

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for	)	
VARIANCE	)	
by	)	
CATHERINE W. LOWREY	)	VARIANCE NO. 553
from	)	
MINIMUM ROADWAY REQUIREMENTS	)	
in	)	
Wailea Beach Lots, Lalamilo,	)	
South Kohala, Hawaii	)	

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VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on November 16, 1978, considered the application of Catherine W. Lowrey for a variance from minimum roadway requirements more specifically, to allow a 16-foot gravel roadway within a 20-foot easement in lieu of the minimum requirements of a 16-foot A.C. pavement within the subdivision and a 20-foot A.C. pavement within a 50-foot access easement for a proposed 3-lot subdivision at Wailea Beach Lots, Lalamilo, South Kohala, Hawaii, Tax Map Key 6-6-02:21.

The Commission has found:

That there are unusual circumstances applying to the subject property and improvements which do not generally apply to the property and improvements in the same zoned district. The area under consideration is zoned for Single Family Residential uses with a minimum lot size of 15,000 square feet. It is, however, in a relatively isolated area and lacks basic infrastructural improvements. The subject area has a rural character and is not foreseen to become a major urban area. The roadway improvements which are required to subdivide the subject property into three lots are of an urban level. Given the character of the subject area and the size of the proposed subdivision, it is determined that the provision of the required roadway improvements would impose an undue hardship upon the petitioner.

The existing government roadway off which the petitioner gains access is 16 feet wide and is in relatively poor condition. It is basically an oil-treated roadway, although at one time it provided the only access to the Puako Beach Lots. The improvements which the petitioner is required to provide are of a much better quality than that of the existing government road. In addition, the petitioner's present access is via an easement over State lands. These lands are part of the

proposed expansion area of Hapuna Beach State Park. In order for the petitioner to increase the existing easement, she and other parties to which the existing easement has been granted would have to negotiate with the State for an additional 30-foot width over approximately 905<sup>+</sup> feet, or an area of about 27,150 square feet.

Further, the proposed subdivision would create three lots from the existing 2-acre parcel. One lot would consist of 33,213 square feet. This proposed lot is zoned Open, which does not allow its development except for open-type of recreational uses. Under the proposed subdivision, therefore, only two developable lots would actually be created. One lot would contain 15,000 square feet and the other would have an area of 38,927 square feet. This latter lot encompasses the petitioner's existing home and surrounding area.

Based on the circumstances surrounding the subject property and the area, it is determined that the improvements which the petitioner is required to provide are such that they would cause undue hardship. Further, the 16-foot gravel road which the petitioner would provide is deemed to be adequate at the present time and would be in keeping with level of the proposed subdivision.

Until the development of the State lands in the area, it may also be premature to provide an urban-level road at the present time. This would be in keeping with the General Plan which encourages the implementation of the Hapuna Beach State Park Plan.

It should be pointed out, however, that if further subdivision or development of the Wailea Beach Lots were to occur, County standard roadways may be necessary.

Therefore, the Commission hereby grants to the applicant a variance to allow a 16-foot gravel roadway within a 20-foot easement in lieu of the minimum requirements of a 16-foot AC pavement within the subdivision and a 20-foot AC pavement within a 50-foot access easement for a proposed 3-lot subdivision pursuant to the authority vested in it by Article 1, Section 5 of Chapter 9 (Subdivision Control Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That the petitioner shall be responsible for securing final subdivision approval.
2. That the petitioner shall provide a gravel, oil-treated roadway with a 16-foot width within both easements. Portions of the roadway which exceed 8% in grade shall be paved.
3. That the petitioner shall comply with all applicable rules, regulations and requirements.

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 November 16, 1978.

Dated at Hilo, Hawaii this 13th day of December , 1978.



William F. Mielcke  
Chairman, Planning Commission

