

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
DAVID IKAWA)	
from)	VARIANCE NO. 570
MINIMUM ROADWAY REQUIREMENTS)	
in)	
Waiakea Homesteads, 2nd Series,)	
South Hilo, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on March 8, 1979, considered the application of DAVID IKAWA for a variance from minimum roadway requirements, more specifically, to allow the creation of a 9-lot subdivision with a 30-foot private road right-of-way width in lieu of the minimum right-of-way width requirement of fifty (50) feet at Waiakea Homesteads, 2nd Series, South Hilo, Hawaii, Tax Map Key 2-4-38:17 and 20.

The Commission has found:

That there are special and unusual circumstances applying to the subject property and the proposed subdivision which do not generally apply to other properties and developments in the same zoned district. These special circumstances exist to a degree which would deprive the petitioner of substantial property rights which would otherwise be available, and also, to a degree which would obviously interfere with the best use or manner of development of the subject property.

The petitioner had originally intended to create the 9-lot residential subdivision with six (6) of the lots being provided access from a 20-foot wide private subdivision road. The remaining three (3) lots would have been provided accesses directly from Haihai Street. One (1) of these three (3) lots would have been a flag lot. Such a subdivision layout, relative to access, would have been in conformance with the provisions of the Subdivision Control Code. According to the Subdivision Control Code, a 20-foot wide private road with a 12-foot wide pavement would be allowed. Therefore, if the petitioner had proceeded with the original subdivision layout, the plans could have been approved.

Haihai Street, however, is one (1) of the major collector streets in the Waiakea Homesteads area serving the mauka areas. As such, in reviewing the original subdivision layout, the Department of Public Works felt that from a traffic

safety and circulation standpoint, to restrict access from a common interior subdivision roadway would be a more feasible alternative than to allow some of the lots access directly onto Haihai Street. The Department of Public Works stated that the private subdivision roads should be at least thirty (30) feet wide with 18-foot A.C. pavement and 3-foot shoulders.

The Subdivision Control Code states that the roadway requirements for a subdivision consisting of more than six (6) lots would have to conform to dedicable standards. This would mean that if access is to be limited to an interior road, then, the proposed 9-lot subdivision would be required a 50-foot right-of-way with a 20-foot pavement. Although the petitioner is requesting a variance to provide only a 30-foot right-of-way, he still will be providing a 20-foot wide pavement. This 20-foot wide pavement would comply with the Code requirement, and also, would be wider than the eighteen (18) feet recommended by the Department of Public Works. Further, the 30-foot right-of-way proposed would compliment the recommendation of that department.

The Commission concurs that the proposed subdivision layout relative to the access situation is much more desirable than originally proposed. It is felt that the creation of a number of access points along Haihai Street would increase traffic hazards and would thereby make this section of the collector street less efficient in moving traffic in the mauka-makai or vice-versa direction. By the provision of one (1) access point onto Haihai Street, the traffic hazards will be reduced. From a planning perspective, this manner of development would be preferable.

The granting of this particular variance request will not be injurious to the public health and welfare nor will it be detrimental to surrounding improvements or property rights. By reducing the traffic hazards and minimizing interference with the movement along Haihai Street through the provision of a common access road, the public health and welfare will not be as detrimentally affected as the case would be if a number of direct accesses are allowed from Haihai Street. As stated above, as the proposed roadway will be providing access only to lots to be created within the subject property, no adverse impact is anticipated to affect adjoining properties or improvements. Further, as the subdivision roadway will be kept in private ownership, the approval of this particular request will not impose any burden on the general public as the maintenance of the roadway would rest solely on the developer or owners of the proposed lots.

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of a 9-lot subdivision with a 30-foot private road right-of-way width in lieu of the minimum right-of-way width requirement of fifty (50) feet, 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 Variance Permit shall not take into effect until the change of zone request is adopted.

2. That the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall also be responsible for securing final subdivision approval.

3. That 3-foot wide shoulders shall be provided on both sides of the pavement.

4. That none of the proposed lots shall have direct access from Haihai Street. All driveway accesses shall be from the interior subdivision roadway.

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 as stated in Condition No. 1.

Dated at Hilo, Hawaii, this 12th day of April, 1979.



WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel

Date: APR 10 1979