

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE	)	
by	)	
JOAN AANAVI	)	
from	)	VARIANCE NO. 555
MINIMUM BUILDING SITE	)	
AREA REQUIREMENT	)	
in	)	
Pu'ukapu, South Kohala, Hawaii	)	
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VARIANCE PERMIT

The County of Hawaii Planning Commission at duly held public hearings on November 16, 1978 and December 13, 1978, considered the application of JOAN AANAVI for a variance from the requirement of Chapter 8 (Zoning Code), Article 7, Section 5; more specifically, to allow the creation of two (2) lots with areas of one (1) acre and 2.4 acres in lieu of the minimum building site area requirement of forty (40) acres as stipulated within the Agricultural 40-acre (A-40a) zoned district. The property involved is located in Pu'ukapu Homesteads, 2nd Series, Pu'ukapu, South Kohala, Hawaii, Tax Map Key 6-4-18:42.

The Commission has found:

That the granting of the requested minimum lot size deviation will not be detrimental to surrounding properties or improvements. There are currently two (2) dwellings on the subject property both of which were constructed prior to the adoption of the Zoning Code. These two (2) dwellings are being used for residential purposes and thus for all intents and purposes the impact on surrounding properties and improvements from two (2) dwellings already exists. The proposed subdivision of the property would create two (2) lots with one (1) of the existing houses on each lot. As the Zoning Code permits only one (1) single family dwelling per building site no additional houses may be constructed on the subject property as a result of this variance request. In essence, the approval of the requested variance would only recognize what already exists, thus no additional impact on the surrounding properties is anticipated should the request be approved.

As there will be no density increase, it is anticipated that there will be no additional burden on public services and facilities should this variance request be approved. All essential public services and facilities, including police and fire protection, water roadways, are already available to the subject property. Further, through conditions of approval, the number of access points for the subject property along

Mamalahoa Highway can be held to the existing single access point. By the imposition of such a condition future driveway hook-ups can be avoided thereby assuring that the efficiency and safety of the Mamalahoa Highway will not be impaired along the frontage of the subject property.

That the granting of the subject request will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties in the area under identical district classification. The land ownership is characterized and represented as a small, non-conforming sized holding on which two (2) residential dwellings were constructed prior to the adoption of the Zoning Code and the Kamuela Zone Map. In the immediate area of Puukapu Homesteads, there are 1,690 lots which are zoned as Agricultural with minimum lot sizes of one, three, five, and forty acres. Currently, fifteen (15) properties have two or more existing dwellings located on them. Of these properties, seven (7) would not meet the minimum lot size requirements for the purposes of potential subdivision in conformance with the existing zoning(s). In view of this projection, approval of the request would thus not significantly impact upon the limitations placed upon other zoned properties in the area since only a very small percentage of the properties are potentially in a situation which is similar to the applicant.

That the requested deviation from the roadway improvement requirements will not be contrary to the intent and purpose of the Subdivision Code. The roadway requirements of the Subdivision Code are intended, in part, to provide for adequate access to all lots created. For agricultural areas zoned for lots greater than three (3) acres the minimum requirements are a 50-foot right-of-way with a 20-foot pavement. This particular provision is intended to provide for adequate rights-of-way and pavement in the event that an increase on the zoned density should occur. For areas zoned for less than or equal to three (3) acres private roadway standards may be utilized. For a two (2) lot subdivision the private roadway standards are 16-foot right-of-way with a 12-foot pavement. The petitioner proposes that the two (2) lots be served by a 20-foot right-of-way and an existing 12.5-foot pavement. As the petitioner proposes to create two (2) lots with less than three (3) acres of land area each and further proposes to provide a roadway in excess of the minimum private road standards, it is determined that the granting of the variance from the minimum roadway requirements would not be inconsistent with the intent and purpose of the Subdivision Code.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with areas of one (1) acre and 2.4 acres in lieu of the minimum building site area requirement of forty (40) acres as stipulated within the Agricultural 40-acre (A-40a) zoned district, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code), subject to the following conditions:

1. That access to both lots shall be restricted to the 20-foot wide easement, with no other access off Mamalahoa Highway.
2. That the petitioner, or her authorized representative, shall secure tentative subdivision approval within one (1) year from the effective date of the variance permit. The petitioner shall also be responsible for securing final subdivision approval.
3. 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 December 13, 1978.

Dated at Hilo, Hawaii, this 25th day of January, 1979.



WILLIAM F. MIELCKE  
Chairman, Planning Commission

