

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
EMILY H. HARDEN)
from) Variance No. 475
MINIMUM LOT SIZE REQUIREMENT)
in)
WAIMEA HOMESTEADS, SOUTH)
KOHALA, HAWAII)

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on October 14, 1976, considered the application of EMILY H. HARDEN 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 40,095-square foot lot in lieu of the required one (1) acre as stipulated in the Agricultural 1-acre (A-1a) zoned district at Waimea Homesteads, South Kohala, Hawaii, Tax Map Key 6-5-02:7.

The Commission has found that:

That approval of the subject request will not be inconsistent with the intent and purpose of the General Plan and the Zoning and Subdivision Control Codes nor will it be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. The purpose of the variance request is to allow the creation of a two-lot subdivision with one of the proposed lots being 3,465 square feet less than the minimum lot size requirement of the Agricultural one-acre (A-1a) zoned district. The subject property is classified Urban by the State Land Use Commission. It is designated for low density urban uses on the General Plan Land Use Pattern Allocation Guide Map. This designation allows single-family residential uses at a maximum density of four (4) units per acre. The proposed lot for which the variance is requested is not in conflict with either the State Land Use District classification or the General Plan designation. The proposed lot size is in keeping with the density ranges and the

intent and purpose of these designations. Although County zoning of the subject property is Agricultural one-acre (A-1a), the State Land Use Commission and the County through its General Plan have determined that it is appropriate for the area under consideration to be put into non-agricultural uses. In addition, the absence of 3,465 square feet of land area (approximately 8 percent) in meeting the minimum area requirement of one acre is determined to be quite negligible in this particular case. The amount of deviation is not of such a substantial nature that it will violate the spirit and general purpose of the density requirement of the affected zoned district in this particular area. The proposed lot can also meet the requirements of the Subdivision Control Code.

Further, the approval of the variance request would not unreasonably burden public agencies to provide facilities and services. The area in question is adequately provided with all essential public and private services to accommodate the additional lot. The creation of the proposed lot at this particular location will not overtax the existing infrastructural capacities of the area.

In addition, the majority of the existing lots in the surrounding area is low density urban in character. The area immediately adjacent to the subject property on the southwest is zoned for Single-Family Residential - 10,000 square foot (RS-10) uses. To the east and southeast of the property is a non-conforming subdivision which consists primarily of 10,000-square foot lots. In this particular case, the creation of the proposed lot would not have an adverse effect on the surrounding properties or the character of the area. It is determined that approval of the subject request would not be materially detrimental to the public welfare or injurious to improvements or property rights related to surrounding properties.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 40,095-square foot lot in lieu of the required one (1) acre stipulated in the Agricultural 1-acre (A-1a) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

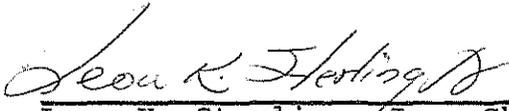
1. That the petitioner, Emily Harden, shall obtain tentative subdivision approval within one (1) year from the effective date of the Variance Permit and shall also be responsible for securing final subdivision approval.

2. That all other applicable rules and regulations shall be complied with.

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

The effective date of this permit shall be from October 14, 1976.

Dated at Hilo, Hawaii, this 28th day of October, 1976.


Leon K. Sterling, Jr., Chairman

