

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
TRICRAFT ASSOCIATES )  
from )  
MINIMUM BUILDING SITE )  
AVERAGE WIDTH REQUIREMENTS )  
in )  
Kalaoa, North Kona, Hawaii )

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VARIANCE NO. 583

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on June 29, 1979, considered the application of TRICRAFT 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 four (4) lots with average widths of 266, 201, 209 and 239 feet, respectively, in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district. The property involved is located along the makai side of the Hawaii Belt Highway, adjacent and to the north of the Kona Palisades subdivision, Kalaoa, North Kona, Hawaii, Tax Map Key 7-3-5:11.

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 four (4) lots would have minimum areas of five (5) acres and widths of 170, 125, 110 and 130 feet after applying the applicable setbacks. These maximum buildable widths for the 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 have less than the required minimum building site 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 four (4) lots in accordance with the minimum lot size requirement of the Unplanned zoned district. Many of the lots in the immediately surrounding area are non-conforming with respect to the minimum building site average width requirement. Therefore, the average widths of existing parcels in the area as well as that under consideration is already non-conforming. Therefore, by granting the subject request, we would not be creating a situation which is dissimilar from other existing lots in the general area.

Further, any subdivision of the subject property would require a variance as the subject property already does not meet the minimum building site average width requirement. 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 four (4) lots with average widths of 266, 201, 209 and 239 feet, respectively, in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district. The property involved is located along the makai side of the Hawaii Belt Highway, adjacent and to the north of the Kona Palisades subdivision, Kalaoa, North 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 shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit and shall be responsible for securing final subdivision approval within one (1) year thereafter.
2. That no variances from the minimum setback requirements be granted 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.



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WILLIAM F. MIELCKE  
Chairman, Planning Commission

APPROVED AS TO FORM  
AND LEGALITY:



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DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date: JUL 10 1979