

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
DEPT. OF LAND & NATURAL RESOURCES (DOWALD) )  
from )  
MINIMUM SIDE YARD SETBACK REQUIREMENT )  
in )  
Kahaluu, North Kona )

---

Variance No. 468

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on April 22, 1976 considered the application of DEPARTMENT OF LAND AND NATURAL RESOURCES (DOWALD) for a variance from Chapter 8 (Zoning Code), Article 8, Section 7, Hawaii County Code, as Amended, more specifically to allow a side yard setback of twenty (20) feet in lieu of the required thirty (30) feet as stipulated within the Unplanned (U) zoned district for the construction of a control station building as part of the Water Development Shaft, Kona Water Project in Kahaluu, North Kona, TMK 7-8-10:54.

The Commission has found that:

1. There are unusual and special circumstances which exist to a degree which interfere with the best use or manner of development of the subject property. The petitioner intends to construct a control station building on a 1.2-acre lot as part of the Kahaluu Water Project (Water Development Shaft-Kona Water Project). Included on the property are a portal structure under construction, a proposed 24-inch waterline, a future 1.0 MG concrete tank and a parking area. Should the proposed control station building be required to conform to the 30-foot setback requirement, it will be situated only eight (8) feet from

the proposed 24-inch waterline. From a maintenance standpoint, it is felt that the placement of the building too close to the waterline would be undesirable as adequate "room space" is needed to conduct any maintenance work to the waterline.

Furthermore, by locating the proposed building, meeting the minimum setback requirement, it would eliminate portion of the parking area as well as virtually eliminate the potential for a turn around area;

2. Although there appears to be several alternatives available in constructing the proposed building and still meeting the minimum setback requirement, the existing topography and terrain of the property, in actuality, do reduce these alternatives. There is a severe drop in elevation at certain portions of the lot; especially the area towards the east of the proposed location between the portal structure and the proposed building. There is a difference in elevation of about fifteen (15) to twenty (20) feet; as such, construction is limited in that particular location; and
3. The proposed control station building as a part of the overall Kahaluu Water Development Project is intended to improve the present water system for the Kona area. As such, the construction of the control station building along with other future improvements on the property will be in the direction towards providing more efficient water services to the residents of Kona. The proposed improvements would, in essence, complement the General Plan's Public Utilities' goal of insuring that adequate, efficient, and dependable public utility services will be available to the

users, and that improvement of existing utility services shall be encouraged to meet the needs of the users.

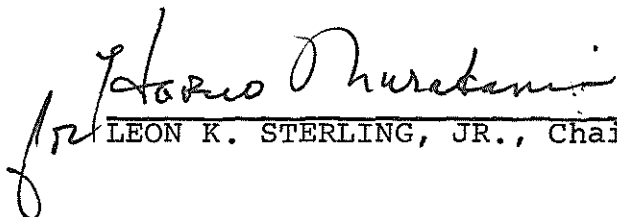
Therefore, the Commission hereby grants to the applicant a variance to allow a side yard setback of twenty (20) feet in lieu of the required thirty (30) feet as stipulated within the Unplanned (U) zoned district for the construction of a control station building pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. Construction of the control station building commence within one (1) year from the effective date of the Variance Permit and be completed within two (2) years thereafter; and
2. All other applicable rules and regulations, including the Plan Approval process, be complied with.

Should any of the foregoing conditions not be met, the Variance Permit shall be deemed null and void.

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

Dated at Hilo, Hawaii, this 27th day of April, 1976.

  
LEON K. STERLING, JR., Chairman

