

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
DEPT. OF LAND AND NATURAL RESOURCES)	
from)	Variance No. 457
MINIMUM BUILDING SITE AREA)	
REQUIREMENT)	
in)	
Kahei, North Kohala)	
)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on January 22, 1976 considered the application of the STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES for a variance from Chapter 8 (Zoning Code), Article 7, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of 15.9 acre lot in lieu of the minimum building site area requirement of twenty (20) acres as stipulated within the Agricultural 20-acre (A-20a) zoned district in Kahei, North Kohala, Hawaii, Tax Map Key 5-5-03:21 and portion of 19.⁶

The Commission has found that:

1. The granting of the variance will not be inconsistent with the general purpose of the zoned district nor will it violate the spirit and intent of the Zoning Code. The 15.9-acre lot is part of a proposed 9-lot Kohala Agricultural Park subdivision to be developed by the State Department of Land and Natural Resources. The proposed lots range from 15.9 to 26.1 acres. According to the proposed subdivision plan, at least four (4) of the lots will be greater than the minimum 20-acre requirement. The combined excess area for these four (4) lots is about fourteen (14) acres. As such, although the lot in question is 4.1 acres less than the minimum building site area requirement, the overall permitted density of the entire area will not be exceeded. Thus, the granting of this particular variance from the minimum building site area requirement will not result in any increase in density than what is already permitted within the Zoning Code. It is therefore determined that the granting of this particular variance will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under similar zoned district classification; and

2. There are unusual circumstances applying to the area being subdivided which do not generally apply to surrounding properties in the same district. The primary interior roadway serving this proposed subdivision will be the Hualua Road Extension. This 50-foot subdivision roadway will hook-up with the existing Kahei Homestead Road. There is an existing 30-foot government-owned road which extends beyond the proposed Hualua Road between the Kahei Homestead Road and the Hawi Road. Article 2, Section 4.03D of the Subdivision Code (Chapter 9) states that "As far as practical, all streets shall be in alignment with existing streets by continuations of the center lines thereof. The staggering of streets making "T" intersections shall be so designed and adjusted with curves and diagonals, that jogs are not less than 150 feet measured along the center line of the through street." Applying this requirement to the traffic circulation pattern for this proposed subdivision, it merely states that the proposed Hualua Road extension should hook-up with the existing 30-foot government road. Although the applicant could have realigned the proposed Hualua Road so that the lot in question would meet the minimum building site area requirement, a situation may arise where the roadway would not be able to meet the roadway requirement as presented. From a design and traffic circulation standpoint, it is determined that the proposed alignment of Hualua Road is much more acceptable and efficient. As such, a situation arise where the redesign of the roadway in order that the proposed lot can conform to the minimum building site area requirement, may prove to be detrimental to the health, safety and welfare of the public, as well as the surrounding properties. It is therefore further determined that said unusual circumstances do exist to a degree which obviously interferes with the best use or manner of development of the property to be subdivided.

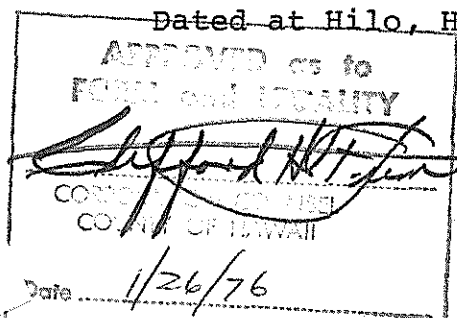
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 15.9 acre lot in lieu of the minimum building site area requirement of twenty (20) acres as stipulated within the Agricultural 20-acre zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicant, the State of Hawaii Department of Land and Natural Resources, secure tentative approval of the proposed subdivision within one (1) year from the official date of approval of the variance permit; and
2. All applicable rules and regulations be complied with.

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

The effective date of this permit shall be from January 22, 1976.

Dated at Hilo, Hawaii, this 29th day of January, 1976.




Leon K. Sterling, Jr., Chairman