

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
DEPARTMENT OF PARKS)
AND RECREATION)
from)
MINIMUM BUILDING SITE AREA)
REQUIREMENT)
in)
Keaau, Puna, Hawaii)

Variance No. 465

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on March 11, 1976 considered the application of DEPARTMENT OF PARKS AND RECREATION for a variance from Chapter 8 (Zoning Code), Article 7, Section 5, Hawaii County Code, as Amended, more specifically to allow the creation of a 10.8-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 at Keaau, Puna, Hawaii, Tax Map Key 1-6-03:portion of 7.

The Commission has found that:

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 primary purpose of the variance request is to allow the expansion of the existing 5.8-acre Herbert C. Shipman Park (formerly Keaau Park) to 10.8 acres in size. The County presently leases the existing park from W. H. Shipman, Ltd., on a yearly basis. This existing 5.8-acre park, however, is not parcelized. The additional five (5) acres of land are also owned by W. H. Shipman, Ltd. and will also be leased to the County. However, in order for a legal lease agreement to be consummated for the 10.8+ acre area, the land must be subdivided. Pursuant to the Subdivision Code, any partitioning of land, whether it be for lease or fee purposes, constitutes a subdivision.

Since the 5.8-acre area is already in existence, although not formally parcelized, the increase in land to 10.8 acres would, in fact, be in a direction toward fulfilling the minimum building site area requirement of the zoned district in which the land is situated. As such, the denial of the request would definitely interfere with the best use or manner of development of the area to be subdivided for recreational purposes.

It is determined that maximum public benefit will result from the proposed park expansion project as the provision of a 10.8-acre park area would, in essence, satisfy the public's need for development of additional community or the District's recreational facilities. As such, the granting of this particular variance will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

The County Recreation Plan specifically states that Keaau should be considered as the District Recreation Center, with park facilities to accommodate the various league tournaments and activities. Although the Plan recommended that the district park be located adjacent to the Shipman Gym, that site was not selected since the area was deemed inadequate for park expansion and also since the land has been earmarked for future residential development by the landowner.

The land in question was selected since portion of the property was already in use as a park. Also, according to the Department of Parks and Recreation standards, an area of at least ten (10) acres is needed for a district recreational park. The overall park development will include a myriad of facilities for compatible multiple recreational uses. As such, the development of parks would satisfy two (2) of the policies as stated in the General Plan's Recreation element - that of providing a wide variety of recreational opportunities and also of improving existing public facilities for optimum usages, including features for the convenience of all age groups. It is therefore determined that the granting of this particular variance would be in the direction of fulfilling the goals and policies of the Recreation element as outlined in the General Plan.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 10.8-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, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The petitioner, the County of Hawaii Department of Parks and Recreation, in behalf of W. H. Shipman, Ltd., secure tentative subdivision approval of the proposed subdivision within one (1) year from the effective date of the Variance Permit. The petitioner shall also be responsible for securing final subdivision approval;
2. A copy of the lease agreement between the County and W. H. Shipman, Ltd. for the 10.8+ acre area be filed with the Planning Director; and
3. All other applicable rules and regulations be complied with.

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

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

Leon K. Sterling, Jr. Chairman

