

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
TRUSTEES OF THE KAMEHAMEHA)	
SCHOOLS/B. P. BISHOP ESTATE)	
from)	VARIANCE NO. 561
MINIMUM ROADWAY REQUIREMENT)	
in)	
Kahuwai, Puna, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 11, 1979, considered the application of TRUSTEES OF THE KAMEHAMEHA SCHOOLS/B. P. BISHOP ESTATE for a variance from the requirement of Chapter 9 (Subdivision Control Code), Article 2; more specifically, to allow the creation of a 2-lot subdivision with an existing dirt road in lieu of the minimum requirement of an 8-foot A. C. pavement. The property involved is located in Kahuwai, Puna, Hawaii, Tax Map Key 1-4-03:13.

The Commission has found:

That approval of the subject request will not be contrary to the intent of the access provisions of the Subdivision Control Code. The purpose of the proposed subdivision is to allow interest in a 5-acre portion of a 197.9-acre parcel to be transferred to a present tenant. In order that a valid lease agreement may be executed between the petitioner and its tenant, the proposed 5-acre lot must be subdivided out of the larger parcel.

The petitioner's tenant has his residence on the proposed 5-acre lot. Access from the Kapoho-Honolulu Landing Road is via a dirt road to the existing dwelling. Under the proposed subdivision, this existing access would be retained. The area under consideration is a relatively isolated area and lacks basic infrastructural improvements. It is basically rural in character and is not foreseen to become a major urban area. The roadway improvements which are required to subdivide the subject property into two lots are of an urban level. Given the character of the subject area, the size of the subject subdivision, and that there will be no structural development, it is determined that the existing access is adequate and that the provision of the required roadway improvements would impose an undue hardship on the petitioner and its tenant.

Further, the existing access had been adequate for the use of the subject area. The proposed subdivision would not intensify the use of the subject parcel to such a degree that additional traffic would be increased. The pavement requirement, in this particular case, would not necessarily improve the access to the proposed 5-acre lot in a manner which is commensurate with the scale of development. This is further substantiated by the fact that the formalization of the existing access to the petitioner's tenant's dwelling by a defined road easement will not alter the actual physical situation. The existing access and the formalized easement will still appear to be a driveway to the existing dwelling.

Further, the existing government roadway off which the petitioner's tenant gains access is a narrow road which is in relatively poor condition. Most of the Kapoho-Honolulu Landing Road is unpaved. The improvements which the petitioner is required to provide are of a much better quality than that of the existing government road. To provide an access to an existing dwelling which would be improved to a level which is of a better quality than the existing government road and which would be utilized by the tenant of the petitioner is not necessarily in keeping with the access requirements of the Subdivision Control Code. The result of the provision of the required access improvements would essentially be a paved driveway with a length in excess of 1,000 linear feet.

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

It should be pointed out, however, that if further subdivision were to occur, County standard roadways may be necessary.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 2-lot subdivision with an existing dirt road in lieu of the minimum requirement of an 8-foot A. C. pavement pursuant to the authority vested in it by Article 1, Section 5 of Chapter 9 (Subdivision Control Code), 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 surface with an 8-foot width within the access easement. Any portion of the access which exceeds 8% in grade shall be paved.

3. That any further subdivision of the subject property shall be subject to the provision of County standard access.
4. That the petitioner shall comply with all other applicable rules, regulations and requirements, including the conditions of approval of the Special Management Area Use Permit and the Conservation District Use Application.

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 January 11, 1979.

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



William F. Mielcke
Chairman, Planning Commission

