

January 26, 1978

Mr. Harold Luscomb
Vice President, Property Planning & Control
Hawaiiana Investment Co., Inc.
Suite 1700, 745 Fort Street
Honolulu, HI 96813

Dear Mr. Luscomb:

Variance Permit No. 458
Tax Map Key 2-1-10:36
Waiakea, South Hilo, Hawaii

At its regular meeting of January 12, 1978, the Planning Commission voted to approve your request to nullify Variance Permit No. 458, which allowed the first 100 feet of a proposed subdivision road to have a 50-foot wide right-of-way in lieu of the 60-foot width stipulated by the Subdivision Control Code.

The Planning Commission's action is a final one and action to nullify your subdivision will now be initiated by the Planning Director.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

IP:smn

bcc: Subdivision file

JAN 26 1978

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

| | | |
|------------------------------|---|------------------|
| Application for VARIANCE |) | |
| by |) | |
| C. BREWER CORPORATION |) | |
| from |) | Variance No. 458 |
| MINIMUM ROADWAY REQUIREMENTS |) | |
| in |) | |
| Waiakea, South Hilo, Hawaii |) | |

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 5, 1976 considered the application of C. BREWER CORPORATION for a variance from Chapter 9, (Subdivision Code), Article 2, Section 4.03B, Hawaii County Code, as amended, more specifically to allow the construction of the first 100 feet of a proposed subdivision road with a 50-foot width in lieu of the sixty (60) feet as required within the Subdivision Code, at Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-10:36.

The Commission has found that:

1. There are unusual circumstances applying to the present situation which do not generally apply to surrounding properties or existing or proposed improvements in the same zoned district. That portion of the proposed roadway in question is a 5,000 square foot lot which was recently purchased by the applicant for the purpose of providing access to the proposed subdivision lots. The width of this lot is only fifty (50) feet. The two (2) lots bordering the roadway area in question, however, are not owned by the applicant. Parcel 7 is owned by Elmo Cook and leased to Chemetron Corporation. Parcel 9 is owned by J. Vandenburg and leased to American Fence Company. There are structures existing on both of these lots. If the applicant were made to conform to the 60-foot requirement, both of these lots would have to be acquired; thus, the present leases would have to be terminated and the structures removed. As such, to require the applicant to purchase the abutting properties on both sides in order to conform to the minimum requirement, would create undue hardship not only to the applicant but to the present lessees of the properties as well. Therefore, it is determined that unusual circumstances do exist to a degree which deprive the applicant, as well as the lessees of the adjacent lots, of substantial property rights which would otherwise be available; and
2. The applicant had originally planned to provide a 60-foot roadway at the south end of the property. This would have met the minimum roadway requirement. In doing so, however, two (2) of the proposed lots would have had their accesses off Kalaniana'ole Avenue, approximately 110 feet from the Silva Street-Kalaniana'ole Avenue intersection. From a

traffic standpoint, it is felt that although the original subdivision plan would have conformed to the minimum roadway requirement, it would have created an undesirable traffic situation near the Silva Street-Kalaniana'ole Avenue intersection, especially since the Kuhio Wharf entrance is at that location. In light of this, it is felt that the proposed location of the roadway is much more desirable than the location which was originally proposed. As such, should this particular roadway variance be denied, it would obviously interfere with the best use or manner of development of the subject property.

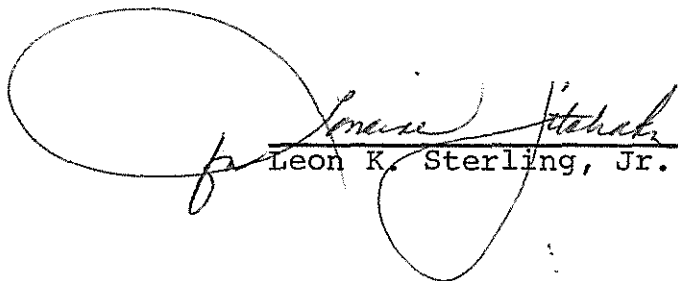
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of the first 100 feet of a proposed subdivision road with a 50-foot width in lieu of the sixty (60) feet as required within the Subdivision Code pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The applicant secure tentative subdivision approval within one (1) year from the effective date of approval of the variance permit. The applicant shall also be responsible for securing final subdivision approval; 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 February 5, 1976.

Dated at Hilo, Hawaii, this 17th day of February 1976.


Leon K. Sterling, Jr., Chairman

