

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

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| Application for |) | |
| VARIANCE |) | |
| by |) | |
| TORAO SONOMURA |) | VARIANCE NO. 520 |
| from |) | |
| MINIMUM BUILDING SITE AREA |) | |
| REQUIREMENT |) | |
| in |) | |
| KALOPA HOMESTEADS, HAMAKUA, |) | |
| HAWAII |) | |

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 12, 1978, considered the application of TORAO SONOMURA for a variance from Article 7, Section 5, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended; more specifically, to allow the creation of a 4.8-acre lot in lieu of the minimum building site area requirement of five acres as stipulated within the Agricultural 5-acre (A-5a) zoned district, in Kalopa Homesteads, Hamakua, Hawaii, Tax Map Key 4-4-8:6.

The Commission has found:

That the granting of the variance will not be materially detrimental to property rights in the vicinity, nor will it be contrary to the intent of the Zoning Code. The proposed 4.8-acre lot is 8,712 square feet less than the minimum lot size stipulated for the A-5a zoned district. The deviation requested is four (4) percent. Even with this deviation, it is determined that the proposed lot contains adequate area for the conduct of agricultural activities. Given the magnitude of the deviation, it is determined that it will not be detrimental to property rights in the vicinity nor will it violate the intent of the Zoning Code.

Further, the approval of the variance request would not unreasonably burden public agencies to provide facilities and services. The area in question has adequate access, electricity and telephone service to accommodate the proposed lot. The creation of the proposed lot at this particular location will not overtax the existing infrastructural capacities of the area.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 4.8-acre lot in lieu of the minimum building site area requirement of five acres as stipulated within the Agricultural 5-acre (A-5a) zoned district, in Kalopa Homesteads, Hamakua, Hawaii, Tax Map Key 4-4-8:6, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That tentative subdivision approval be obtained within one (1) year of the effective date of the Variance Permit, and that the petitioner or his authorized representative shall be responsible for securing final subdivision approval.
2. That should the proposed lot be less than 4.8 acres in area, the petitioner or his authorized representative shall request clarification from the Planning Commission.
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 January 12, 1978.

Dated at Hilo, Hawaii, this 31st day of January, 1978.



William F. Mielcke, Chairman

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| APPROVED as to FORM and LEGALITY | |
| <u>Roxanna Garcia</u> | |
| ASSISTANT | REGISTRAR OF DEEDS COUNTY OF HAWAII |
| Date | JAN 27 1978 |