

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
KAMEHAMEHA SCHOOLS/BISHOP ESTATE	)	
from	)	Variance No. 535
MINIMUM LOT SIZE REQUIREMENTS	)	
in	)	
Ke'ei 1st and 2nd, South Kona,	)	
Hawaii	)	

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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on June 15, 1978, considered the application of KAMEHAMEHA SCHOOLS/BISHOP ESTATE for a variance from Article 7, Section 5 of Chapter 8 (Zoning Code), Hawaii County Code as amended, more specifically, to allow the creation of two (2) lots with areas of 4.62 acres and 2.18 acres, respectively, in lieu of the minimum requirement of five (5) acres stipulated within the Agricultural 5-acre (A-5a) zoned district at Ke'ei 1st and 2nd, South Kona, Hawaii, Tax Map Key 8-3-07:2 and 4.

The Commission has found:

1. That there are unusual circumstances applying to the subject property which do not generally apply to surrounding properties or improvements in the same zoned district. The area under consideration consists of two parcels, one of which is in cemetery and church use. The other parcel is partially bisected by a kuleana which is owned in fee. The purpose of the variance is to allow the petitioner to consolidate the two parcels and resubdivide them. In doing so, the petitioner intends to delete a sliver of land between the cemetery lot and the kuleana lot. This sliver of land is part of parcel 2. Under the proposed resubdivision, this sliver would be made a part of the cemetery lot, which is parcel 4. By rearranging the parcel boundaries for a more orderly land pattern, parcel 2, due to the kuleana, must become two lots. These circumstances are determined to be an unusual one which does not generally apply to surrounding properties.
2. That these unusual circumstances exist to a degree which obviously interferes with the best use and manner of development of the subject property. The

intrusion of the kuleana lot into parcel 2 essentially divides the parcel into two areas which are linked only by a sliver. The use or development of the parcel as a whole unit is, in practicality, hindered by this pattern. The proposed resubdivision would result in an optimal land use pattern and resolve the existing situation.

3. That approval of the variance will not be inconsistent with the general purpose of the zoned district nor will it militate against the County General Plan. One of the lots which would result from the proposed resubdivision is presently in cemetery use and has over 200 burials. The area of this lot would be slightly increased, which should prove adequate for future needs. There is limited cemetery space in the South Kona area and only one public cemetery in the entire Kona region. The Health and Sanitation sub-element of the General Plan encourages the expansion of existing cemeteries or the creation of new ones. In addition, cemeteries are a permitted use within the County's Agricultural zoned district. In this particular case, the creation of a 2.18-acre lot which will continue in cemetery use is determined to be reasonable and not contrary to the general purpose of the zoned district.

Further, the area of the other two lots resulting from the proposed resubdivision will not be detrimental to agricultural use. The proposed 4.62-acre lot is not significantly below the minimum 5-acre lot size requirement to adversely affect its agricultural potential. Given the unusual circumstances applying to the subject property and the capability of the proposed lot for agricultural use, it is determined that approval of the variance will not be contrary to the intent of the Agricultural 5-acre zoned district.

Approval of the variance will also not be materially detrimental to the public welfare nor injurious to improvements or property rights related to property in the near vicinity. The proposed resubdivision will essentially not alter the existing uses or character of the subject or surrounding area. It will also not generate significant increases in traffic or otherwise impact on existing facilities and services.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with areas of 4.62 acres and 2.18 acres, respectively, in lieu of the minimum requirement of five (5) acres stipulated within the Agricultural 5-acre (A-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 petitioner or its authorized representative shall secure tentative subdivision approval within


one (1) year from the effective date of the Variance Permit. The petitioner or its authorized representative shall also be responsible for obtaining final subdivision approval.

2. That all other applicable rules, regulations and requirements 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 June 15, 1978.

Dated at Hilo, Hawaii, this 29th day of June, 1978.



William F. Mielcke, Chairman  
Planning Commission

