

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
JON GIFFIN AND MELVIN HEWETT )  
from )  
MINIMUM ROADWAY REQUIREMENT )  
at )  
Ahualoa Homesteads, )  
Hamakua, Hawaii )

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Variance No. 497

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on May 26, 1977, considered the application of JON GIFFIN AND MELVIN HEWETT for a variance from Chapter 9 (Subdivision Control Code), Article 2, Section 4.03.B., Hawaii County Code, as amended, more specifically, to allow a 14-foot wide oil-treated surface in lieu of the minimum requirement of a 20-foot pavement for a proposed two-lot subdivision at Ahualoa Homesteads, Hamakua, Hawaii, Tax Map Key 4-5-11:3 and 11.

The Commission has found:

1. That special or unusual circumstances exist to the degree that the petitioners would be deprived of substantial property rights which would otherwise be available and they obviously interfere with the best use or manner of development of the subject property. Rather than providing for a roadway easement which is required to be paved, the petitioners could have created a subdivision with the proposed rear lot (Lot 13-14-B-2) being a flag lot. If they had subdivided the subject property as such, the "pole" portion of the flag lot would not have to be paved. In arranging the proposed subdivision with an easement, however, the petitioners would be providing at least a 14-foot wide, oil-treated surface within the 50-foot wide easement. From a planning standpoint, it would seem that the petitioners' proposed subdivision layout is a much more practical proposal. At least some sort of improvement will be made to the access for the rear lot.
2. That in subdividing the property, the petitioners intend to utilize the "pole" portion of the rear flag lot, which is owned by two (2) other parties, for access. Although the subdivision request is for a two-lot subdivision, the easement will serve the rear flag lot, and the proposed Lot 13-14-B-2. Access to proposed Lot 13-14-B-1, will be served by the 50-foot wide Homestead Road, fronting the subject property. The County zoning designation for the subject property is Agricultural 5-acre (A-5a). If the land had been zoned for Agriculture 1-acre (A-1a) or less, the private roadway or easement requirement would have been a 16-foot

right-of-way with only a 12-foot pavement. For the moment, it is determined that the 14-foot, oil-treated surface is deemed adequate to serve the two lots. Should further subdivision of the property occur in the future, the petitioners would then be required to comply with the 20-foot wide pavement requirement.

In light of the foregoing and since the easement will not be heavily used for the present as the land will be used basically for agricultural purposes, it is determined that the granting of this particular request will not be inconsistent with the intent and purpose of the Subdivision Control Code.

Therefore, the Commission hereby grants to the applicant a variance to allow a 14-foot wide oil-treated surface in lieu of the minimum requirement of a 20-foot pavement for a proposed two-lot subdivision at Ahualoa Homesteads, Hamakua, Hawaii, pursuant to the authority vested in it by Article 1, Section 5 of said Code, subject to the following conditions:

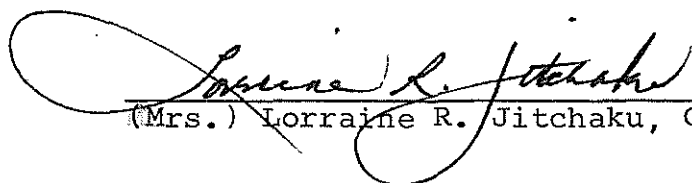
1. That the petitioners, or their authorized representative secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioners/representative also shall be responsible for securing final subdivision approval.
2. That the improvements within the roadway easement meet with the approval of the Chief Engineer of the Department of Public Works.
3. That those portions of the roadway where grades are eight (8) per cent or greater, shall be built to paved requirements.
4. That all other applicable rules and regulations shall 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.

It should be reiterated at this time that should further subdivision of the lots occur in the future, the landowners will be required to provide a 20-foot wide pavement in accordance with the Subdivision Control Code.

The effective date of this permit shall be from May 26, 1977.

Dated at Hilo, Hawaii, this 21st day of June, 1977.

  
(Mrs.) Lorraine R. Jitchaku, Chairman

