

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
HSC, INC.	)	
from	)	Variance No. 478
MINIMUM ROADWAY REQUIREMENT	)	
in	)	
Punahoa 2nd, South Hilo,	)	
Hawaii	)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on October 28, 1976, considered the application of HSC, INC. for a variance from Chapter 9, (Subdivision Control Code), Article 2, Section 4.03-B, Hawaii County Code, as amended, more specifically to allow the first 200 feet of a proposed subdivision roadway with a 40-foot right-of-way width in lieu of the required fifty (50) feet. The area involved is located along the east side of Ainako Avenue, approximately 300 feet southeast of the Lahi Street-Ainako Avenue intersection, Punahoa 2nd, South Hilo, Hawaii, Tax Map Key 2-5-26:12.

The Commission has found:

1. That there are three (3) possible locations available to gain access to the proposed subdivision. One (1) of these potential accesses is part of the area to be subdivided and is located along Waianuenue Avenue at the intersection of Waianuenue Avenue and Lahi Street. The other two (2) possible accesses are the 40-foot wide road reserves, which include the proposed roadway under consideration. The other road reserve is 10,515 square feet in size and owned by the Hawaii Conference of United Church of Christ. This road reserve is located along Lahi Street at the intersection of Lahi Street and Ainako Avenue. Since this road reserve lot is also only forty (40) feet wide, a variance would also be required if it were used to provide access to the proposed subdivision.

An on-site inspection of the area confirmed that the locations of the possible accesses at the Waianuenue Avenue-Lahi Street and Lahi Street-Ainako Avenue intersections are quite hazardous from an overall traffic circulation standpoint. Because of the locations of these potential accesses at heavily used intersections, the situation presents a problem of inadequate site distance, especially along Waianuenue Avenue. Thus, although the provision of an access along Waianuenue Avenue would have conformed to the minimum roadway requirement, it would create an undesirable traffic situation along Waianuenue Avenue as well as at the intersection of Waianuenue Avenue and Lahi Street.

In light of these circumstances, it is felt that the location of the proposed roadway under consideration would be a much more desirable one from the standpoint of safety and welfare of the potential residents of the subdivision as well as the general public who uses the roadways within the area. As such, it is further determined that the granting of this particular variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties within the near vicinity. Furthermore, since the minimum roadway requirement could have been met if the petitioner had elected to provide the access at the hazardous intersection along Waianuenue Avenue, it is felt that to deny this particular variance under existing circumstances as presented earlier would, in essence, deprive the petitioner of substantial property rights which otherwise would be available. It also would, to a large extent, interfere with the best use or manner of development of the proposed subdivision.

2. That portion of the proposed roadway in question is an 8,043 square foot lot which was recently purchased by the petitioner for the purpose of providing access to the proposed subdivision lots. The width of this lot is only forty (40) feet. The two (2) lots bordering the roadway area in question, however, are not owned by the petitioner. Parcel 7, consisting of 24,978 square feet in size, is owned by Robert Forbes, while Parcel 8 which consists of 18,978 square feet in size is owned by Joseph Jardin. There are single family dwellings and accessory structures situated on both of these properties. As stated by the petitioner, the adjacent property owners were contacted regarding the possible purchase of a 5-foot strip of land from their respective lots. The owner of these two (2) lots, however, were reluctant to grant the petitioner the 5-foot strips. It is quite evident that the petitioner attempted to rectify the problem; but to no avail. Furthermore, there is a carport on Parcel 7 which would have been affected if the 5-foot strip of land from that property was sold. It is presently situated relatively close to the property line. It is therefore determined that there are unusual circumstances applying to the present situation which the petitioner is faced with which do not generally apply to surrounding properties with existing or proposed improvement, in the same zoned district.

Therefore, the Commission hereby grants to the applicant a variance to allow the first 200 feet of a proposed subdivision roadway with a 40-foot right-of-way width in lieu of the required fifty (50) feet pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

1. That the petitioner, HSC, Inc., shall be responsible for securing final subdivision approval.
2. That all other applicable rules and regulations, including the conditions of tentative subdivision approval as outlined in the Planning Department's letter of November 18, 1974, 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 28, 1976.

Dated at Hilo, Hawaii, this 15th day of November 1976.

Leon K. Sterling, Jr.  
Leon K. Sterling, Jr., Chairman

