

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
GLORIA JEAN TORRIJOS)	
from)	VARIANCE NO. 602
MINIMUM ROADWAY)	
IMPROVEMENT REQUIREMENTS)	
in)	
Onouli 2nd, South Kona, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on November 15, 1979, considered the application of GLORIA JEAN TORRIJOS for a variance from Article 2, Section 4.03-B, Chapter 9 (Subdivision Control Code) of the Hawaii County Code, as amended, more specifically, to allow the waiving of the Minimum Roadway Improvement requirements for a proposed two (2) lot subdivision as stipulated in Minimum Right-of-Way and Pavement Width Requirements at Onouli 2nd, South Kona, Hawaii, Tax Map Key 8-1-18-:10.

The Commission has found:

That the approval of the subject request would not be contrary to the purpose and intent of the Zoning Code. Within the Agricultural zoned district, the Zoning Code permits one (1) single family dwelling per lot and additional farm dwellings where the need for farm employee housing is verified. As a means of verifying the need for additional farm dwellings, the Planning Department now requires a farm dwelling agreement application to be submitted and approved prior to the issuance of building permits. Should this need be verified the farm dwelling agreement is then executed, notarized, and recorded with the Bureau of Conveyances. This procedure insures that all parties, including the landowner, County government, and prospective purchasers, are aware of the conditions on which the additional dwelling has been constructed. The first dwelling on the subject property was constructed in 1941, prior to the adoption of the Zoning Code. The second dwelling was issued a building permit in 1974 without the execution of a farm dwelling agreement nor any reference to farming activities. For the Commissioners' information, at that time it was not the practice of the Planning Department to require farm dwelling agreements prior to the issuance of building permits for additional dwellings. Essentially then, the second dwelling was approved without an agreement that it would be agriculturally related. Based on this the two (2) dwellings can be considered single family dwellings independent of

any relationship to agricultural usage of the land. Thus, recognition of the two (2) dwellings as non-agricultural uses is not felt to be contrary to the provisions of the Zoning Code.

In view of the current County policy concerning farm dwelling agreements these circumstances where the second dwelling was constructed without a farm dwelling agreement is felt to be a relatively unusual circumstance. Further, given these circumstances and the fact that no additional dwellings would be permitted by the proposed subdivision action itself, it is determined that these circumstances interfere with the best manner of the subject property, namely, the creation of a one (1) acre lot consistent with the current zoning.

That the approval of the subject request is not anticipated to adversely affect surrounding properties, improvements, or the public welfare. The subject property already has two (2) single family dwellings situated on it. The proposed subdivision will create two (2) lots with a house on each lot. Thus, the development potential of the subject property will not be increased by the proposed subdivision. As the approval of the subject request would not result in additional development no additional traffic should be generated along the roadway under consideration. Thus, the impacts to surrounding properties, improvements, and public welfare should not be increased over that which currently exists.

Therefore, the Commission hereby grants to the applicant a variance to allow the waiving of the minimum roadway improvement requirements for a proposed two (2) lot subdivision as stipulated in Minimum Right-of-Way and Pavement Width Requirements 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 petitioner, or her authorized representative, shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall secure final subdivision approval within one (1) year thereafter.
2. 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.

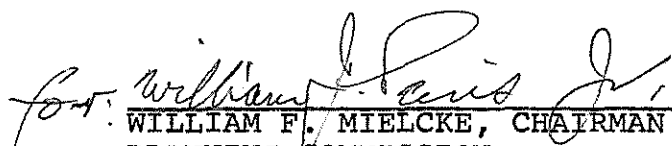
The effective date of this permit shall be from November 15, 1979.

Dated at Hilo, Hawaii, this 28th day of February, 1980.

APPROVED AS TO FORM
AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 22 1980


WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION