

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
CHRISTOPHER HOY)	
from)	
MINIMUM ROADWAY STANDARDS)	VARIANCE NO. 521
in)	
Ahualoa Homesteads, 3rd Series,)	
Hamakua, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 12, 1978, considered the application of CHRISTOPHER HOY for a variance from Article 2, Section 5.04, Chapter 9 (Subdivision Control Code) of the Hawaii County Code, as amended; more specifically, to allow a fourteen (14) foot wide oil treated surface in lieu of the twenty (20) foot requirement for a proposed three (3) lot subdivision, in Ahualoa Homesteads, 3rd Series, Hamakua, Hawaii, Tax Map Key 4-5-11:12.

The Commission has found:

That special conditions exist which interfere with the best manner of development of the subject property. Rather than providing for a common access to the proposed lots, the petitioner could have applied for three flag lots dividing the existing 60-foot wide pole. The result would be three driveways connecting to the government road. If the property were subdivided in this manner, this would eliminate the petitioner's responsibility to provide on-site roadway improvements as each lot would have its own individual access to the government road. However, by providing for a common access via a 14-foot oil-treated gravel road, the number of access points along the government road would be reduced to one (1) and improvements be made to the access. Thus, from a planning standpoint the petitioner's proposed layout is a more practical proposal.

The County zoning designation for the subject property is Agricultural-5 acres (A-5a). If the land had been zoned Agricultural-1 acre, the private roadway improvement requirement for the three-(3) lot subdivision would have been an 18-foot right-of-way with a 14-foot pavement. For the moment, it is determined that the 14-foot oil treated surface is adequate to serve the three (3) lots. Should further subdivision of the property occur in the future, compliance with the 20-foot wide pavement standard would be required.

In light of the foregoing, it is determined that the granting of this particular request is not inconsistent with the intent of the Subdivision Control Code.

Therefore, the Commission hereby grants to the applicant a variance to allow a fourteen (14) foot wide oil treated surface in lieu of the twenty (20) foot requirement for a proposed three (3) lot subdivision, pursuant to the authority vested in it by Article 1, Section 5 of the Subdivision Control Code, subject to the following conditions:

1. That the petitioner or his authorized representative shall be responsible for securing final subdivision approval.
2. That the roadway improvements shall meet with the approval of the Chief Engineer of the Department of Public Works.
3. That those portions of the roadway having slopes of 8 percent or greater shall be built to pavement 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.

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, Planning Commission

APPROVED as to
FORM and LEGALITY

Roxanna Garcia

CORPORATION COUNSEL
COUNTY OF HAWAII

JAN 27 1978

Date

ASSISTANT