

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
ARCHIBALD WUNG, ETAL)
from)
MINIMUM BUILDING SITE AVERAGE)
WIDTH REQUIREMENT)
in)
Kaimu, Puna, Hawaii)
_____)

Variance No. 485

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on March 14, 1977, considered the application of ARCHIBALD WUNG and others, for a variance from Chapter 8 (Zoning Code), Article 6, Section 6, Hawaii County Code, as amended, more specifically, to allow the creation of two (2) lots with building site average widths of 73+ feet and 57+ feet in lieu of the minimum requirement of 100 feet as stipulated within the Residential Agricultural .5-acre (RA-.5a) zoned district within the Kaimu-Makena Houselots, Kaimu, Puna, Hawaii, Tax Map Key 1-2-04:29.

The Commission has found:

That the granting of this particular variance will not be inconsistent with the general purpose of the Residential Agricultural .5-acre (RA-.5a) zoned district or the spirit and intent of the Zoning Code pertaining to the minimum building site average width requirement. The petitioners intend to subdivide a 2-acre triangular-shaped parcel into four (4) lots. Because of the irregular shape of the parcel, two (2) of the proposed lots will also be triangular in shape and will not meet the minimum building site average width requirement. Although these two (2) lots under consideration do not meet the average width requirement, they do meet the minimum building site area requirement of one-half ($\frac{1}{2}$) acre as stipulated within the RA-.5a zoned district. Proposed Lot 101-A and 101-D will have average widths of 73+ feet and 57+ feet respectively. However, in deducting the minimum setback requirements, both lots would have a buildable area of 10,530+ square feet. Thus, it is determined that although the minimum building site average width requirement is not met, there is more than ample buildable area within the two (2) lots to construct any structures meeting with the minimum setback requirements; thus would not violate the basic intent of the average width requirement. As such, to deny the variance request, under these circumstances would, to a degree, deprive the petitioners of substantial property rights which would otherwise be available.

Because of the irregular configuration of the two-acre parcel to be subdivided, it is further determined that there are special or unusual circumstances applying to the two (2) lots under consideration which do not generally apply to surrounding properties in the same zoned district.

In light of the above, it is 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 in the vicinity.

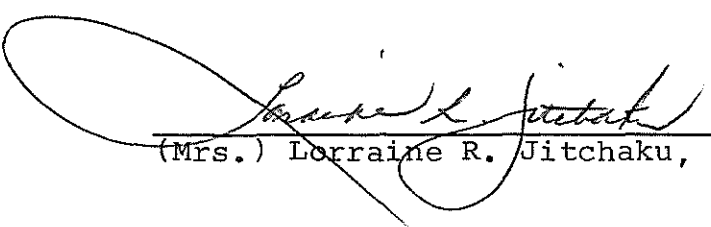
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with building site average widths of 73+ feet and 57+ feet in lieu of the minimum requirement of 100 feet as stipulated within the Residential Agricultural .5-acre (RA-.5a) zoned district within the Kaimu-Makena Houselots, Kaimu, Puna, Hawaii, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

1. That the petitioners or their authorized representative submit a revised subdivision plan and secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall also be responsible for securing final subdivision approval.
2. That no other variances for the two (2) lots, Lot 101-A and 101-D, such as from the minimum setback requirement, shall be applied for.
3. That all other applicable rules and regulations be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from March 14, 1977.

Dated at Hilo, Hawaii, this 14th day of April, 1977.


(Mrs.) Lorraine R. Jitchaku, Chairman

