

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
ALLELUIA KALAIWAA)
from)
MINIMUM BUILDING SITE AREA)
REQUIREMENT)
in)
Kealakehe Homesteads)
North Kona, Hawaii)

Variance No. 479

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on November 15, 1976, considered the application of ALLELUIA KALAIWAA for a variance from Chapter 8 (Zoning Code), Article 7, Section 5, Hawaii County Code, as amended, to allow the creation of a lot which is less than the minimum building site area requirement. More specifically, the request is to allow the creation of a 18.5-acre lot, of which a 14.5-acre area is situated within the Agricultural 20-acre (A-20a) zoned district at Kealakehe Homesteads, North Kona, Hawaii, Tax Map Key 7-4-03:3.

The Commission has found:

That there are special circumstances applying to the subject property which do not generally apply to surrounding properties or improvements in the same zoned district. The area under consideration lies within two zoning districts. The front, or makai, portion of the subject property is zoned Agricultural one-acre (A-1a), while the mauka portion is zoned Agricultural 20-acre (A-20a). The portion of the property which is zoned A-20a consists of approximately 14.5 acres. The location of the boundary line between the A-1a and the A-20a zoned districts was not established by any action of the petitioner. This boundary line between the two zoned districts was established when the North Kona Zone Map was adopted as part of the Zoning Ordinance in May, 1967. It was taken from the 1960 study, "A Plan for Kona," prepared for the County by Harland Bartholomew & Associates. The "Plan for Kona" was part of the County's General Plan until the present General Plan was adopted in 1971. That study generated a general land use pattern for the Kona region. The area under consideration was projected as part of the Honokohau urban center to be surrounded by agricultural uses. When the Kona Zone Map was prepared the general land use pattern for the area was maintained. This pattern was not on a detailed parcel by parcel basis but rather on an overall areal configuration. Further, it would cause undue hardship to the petitioner

to acquire additional land area within the A-20a zone in order to create a lot which would meet the minimum lot size requirement, particularly in view of the fact that the 14.5-acre portion within the A-20a zone was not established through his action. It should also be pointed out that the proposed subdivision of the subject property will not alter the fact that there are 14.5 acres of land zoned A-20a. The zoning of the property is such that with or without the proposed subdivision the amount of area designated A-20a will remain 14.5 acres. It is thus determined that there are special circumstances applying to the subject property which would be sufficient cause to warrant the granting of a variance in this particular case. Further, these circumstances are of such a nature that approval of the subject request would not constitute a grant of special or personal privilege.

In addition, approval of the subject request would not be inconsistent with the purpose and intent of the Zoning Code or the General Plan. In this area the intent of the pattern of the A-1a and A-20a zoned districts is to allow smaller agricultural lots near the Mamalahoa Highway while the mauka areas are retained in larger lot sizes. The petitioner's proposed subdivision would create two lots. The proposed 4-acre lot would be in the makai portion of the subject property, while the mauka portion would be retained as a single large lot. This pattern is in keeping with the intent of the Zoning Code for this general area. It is also not in conflict with the General Plan, which designates the makai portion of the property for low density urban uses and the mauka portion for orchards and alternate urban expansion.

It is further determined that approval of the variance would not unreasonably burden public agencies to provide services and facilities. The proposed subdivision will not generate major demands for services and facilities inasmuch as only one additional lot would be created. All essential services and facilities are available to the area in question.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of an 18.5-acre lot, of which a 14.5-acre area is situated 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:

1. That the petitioner, Alleluia Kalaiwaa, shall 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 shall be deemed null and void.

The effective date of this permit shall be from November 15, 1976.

Dated at Hilo, Hawaii, this 19th day of November, 1976.

APPROVED as to FORM and LEGALITY
<i>[Signature]</i>
CLERK OF COMMISSION COUNTY OF HAWAII
Date <u>11/30/76</u>

[Signature]

Leon K. Sterling, Jr., Chairman