

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
KENNETH FUJIYAMA)	VARIANCE NO. 509
from)	
MINIMUM ROADWAY REQUIREMENT)	
in)	
Waiakea Homesteads, Waiakea,)	
South Hilo, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 27, 1977, considered the application of KENNETH FUJIYAMA 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 190 feet of a proposed subdivision roadway with a 40-foot right-of-way width in lieu of the minimum requirement of fifty (50) feet in Waiakea Homesteads, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-44:1.

The Commission has found:

That there are special and unusual conditions applying to the subject properties which do not generally apply to surrounding properties or improvements in the same district. In proposing the subdivision, the applicant intends to use an access which was created in 1962. At that time when five (5) lots were subdivided, the forty-(40) foot access to the 8.178 acre parcel was the standard width for dedicable street. Thus, the parcel is affected and constrained by an access which though inadequate by the present Subdivision Code, nevertheless conformed to the requirements of 1962.

Further, although there is another parcel (TMK: 2-4-44:77) situated between Kupulau Street and the 8.178 acre parcel and which will be included within the proposed subdivision; a standard width access is not feasible from this parcel. There is an existing dwelling on the south side of parcel 77. There is a sharp drop in elevation of about ten to fifteen (10-15) feet along this parcel boundary fronting Kupulau Street. Thus, if a road were constructed along this side, the grade will be relatively great. From a public safety standpoint, road conditions would be less than ideal. This steep road condition may also lead to problems with drainage and flooding to adjacent lots. Other alternatives such as land exchange or land acquisition were also explored. These, however, did not appear feasible. The portion of the proposed roadway in question is bounded by two separately owned lots, each less than 15,000 square feet in size.

These lots are non-conforming in size relative to the applicable zoning of Agriculture-one (A-1a) acre. Acquisition of a five foot strip of land from both properties would require further variance from the Zoning Code or an application for change of zone by both parties to an appropriate single-family residential zone. More important however, there are single-family dwellings situated on both lots. If a five foot strip from both lots were acquired by the petitioner, neither dwelling would be able to meet setback requirements. It is thus determined that there are unusual conditions which apply to the subject parcel which do not generally apply surrounding properties in the same district.

That although there are some concerns with respect to possible traffic hazards, these may be minimized through conditions of approval. The applicant does not intend to create a forty-(40) foot wide right-of-way for the total length of the road. Rather, only the 190-foot long portion of the road affected by the 1962 access will be forty-(40) feet wide. The remainder will be built to the fifty-(50) foot right-of-way standard. Thus, there may be hazardous road conditions at the point of narrowing from fifty-(50) to forty-(40) feet. These, however, may be minimized through road design. Thus, the granting of the variance will not be materially detrimental to the public welfare.

Further, as the forty-(40) foot right-of-way is the access to an otherwise landlocked parcel, should the variance not be granted, the applicant would not be able to subdivide his property. Thus, the applicant would be deprived of substantial property rights which would otherwise be available.

Therefore, the Commission hereby grants to the applicant a variance to allow the first 190 feet of a proposed subdivision roadway with a 40-foot right-of-way width in lieu of the minimum requirement of fifty (50) feet in Waiakea Homesteads, Waiakea, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 5 of said Code, subject to the following conditions:

1. That the petitioner or his authorized representative shall submit subdivision plans and secure tentative 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 the petitioner/representative shall submit road construction plans which shall show all utilities, shoulders, swales, location of power poles and other roadway appurtenances, to the Chief Engineer of the Department of Public Works for his review and approval.
3. That the petitioner/representative shall comply with all other applicable rules and regulations.

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 October 27, 1977.

Dated at Hilo, Hawaii, this 6th day of December, 1977.

APPROVED as to
FORM and LEGALITY

Roxanna Garcia

ASSISTANT CORPORATION COUNSEL
COUNTY OF HAWAII

Date NOV 30 1977

Lorraine R. Jitchaku
(MRS.) LORRAINE R. JITCHAKU
Chairman, Planning Commission