

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
HAROLD T. F. CHING	)	
from	)	
MINIMUM ROADWAY AND FRONT YARD	)	Variance No. 431
SETBACK REQUIREMENTS	)	
in	)	
The Lamalilo Houselots, 2nd Series,	)	
Lalamilo, South Kohala, Hawaii	)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 13, 1975 considered the application of HAROLD T. F. CHING for a variance from Chapter 9 (Subdivision Code), Article 1, Section 5.04B and Chapter 8 (Zoning Code), Article 3, Section 7, Hawaii County Code, as Amended, more specifically to allow the creation of a sixteen (16) foot private right-of-way with a twelve (12) foot pavement in lieu of the minimum requirement of an eighteen (18) foot right-of-way with a fourteen (14) foot pavement and to allow a sixteen (16) foot front yard setback for an existing single family dwelling in lieu of the minimum requirement of twenty (20) feet as stipulated in the Single Family Residential - 10,000 square foot (RS-10) zoned district. The subject property is located in the Lalamilo Houselots, 2nd Series, Lalamilo, South Kohala, Hawaii, Tax Map Key 6-6-04:4.

The Commission has found:

1. That there are unusual circumstances applying to the affected property which do not generally apply to the surrounding properties or improvements in the same district. The minimum roadway requirement in this particular case is an 18-foot right-of-way. Lot 17A, which is situated at the entrance of the roadway leading to the proposed lots, is not owned by the applicant. Furthermore, this lot and the adjacent lot (17B) are both slightly over 10,000 square feet in sizes. The latter lot is owned by the applicant. However, should the applicant be required to purchase and provide two (2) additional feet for the roadway from these two (2) lots, then the size of these lots would be reduced below the minimum building site area requirement of 10,000 square feet. As a result, variances from the minimum building site area requirement would then be required for these two (2) lots. Also, the existing dwelling on the proposed 10,220 square-foot lot (Lot 17C-1) for which the setback variance is also requested,

is already situated only eighteen (18) feet from the existing pavement and sixteen (16) feet from the proposed roadway. Should the roadway be increased to an 18-foot right-of-way, then the setback would be further reduced to fourteen (14) feet. On the other hand, should the applicant be required to conform to the minimum front yard setback of twenty (20) feet, then the roadway at this particular portion would have to be further reduced to a 12-foot right-of-way. As a result, it is determined that unusual circumstances do exist to a degree which deprives the applicant of substantial property rights that would otherwise be available, and also to a degree which obviously interferes with the best use or manner of development of the subject property.

2. That the requested variances would not be materially detrimental to the public welfare or injurious to improvements of property rights related to properties in the near vicinity. Already existing on the 24,163 square-foot parcel proposed to be subdivided are two (2) single family dwellings. Since the County zoning designation for this property is Single Family Residential - 10,000 square feet (RS-10), in this particular case, the existence of the two (2) dwellings are permitted inasmuch as the lot is over 24,000 square feet in size. Access to these two (2) dwellings is provided via the existing 16-foot right-of-way with a 12-foot pavement. In addition, this variance action will not result in any additional density or traffic because the dwellings already exist on the property. Therefore, it is determined that the present 16-foot right-of-way width would be sufficient to accommodate or handle the existing traffic. However, it is further determined that the 16-foot right-of-way could accommodate the 14-foot pavement requirement, as stipulated within the provisions of the Subdivision Code.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a sixteen (16) foot private right-of-way with a twelve (12) foot pavement in lieu of the minimum requirement of an eighteen (18) foot right-of-way with a fourteen (14) foot pavement and to allow a sixteen (16) foot front yard setback for an existing single family dwelling in lieu of the minimum requirement of twenty (20) feet as stipulated in the Single Family Residential - 10,000 square foot (RS-10) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following condition that the existing 12-foot pavement be widened to a 14-foot pavement. The 2-foot pavement addition shall be throughout the length of the roadway and on the east side of the existing pavement.

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

The effective date of this permit shall be from February 13, 1975.

Dated at Hilo, Hawaii, this 1st day of March, 1975.

Arthur W. Martin  
Arthur W. Martin, Chairman

