

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
ROBERT LAWHEAD)
from)
MINIMUM BUILDING SITE)
AVERAGE WIDTH)
in)
Kolo Subdivision, Kolo,)
South Kona, Hawaii)

VARIANCE NO. 549

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 12, 1978, considered the application of ROBERT LAWHEAD for a variance from Chapter 8 (Zoning code), Article 8, Section 6 of the Hawaii County Code, as amended, more specifically, to allow the creation of two (2) lots with average widths of 230 and 250 feet respectively in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned zoned district. The property involved is located approximately 1.5 miles south of the southern edge of the 1950 lava flow in Kolo Subdivision, Kolo, South Kona, Hawaii, Tax Map Key 8-7-13:40.

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 lot would have a minimum area of five (5) acres and widths of 170 and 190 feet after applying the applicable setbacks. The maximum buildable width for the lot is deemed to be adequate to accommodate structures. Although the proposed lot 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 of property rights related to property in the near vicinity. The purpose of the subject request is to allow the subdivision of the property under consideration into two lots in accordance with the minimum lot size requirement of the Unplanned zoned district. Most of the lots in the immediately surrounding area are non-conforming with respect to the minimum building site average

width requirement. The average widths of existing parcels in the area as well as that under consideration is 250 feet. The proposed lot would have a width of 230 and 250 feet. Lots with these widths would not create a situation very dissimilar from other existing lots.

Further, any subdivision of the subject property would require a variance from the minimum average width requirement as the subject property has an existing maximum width of 250 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. 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 the lots created will meet the minimum lot size requirement of the applicable zone and will have adequate buildable area and width for the situating of structures. Approval of the subject request 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.

All required setbacks can be met and air circulation, light and open space considerations for the proposed lots and adjacent properties can be satisfied.

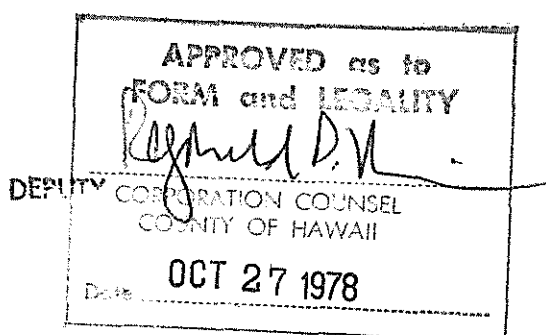
Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with average widths of 230 and 250 feet respectively in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned zoned district pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, (Chapter 8) Hawaii County Code, as amended, subject to the following conditions:

1. That the petitioner shall 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 all 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 October 12, 1978.

Dated at Hilo, Hawaii, this 9th day of November, 1978.



William F. Mielcke
WILLIAM F. MIELCKE, Chairman
Planning Commission