562, .876 and .626 acres in size, which is below the minimum building site area requirement of 5 acres as required within the Agricultural 5-acre (A-5a) zoned district. The subject properties are located in the Honaunau Coffee Lots, Honaunau, South Kona, Hawaii, Tax Map Key 8-4-8:12, 13, 14, 15.

The Commission has found that:

1. There is an unusual circumstance applying to the subject property which does not generally apply to surrounding property in the same district. The remnant parcel of .120 acres proposed to be consolidated with the existing parcels was created when Ke Ala O Keawe or the City of Refuge Road was constructed in 1966. This remnant parcel which was reduced in size was also affected in its configuration. The acquisition of a portion of this parcel for the road resulted in it being a sliver of land abutting three existing parcels. The remnant parcel is 30.49 feet wide at its widest point and contains a ten (10) foot wide planting easement, thereby precluding any practical utilization of any portion of this parcel. Therefore, it is determined that the consolidation of the remnant parcel into the adjacent parcels will result in lots of a regular and substantially better configuration than what presently exists.
2. The granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of this ordinance. The consolidation and subdivision action will not result in the creation of additional lots other than what presently exists. Therefore, there will be

no increase in density or traffic as a result of this proposed action, but merely an action to create more regularly shaped lots. In addition, although the proposed action will still create lots under the minimum building site area requirement for this zone district, it will be bringing the existing non-conforming parcels closer to a conforming situation.

3. The granting of the variance will not be materially detrimental to the welfare of the general public nor will it be injurious to improvements or property rights related to property in the near vicinity. The consolidation of this remnant parcel into the adjacent parcels will not have any adverse physical, social, or environmental impact upon the general public as the remnant parcel does abut the City of Refuge Road and the existing parcels to which it is to be consolidated. There also can be no negative results to property rights in the near vicinity as the proposed consolidation affects only Bishop Estate land which was reconfigured as a result of a governmental action in 1966 in improving the City of Refuge Road.

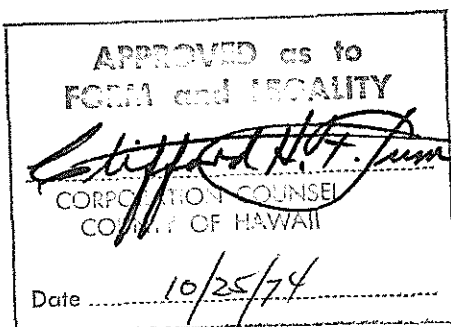
In view of the foregoing, it is felt that the granting of this variance will not abuse the grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of three (3) lots, .562, .876 and .626 acres in size which is below the minimum building site area requirement of 5 acres 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 Bernice Pauahi Bishop Estate, submit a subdivision plan and secure tentative approval of such plan within one (1) year from the date of approval of the subject request. The applicant shall also be responsible for obtaining final subdivision approval.

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

The effective date of this permit shall be from September 13, 1974.

Dated at Hilo, Hawaii, this 23rd day of October, 1974.




Arthur W. Martin, Chairman