

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
MELVIN B. HEWETT, ET AL.)
from)
MINIMUM PAVEMENT WIDTH)
REQUIREMENTS)
in)
Pu'ukapu Homesteads,)
2nd Series, South Kohala,)
Hawaii)

VARIANCE NO. 545

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on September 28, 1978, considered the application of MELVIN B. HEWETT, ET AL. for a variance from Chapter 9 (Subdivision Code), Article 2, Section 5.04, Hawaii County Code, as amended, more specifically, to allow a 16-foot oil treated gravel roadway in lieu of the minimum requirement of 20 feet for a proposed 8-lot subdivision in the Pu'ukapu Homesteads, 2nd Series, South Kohala, Hawaii, Tax Map Key 6-4-18:57.

The Commission has found:

That special circumstances exist that could interfere with the best manner of development of the subject property. The subject property is rectangular in shape and has 600 feet of frontage along the Mamalahoa Highway. The minimum building site average width for lots within the A-5a zoned district is 200 feet. For the Commissioner's information, a change of zone application from A-1a to A-5a is currently being processed. In compliance with the 200-foot minimum width requirement the subject property could be developed as a series of flag lots with individual lot accesses directly off the Mamalahoa Highway. Such development has occurred in other locations along this section of the highway. The creation of a number of access points along Mamalahoa Highway would increase traffic hazards and would thereby make this section of the highway less efficient in moving traffic to and from Waimea village. Rather than follow this development pattern the petitioners propose to create a roadway to provide common access. By resulting in one (1) access point, the proposed development would minimize traffic hazards along Mamalahoa Highway. From a planning standpoint this manner of development would be preferable.

That the granting of the variance request will not be injurious to the public health and welfare. By reducing the traffic hazards and minimizing interference with the movement along the Mamalahoa Highway through the provision of a common access road the public health and welfare will not be as detrimentally affected as would be the case with a series of flag lots.

That the granting of the variance request will not be materially detrimental to surrounding improvements or property rights. As the proposed roadway will be providing access only to lots to be created within the subject property, no adverse impact is anticipated to affect adjoining properties or improvements. Further, as the roadway is proposed to be developed to a lesser pavement width than the County's dedicable standards, dedication of the roadway to the County would not be possible. Thus the approval of the variance request will not impose any burdens on the general public as the maintenance of the roadway would be solely the responsibility of the owners of the proposed lots.

That the variance request is not inconsistent with the general purpose of the Subdivision Code. Concerning access within proposed subdivisions the Subdivision Code seeks to insure that each lot will have adequate access and that the resultant roadways are not hazardous to the general traffic flows in the vicinity. The Department of Public Works commented that they concur with the 16-foot pavement width. Given that the proposed subdivision will create eight (8) five (5) acre lot and that a 16-foot pavement is wide enough to allow two (2) way traffic, it is felt that each lot will be adequately served by the proposed roadway. Further, the 50-foot right-of-way will allow adequate room for the future widening of the private roadway or conversion to public usage should it become necessary.

Therefore, the Commission hereby grants to the applicant a variance to allow a 16-foot oil treated gravel roadway in lieu of the minimum requirement of 20 feet for a proposed eight-lot subdivision in the Pu'ukapu Homesteads, 2nd Series, South Kohala, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That no direct access from the Mamalahoa Highway and Mana Road shall be permitted for proposed Lots 1 and 8 respectively.
2. That the 16-foot roadway shall be paved with asphalt concrete where grades exceed eight (8) percent.
3. That a physical barrier shall be placed such that no vehicular access is possible from Mana Road to the proposed roadway.
4. That the roadway improvements shall include three (3) foot shoulders on both sides of the 16-foot pavement.
5. That for the purpose of determining structural setbacks, the easement line shall be considered to be a front property line.

Further, Lot 8 shall also consider the five (5) foot future road widening setback line as the front property line for the purpose of determining structural setbacks.

6. That final subdivision approval shall not be granted until the petitioners A-1a to A-5a change of zone request for the subject property becomes effective.
7. 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 September 28, 1978.

Dated at Hilo, Hawaii, this 26th day of October, 1978.



William F. Mielcke
Chairman, Planning Commission

