

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
ALBERT AND GEORGE AUYONG)	
from)	VARIANCE NO. 564
MINIMUM BUILDING SITE AVERAGE)	
WIDTH REQUIREMENT)	
in)	
Waimea, South Kohala, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 25, 1979, considered the application of ALBERT AND GEORGE AUYONG for a variance from Chapter 8 (Zoning Code), Article 7, Section 6; more specifically, to allow the creation of two (2) lots with building site average width of 192+ feet in lieu of the minimum requirement of 200 feet as stipulated within the Agricultural 5-acre (A-5a) zoned district. The property involved is located in Pu'ukapu Homesteads, 1st Series, Waimea, South Kohala, Hawaii, Tax Map Key 6-4-01:38.

The Commission has found:

That the granting of this particular variance request 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 as stipulated within the Code. The purpose of the minimum building site average width requirement is to assure that any lot created would have an adequate buildable area relative to setbacks and other requirements. After applying the applicable setbacks of thirty (30) feet for the front yards, along Mamalahoa Highway and the Homestead Road and twenty (20) feet for the side yards, the proposed lots would still have net buildable areas of over 4-1/2 acres. Further, after subtracting the 20-foot side yard setback requirements from the proposed 192+-foot average width of the lots, the buildable widths for both lots would still be 152+ feet. This amount of width is still deemed to be more than adequate to accommodate the construction of any structures, meeting the minimum setback requirements.

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

Therefore, although the proposed lots would have approximately seven (7) feet less than the required minimum average width, the objectives of the Zoning Code provisions would still be met.

It should be pointed out that there are actually three (3) alternatives available to the petitioners that would satisfy the minimum building site average width requirement. The subdivision could be re-arranged by having the lots abut each other at a north-south position rather than the proposed east-west position. In doing so, the first alternative would be that both lots would have access from Mamalahoa Highway with one (1) of the lots being a flag lot. Another alternative would be to create an easement through the front lot to provide access to the rear lot. Although the creation of the two-lot subdivision under these two (2) alternatives would meet the minimum building site average width requirement, from a practical standpoint, it may not be the most feasible means. The creation of a flag lot with the pole portion serving as access to the rear lot, as well as an easement through the front lot, would decrease the usable area of the lots.

The other alternative would also be to create the two (2) lots in a north-south position with the front lot gaining access from Mamalahoa Highway, and the rear lot gaining access from the Homestead Road. Again, this may not be the most feasible layout since the Homestead Road is of inadequate standards and would require substantial improvements.

Based on the above, it is determined that the best method of development of the two-lot subdivision is as proposed by the petitioners. It is felt that the granting of the variance request in this particular case would not be contrary to the intent of the Zoning Code.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with building site average width of 192+ feet in lieu of the minimum requirement of 200 feet as stipulated within the Agricultural 5-acre (A-5a) zoned district. The property involved is located in Pu'ukapu Homesteads, 1st Series, Waimea, South Kohala, Hawaii pursuant to the authority vested in it by Chapter 8, Article 1, Section 7, subject to the following conditions:

1. That the petitioners or their authorized representative receive tentative approval of the proposed subdivision within one (1) year from the effective date of approval of the variance request. The petitioners/representative shall also be responsible for securing final subdivision approval.
2. That the petitioners shall comply with the requirements of Section 205-4.5 of the Hawaii Revised Statutes pertaining to Class A and B lands.

3. That no variance from the minimum setback requirements for the two (2) lots still be applied for.
4. 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 January 25, 1979.

Dated at Hilo, Hawaii, this 14th day of February, 1979.



William F. Mielcke
Chairman, Planning Commission

APPROVED as to
FORM and LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 9 1979