

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
ARTHUR H. AND EULELA H. ULRICH	)	
from	)	VARIANCE NO. 544
MINIMUM LOT SIZE REQUIREMENTS	)	
in	)	
Volcano Farm Lots, Ola'a, Puna,	)	
Hawaii	)	
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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on September 28, 1978, considered the application of ARTHUR H. and EULELA A. ULRICH for a variance from Chapter 8 (Zoning Code), Article 7, Section 5 of the Hawaii County Code, as amended; more specifically, to allow the creation of a 19.78-acre lot in lieu of the minimum lot size requirement of twenty (20) acres as stipulated within the Agricultural 20-acre (A-20a) zoned district. The property involved is located at the westerly end of the Volcano farm lots, adjacent to the Kilauea Forest Reserve and the Puna-Ka'u district boundary, Ola'a, Puna, Hawaii, Tax Map Key 1-9-01:9 and 10.

The Commission has found:

That approval of the subject request will not be contrary to the basic purpose and intent of the Zoning Code. The purpose of the request is to allow the creation of a 19.78-acre lot within the Agricultural 20-acre (A-20a) zoned district. The A-20a zoned district is intended to provide adequate size lots on which certain agricultural activities can be conducted. The proposed 19.78-acre lot would be approximately 9,583 square feet less than the minimum twenty (20) acre requirement. This deviation from the minimum lot size requirement is not expected to negate the usefulness of the proposed lot for those uses permitted within the zoned district. The deviation is of such a scale as to not be contrary to the purpose of the A-20a zone.

The proposed lot would be subdivided out of a 59.78-acre parcel. Two other lots with areas conforming to the minimum lot size requirement will also be created. Given the existing area of the parcel which is to be subdivided, the petitioner would have difficulty creating a conforming lot. Two sides of the subject property are bordered by existing roadways, while the third side borders on the Kilauea Forest

Reserve. In order to create a conforming parcel, the petitioner would have to acquire a 9,583-square foot area from the adjacent landowner to the northwest. Although this may be feasible, it is determined that the creation of the 19.78-acre lot would still be able to fulfill the intent and purpose underlying the A-20a zoned district. Further, the configuration of the conforming lot would be such that the 9,583-square foot addition may not provide increased usable area.

The approval of the variance request is thus determined to be in keeping with the best manner of development of the existing property. The approval may also further the intent of the zoning of the area in that the proposed subdivision may encourage the land to be used for agricultural activities. The creation of additional lots within the area which are conducive to agricultural activities because of their size may increase opportunities for persons involved in agriculture to pursue such activities. The proposed subdivision will essentially add to the inventory of available lots within the subject area which are feasible for agriculture. Approval of the variance request is thus determined to be consistent with the General Plan policy of encouraging agriculture.

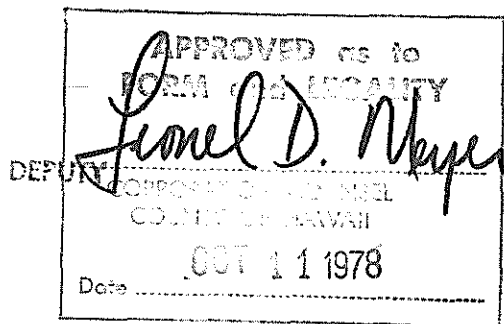
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 19.78-acre lot in lieu of the minimum lot size requirement of twenty (20) acres as stipulated within the Agricultural 20-acre (A-20a) zoned district pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code (Chapter 8), Hawaii County Code, as amended; subject to the following conditions:

1. That the petitioner or his authorized representative shall secure preliminary subdivision approval within one (1) year from the effective date of approval of the Variance Permit. The petitioner shall be responsible for securing final subdivision approval.
2. That a minimum of twenty (20) percent of the 19.78-acre lot shall be used for agricultural purposes within three (3) years from the date of final subdivision approval.
3. That all other applicable rules, regulations and requirements, including that of the Department of Water Supply, 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 September 28, 1978.

Dated at Hilo, Hawaii, this 12th day of October, 1978.



*William F. Mielcke*  
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William F. Mielcke  
Chairman, Planning Commission