

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
JARRETT K. AHIA)
from)
MINIMUM BUILDING SITE)
AVERAGE WIDTH REQUIREMENTS)
in)
Kaimu-Makena Houselots,)
Puna, Hawaii)

VARIANCE NO. 527

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on March 22, 1978, considered the application of JARRETT K. AHIA for a variance from Chapter 8 (Zoning Code), Article 6, Section 6, of the Hawaii County Code, as amended, more specifically, to allow the creation of two (2) lots with average widths of 85.66 feet and one (1) lot with an average width of 80.65 feet in lieu of the minimum requirement of one hundred (100) feet as stipulated in the Residential-Agriculture - one-half acre (RA-.5a) zoned district. The property involved is located in the Kaimu-Makena Houselots, Puna, Hawaii, Tax Map Key 1-2-04:26.

The Commission has found:

That the granting of the variance will not be contrary to the intent of the Zoning Code. The purpose of the minimum building site average width requirement is to assure that any lot created has an adequate buildable area relative to setbacks and other requirements. Proposed Lots A, B and C would have net buildable areas of 11,619, 12,732, and 12,462 square feet respectively after accounting for setbacks. Further, after application of the fifteen (15) feet side yard setbacks the maximum buildable area widths for the three (3) lots would be 55.6 feet which is deemed to be adequate for situating structures on the proposed lots.

That the granting of the request will not be materially detrimental to improvements or property rights related to property in the near vicinity. All required setbacks may be met; thus air circulation, light and open space considerations for adjacent properties can be satisfied.

That any subdivision of the subject property would require a variance from the minimum average width requirements as the subject property has an existing maximum width of 85.66 feet which is non-conforming. The subject parcel was created prior to the adoption of the current minimum building site average width requirement of the Zoning Code. The existing average width of the subject parcel is 85.66. Based on the formula for computing average width, two of the proposed lots would have average widths of 85.66 feet, while the third lot, identified as Lot C, would have an average width of 80.65 feet. This latter lot is triangular in shape and this shape determines the calculated average width. In actuality, however, Lot C will have a width of 85.66 feet for 221.68 feet of its 295.79-foot depth. The proposed subdivision, therefore, would not reduce the existing non-conforming average width of the subject parcel. It is therefore determined that there are special and unusual circumstances applying to the subject property and that these exist to a degree which would deprive the owner of substantial property right.

Essentially, the petitioner's only alternative to the proposed subdivision is not to subdivide at all. This alternative, however, is not considered reasonable in view of the fact that each lot created will have more than the required minimum lot size of the applicable zone, and adequate buildable area and width for the siting of structures. Approval of the subject request would not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with average widths of 85.66 feet and one (1) lot with an average width of 80.65 feet in lieu of the minimum requirement of one hundred (100) feet as stipulated in the Residential-Agriculture - one-half acre (RA-.5a) zoned district pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That the applicant secure tentative subdivision approval within one (1) year from the effective date of the variance permit and shall be responsible for securing final subdivision approval.
2. That the proposed Lot C shall have an area of 21,780 square feet. The remaining area shall be allotted to proposed Lot A and B in that the buildable areas of these lots will be decreased by the roadway easement.
3. 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 March 22, 1978.

Dated at Hilo, Hawaii, this 13th day April, 1978.



WILLIAM F. MIELCKE, CHAIRMAN
Planning Commission

APPROVED as to
FORM and LEGALITY

Roxanna Garcia

ASSISTANT

CORPORATION COUNSEL
COUNTY OF HAWAII

APR 11 1978

Date