

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
R & J STEEL)	VARIANCE NO. 532
from)	
MINIMUM BUILDING SITE)	
AVERAGE WIDTH REQUIREMENT)	
in)	
Leilani Estates Subdivision,)	
Keahialaka, Puna, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on April 27, 1978, considered the application of R & J STEEL for a variance from Chapter 8 (Zoning Code), Article 7, Section 6, Hawaii County Code, as amended, to allow the creation of two (2) lots with building site average widths of 100 feet in lieu of the minimum requirements of 120 feet in the Leilani Estates Subdivision, Keahialaka, Puna, Hawaii, Tax Map Key 1-3-22:53.

The Commission has found:

That the granting of the variance will not be contrary to the intent of the Zoning Code and the objectives sought to be accomplished by the minimum building site average width requirement of that 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. The proposed lots would have net buildable areas of 23,616 square feet after applying the applicable setbacks. Further, after subtracting the 20-foot side yard setback requirements from the proposed 100-foot width of the lots, the maximum buildable widths for both lots would be 60 feet, which is deemed to be adequate to accommodate structures. Although the proposed lots would be less than the required minimum average width, the objective of this provision can still be met.

That the granting of the request will not be materially detrimental to improvements or property rights related to property in the near vicinity. Most of the lots in the Leilani Estates Subdivision consist of one acre of land and are non-conforming with respect to the minimum building site average width requirement. The purpose of the subject request is to

essentially re-create two lots out of a property which had been consolidated by a previous owner. Approval of this request would restore the property to a condition which was existent for several years. Further, it would not create a situation very dissimilar from other existing lots.

In addition, all required setbacks can be met and air circulation, light and open space considerations for the proposed lots and adjacent properties can be satisfied. The proposed lots will also meet the minimum lot size requirement of one acre stipulated by the zoning of the subject property.

It should be pointed out that there is an alternative available to the petitioner that would satisfy the minimum building site average width requirement. This alternative would be the creation of a flag lot with the pole of the lot fronting on the subdivision secondary street. This alternative, however, would decrease the actual usable area of the subject property in that the pole portion would be counted as part of the lot size but would be usable only as a driveway. Although this alternative would satisfy the minimum average width provision, it would detract from the purpose of the minimum lot size requirements. The intent of the Zoning Code would be better fulfilled by creating lots with a less than minimum average width but which would still be wide enough to accommodate structures than by meeting the minimum average width requirement but devoting a portion of one of the proposed lot's area to a flag lot pole.

Although there are no evidently unusual circumstances applying to the subject property, the granting of the variance request in this particular case would not be contrary to the intent of the Zoning Code and 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 building site average widths of 100 feet in lieu of the minimum requirement of 120 feet in the Leilani Estates Subdivision, Keahialaka, Puna, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That the petitioner shall secure tentative subdivision approve within one (1) year from the effective date of approval of the Variance Permit. The petitioner shall also be responsible for securing 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 April 27, 1978.

Dated at Hilo, Hawaii, this 1st day of June, 1978.



WILLIAM F. MIELCKE
Chairman, Planning Commission

