

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
WES THOMAS & ASSOCIATES )  
from )  
MINIMUM BUILDING SITE )  
AVERAGE WIDTH )  
REQUIREMENTS )  
in )  
Kolo, South Kona, Hawaii )

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VARIANCE NO. 582

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on June 29, 1979, considered the application of WES THOMAS & ASSOCIATES for a variance from Article 8, Section 6 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, more specifically, to allow the creation of two (2) lots with average widths of 230 and 250 feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district. The property involved is located approximately 1.5 miles north of the Opihihale House Lot subdivision, within the Kolo Subdivision, Kolo, South Kona, Hawaii, Tax Map Key 8-7-13:42.

The Commission has found:

That the granting of the variance 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 of that Code. The purpose of the minimum building site average width requirement is to assure that any lot created has an adequate buildable area relative to setbacks and other requirements. The proposed lots would have minimum areas of five (5) acres and widths of 170 and 190 feet after applying the applicable setbacks. These maximum buildable widths for both lots are deemed to be adequate to accommodate the construction of structures meeting the minimum requirements such as setbacks, etc. Although the proposed lots would be less than the required minimum average width, the objective of this provision can still be met.

That the granting of the request will not be materially detrimental to improvements or property rights related to property in the near vicinity. The purpose of the subject request is to allow the subdivision of the property under consideration into two lots in accordance with the minimum lot size requirement of the Unplanned zoned district. This

and other lots in the immediately surrounding area are already non-conforming with respect to the minimum building site average width requirement. The average widths of existing parcels in the area as well as that under consideration is 250 feet; thus are already non-conforming. The two proposed lots would have widths of 230 and 250 feet. Lots with these widths would not create a situation very dissimilar from other existing lots.

Further, any subdivision of the subject property would require a variance from the minimum average width requirement as the subject property has an existing maximum width of 250 feet which is non-conforming. The subject parcel was created prior to the adoption of the current minimum building site average width requirement of the Zoning Code. Essentially, the petitioner's only alternative to the proposed subdivision is not to subdivide at all. This alternative, however, is not considered reasonable in view of the fact that the lots created will meet the minimum lot size requirement of the applicable zone and will have adequate buildable area and width for the siting of structures. Approval of the subject request would not be contrary to the intent of the Zoning Code and would not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification.

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

Therefore, the Commission hereby grants to the applicant a variance to allow the creation of two (2) lots with average widths of 230 and 250 feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district. The property involved is located approximately 1.5 miles north of the Opihihale House Lot subdivision, within the Kolo Subdivision, South Kona, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That the petitioner or its authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall be responsible for securing final subdivision approval. The petitioner/representative shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval.
2. That no variances from the minimum setback requirements for the proposed lots shall be applied for in the future.
3. That all 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 June 29, 1979.

Dated at Hilo, Hawaii, this 19th day of July, 1979.



WILLIAM F. MIELCKE  
Chairman, Planning Commission

APPROVED AS TO FORM  
AND LEGALITY:



DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date: JUL 10 1979