

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
GEORGE HARAI)	
from)	
MINIMUM ROADWAY REQUIREMENTS)	VARIANCE NO. 556
in)	
Kawanui 1st, North Kona, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on December 14, 1978, considered the application of George Harai for a variance from minimum roadway requirements, more specifically, to allow the creation of a two (2) lot subdivision with roadway improvements consisting of a 10-foot pavement within a 20-foot right-of-way in lieu of the minimum requirements of a 20-foot pavement within a 50-foot right-of-way, at Kawanui 1st, North Kona, Hawaii, Tax Map Key: 7-9-03:42.

The Commission has found:

That there are relatively unusual circumstances applying to the subject property which would interfere with the best manner of development of the area and which deprive the owner of substantial property rights. To provide access to the two (2) lots the petitioner could pursue two (2) alternatives in conformance with the Subdivision Control Code. First, the petitioner could improve Easement "B" with a 10-foot pavement. This, however, would result in another access point along the Mamalahoa Highway. In the vicinity of Honalo there are many existing access points, the number of which creates traffic hazards in the area. Thus, from a public safety standpoint this alternative would not be desirable, and would interfere with the best manner of development of the subject area. Alternatively, the petitioner could improve Easement "A" to a 20-foot pavement within a 50-foot right-of-way. However, a 50-foot right-of-way would run through both garages and one (1) dwelling on the subject property, and thus would require their relocation. This requirement would deprive the owner of substantial property rights and cause unnecessary hardship upon the petitioner in view of the fact that no additional density would result from the proposed subdivision.

That the granting of the variance request will not be materially detrimental to surrounding property rights or improvements. Currently there are two (2) single family

dwellings on the subject property. Should the subject request be approved and the property subdivided into two (2) lots of 12,231 and 14,270 square feet no increase in density will result as both lots would be developed to their maximum density under the existing zoning designation. Essentially then, the residential impacts are already present and the approval of the variance request will not add or detract from these impacts.

That the granting of the variance request would not be contrary to the intent of the Subdivision Control Code. The access provisions of the Subdivision Control Code are intended, in part, to assure that all lots have adequate access. For single family residential development specifically, the intent is to assure that all dwelling units developed on the lots have the necessary access. In this particular case the houses already exist and no further development rights will be conferred by the proposed subdivision. Easement "A" also serves four (4) other lots all of which have further development potential under the existing zoning. By providing a 20-foot easement there will be additional land set aside for roadway improvements should it be necessitated by the development of the remaining lots. Although the 20-foot easement is not the optimal right-of-way width, it does represent a significant improvement over the existing 12.5-foot right-of-way. With a 20-foot roadway easement adequate pavement could be provided to allow for two-way traffic whereas it would be hazardous to do so within a 12.5-foot right-of-way. Further, the 20-foot easement may be increased by widening the right-of-way along the north side of the easement should the properties on that side of the easement develop in the future.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a two (2) lot subdivision with roadway improvements consisting of a 10-foot pavement within a 20-foot right-of-way in lieu of the minimum requirements of a 20-foot pavement within a 50-foot right-of-way, at Kawanui 1st, North Kona, Hawaii pursuant to the authority vested in it by Article 2, Section 5 of Chapter 9 (Subdivision Control Code) subject to the following conditions:

1. That the proposed subdivision shall conform substantially to the plans submitted by the petitioner.
2. That the petitioner 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 the petitioner, in consultation with other affected parties, shall seek to extinguish Easement "B". Prior to final subdivision approval the petitioner shall submit the necessary documents showing the total elimination of Easement "B" or shall submit a report on the petitioner's progress toward that end.

4. That the petitioner shall set aside and designate as as easement an area fronting the subject property and adjacent to Easement "A" for future roadway. This portion shall be of a width such that when combined with the existing Easement "A", it will not be less than twenty feet. Said additional easement shall be designated prior to or in conjunction with tentative subdivision filing for the subject property.
5. 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 14, 1978.

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



William F. Mielcke
Chairman, Planning Commission

