

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
KOHALA CORPORATION	)	
from	)	
MINIMUM BUILDING SITE AREA	)	
REQUIREMENT	)	VARIANCE NO. 501
in	)	
Makapala, North Kohala, Hawaii	)	
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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on July 28, 1977, considered the application of KOHALA CORPORATION for a variance from Chapter 8, Article 7, Section 5, Hawaii County Code, as amended, more specifically, to allow the creation of a 4.2-acre area and a 13.1-acre area within the Agricultural 20-acre (A-20a) zoned district in lieu of the minimum building site area requirement of twenty (20) acres at Makapala, North Kohala, Hawaii, Tax Map Key 5-2-08:Portion of 2.

The Commission has found:

That the granting of this particular variance will not be inconsistent with the general purpose of the Agricultural 20-acre (A-20a) zoned district or the intent and purpose of the Zoning and Subdivision Control codes. The 4.2-acre and 13.1-acre areas for which the variance is sought, already exist. They are presently nonconforming relative to size due to the split zoning (A-20a and RS-15) of the lot. Even with the proposed subdivision action, these two (2) areas zoned A-20a will not be decreased nor increased in size. The proposed subdivision action will not change the total amount of land area within the A-20a zoned district. In fact, except for the partitioning of the entire lot into two (2) lots, there will be no change as to the acreages of these two (2) nonconforming areas. In light of this unusual situation relative to the original split zoning, A-20a and RS-15, it is determined that there are special and unusual circumstances applying to the subject areas which do not generally apply to surrounding properties in the same zoned district. It is further felt that the granting of this particular variance will not be inconsistent with the limitations placed upon other properties under an identical zoning classification.

Although the petitioner has the alternative of reclassifying the 4.2-acre and 13.1-acre areas from an Agricultural to an Urban district classification through the State Land Use Commission and subsequently rezoned the A-20a lands to a Single Family Residential (RS) zoned district, for the moment, it is felt that the present procedure is much more practical. Furthermore, the granting of this particular

variance will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

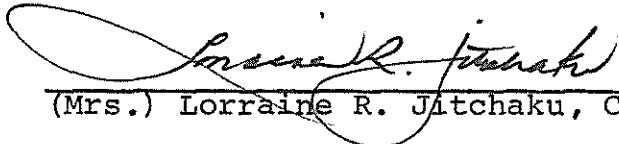
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 4.2-acre area and a 13.1-acre area within the Agricultural 20-acre (A-20a) zoned district in lieu of the minimum building site area requirement of twenty (20) acres at Makapala, North Kohala, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That the petitioner or its authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the date of approval of the Variance request. The petitioner/representative shall also be responsible for the securance of a final subdivision approval.
2. 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.

The effective date of this permit shall be from July 28, 1977.

Dated at Hilo, Hawaii, this 13th day of September, 1977.

  
(Mrs.) Lorraine R. Jitchaku, Chairman

