

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
DAVID SHOTWELL	)	
from	)	Variance No. 435
MINIMUM PAVEMENT WIDTH	)	
REQUIREMENTS	)	
in	)	
Waiakea Homesteads, 2nd Series,	)	
Waiakea, South Hilo, Hawaii	)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on March 6, 1975 considered the application of DAVID SHOTWELL for a variance from Chapter 9 (Subdivision Code), Article 1, Section 4.03B, Hawaii County Code, as Amended, more specifically to allow a fourteen (14) foot pavement in lieu of the twenty (20) foot pavement requirement for a proposed 2-lot subdivision in the Waiakea Homesteads, 2nd Series, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-5:146.

The Commission has found:

1. That there are special or unusual circumstances applying to the subject property which do not generally apply to surrounding property in the same district. The parcel under consideration is located approximately 600 feet from the end of Alaloa Road. Although it is proposed that the road be widened to a 60-foot right-of-way and hooked into Ainalako Road, such improvements are not foreseen in the immediate future. At the present time, Alaloa Road dead-ends at the State parcel which is proposed for the Kulani Prison Camp expansion. Further, Alaloa Road has a 14-foot wide pavement which extends to the north boundary of the applicant's parcel. Widening of the pavement to 20 feet and extending it the length of the frontage of the applicant's property would not serve any additional properties as no residences now exist past the subject property. At the present time one additional residence may be constructed past the subject property.
2. That the granting of the variance would not constitute a grant of personal or special privilege. The condition of subdivision approval to provide a 20-foot wide pavement meeting dedicable standards at the end of Alaloa Road would not aid in bringing Alaloa Road to County standards for general public traffic. No significant

purposes will be served by paving the end of the road to a 20-foot width while the rest of the road has a 14-foot pavement. The applicant, under Variance No. 299, has maintained the 14-foot wide oil-treated surface which provides access to the subject property. For the moment, this access has been deemed adequate to serve the subject property. Further, when pavement improvements were made to Alaloe Road, they were not extended to the subject property and it has been the responsibility of the applicant to maintain the length of the road fronting his property.

3. That the granting of the variance will not be inconsistent with the general purpose of the zoned district nor will it militate against the General Plan. Granting of the variance will also not be materially detrimental to the public welfare nor will it be injurious to improvements or property rights related to property in the near vicinity. The subject property is within the Agricultural zoned district and is designated for intensive agriculture and orchard uses on the General Plan land use pattern allocation guide map.
4. That special conditions exist to such an extent that literal enforcement of the Subdivision Code would result in extraordinary hardship on the applicant. The original situation of Alaloe Road being unimproved fronting the subject property was not created by the applicant. The oil-treated surface which the applicant has provided is deemed adequate and has been an improvement to the condition of the road as existed originally.

Therefore, the Commission hereby grants to the applicant a variance to allow a fourteen (14) foot pavement in lieu of the twenty (20) foot pavement requirement as stipulated and required in the Subdivision Code for collector streets in Agricultural zones, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

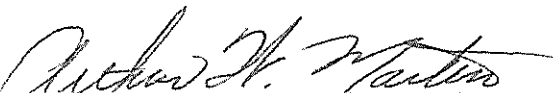
1. That the maintenance agreement for the 14-foot wide oil-treated surface be continued, as originally stipulated under Variance No. 299.
2. That the present owners, heirs, administrators, executors and assigns agree to dedicate to the County of Hawaii a ten (10) foot wide strip along road frontages of the proposed subdivision at the time of final subdivision approval. This is to assure the provision of a right-of-way of sixty (60) feet should the road ever be improved to conventional subdivision standards.
3. That the present owners of the lots created by this subdivision, for themselves, their heirs, executors, administrators, successors and assigns covenant that if, on the advice of the Chief Engineer, Department of Public Works, County of Hawaii, an improvement district to improve the County roadways serving the subdivision within the next twenty (20) years is deemed to become necessary

as a result of any further development in the area of the subject subdivision requiring access over said roadway, the owners, heirs, executors, administrators, successors and assigns agree, for the benefit of their property as well as for the benefit to the County roadway, to enter into any such improvement district to the extent that such improvement district seeks to improve the roadway to standards presently required by Chapter 9, Hawaii County Code of the County of Hawaii, June 1973; and further agree to include such covenant in form and language acceptable to the Corporation Counsel and the lot owners, to assure that such covenant will legally be enforceable against the present owners of the lots, their heirs, executors, administrators, successors, and assigns. The present owners, their heirs, executors, administrators and assigns further agree to include such covenant in all of the deeds of conveyance to the lots created by the subdivision, and to record said deeds with the Bureau of Conveyances, State of Hawaii.

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

The effective date of this permit shall be from March 6, 1975.

Dated at Hilo, Hawaii, this 17th day of March, 1975.

  
Arthur W. Martin, Chairman

APPROVED AS TO FORM  
AND LEGALITY:

  
Corporation Counsel  
County of Hawaii

Date: 4/3/75