

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
ERNEST SAKAMOTO) ADMINISTRATIVE
from) VARIANCE NO. 4
Minimum Roadway Requirement)
in)
Waiakea Homesteads, South Hilo, Hawaii)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on February 7, 1980, on the application of Ernest Sakamoto for a variance from the minimum roadway requirement; more specifically, to allow ten (10) residential lots to be served from a 20-foot wide private road right-of-way with a 16-foot wide pavement in lieu of the minimum requirement of 50 and 20 feet, respectively (private road standards is 6 lots maximum) at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-38:14.

After hearing the case, the Planning Director 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 subject property will be affected by the traffic circulation plan prepared by the Planning Department for the Waiakea Homesteads area. According to this plan, the 50-foot roadway section of the proposed subdivision will be connected by a dedicable road providing access to other parcels in the surrounding area on to Haihai Street. Once this connection is completed, the 20-foot private roadway section will be in compliance with the minimum roadway standards of the Subdivision Control Code because it will be serving the six lot maximum allowed. This is a special circumstance applying to the subject property which does not generally apply to other properties and developments in the same zoned district.

Requiring a 50-foot wide road for the proposed subdivision will deprive the applicant of substantial property rights and interfere with the best use and manner of development of the subject property. The 50-foot wide road would utilize approximately 30% of the subject property. This compares with approximately 15% for the applicant's proposal. Given the

special circumstance described above, the extra 15% of the land required for the 50-foot wide road will not be needed once the connection to Haihai Street is implemented. It is more desirable to utilize this area productively for homesites than for a road right-of-way which will not be utilized.

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. The proposed roadway will be providing access only to lots to be created within the subject property and no adverse impact is anticipated to affect adjoining properties or improvements. The proposed roadway will also help to implement the traffic circulation plan for the Waiakea Homesteads area. Further, as the 20-foot section of the 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.

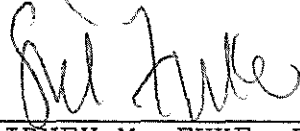
Therefore, the Planning Director hereby grants to the applicant a variance to allow ten (10) residential lots to be served from a 20-foot wide private road right-of-way with a 16-foot wide pavement in lieu of the minimum requirement of 50 and 20 feet, respectively (private road standards is 6 lots maximum) at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-38:14, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. 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.
2. That once the 50-foot roadway system is connected by dedicable roads, it should be turned over to the County and the private road should be dead-ended at the eastern end of lot 1.
3. That lot 8 shall take access from the 50-foot roadway section.
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.

The effective date of this permit shall be from February 12, 1980.

Dated at Hilo, Hawaii, this 11th day of April, 1980.



SIDNEY M. FUKU, Director
Planning Department

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 21 Mar 80

CERTIFIED MAIL

February 12, 1980

Dr. Ernest Sakamoto
1695 Oneawa Place
Hilo, HI 96720

Dear Dr. Sakamoto:

Variance Application
TMK: 2-4-38:14

After review of your application and the information presented at the administrative public hearing on February 7, 1980, the Planning Director is hereby certifying the approval of your variance request to allow ten (10) residential lots to be served from a 20-foot wide private road right-of-way with a 16-foot wide pavement in lieu of the six (6) lot maximum allowed.

Approval of this request is based on the following findings:

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 subject property will be affected by the traffic circulation plan prepared by the Planning Department for the Waiakea Homesteads area. According to this plan, the 50-foot roadway section of the proposed subdivision will be connected by a dedicable road providing access to other parcels in the surrounding area on to Haihai Street. Once this connection is completed, the 20-foot private roadway section will be in compliance with the minimum roadway standards of the Subdivision Control Code because it will be serving the six-lot maximum allowed. This is a special circumstance applying to the subject property which does not generally apply to other properties and developments in the same zoned district.

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Requiring a 50-foot wide road for the proposed subdivision will deprive the applicant of substantial property rights and interfere with the best use and manner of development of the subject property. The 50-foot wide road would utilize approximately 30% of the subject property. This compares with approximately 15% for the applicant's proposal. Given the special circumstance described above, the extra 15% of land required for the 50-foot wide road will not be needed once the connection to Haihai Street is implemented. It is more desirable to utilize this area productively for homesites than for a road right-of-way which will not be utilized.

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. The proposed roadway will be providing access only to lots to be created within the subject property and no adverse impact is anticipated to affect adjoining properties or improvements. The proposed roadway will also help to implement the traffic circulation plan for the Waiakea Homesteads area. Further, as the 20-foot section of the 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.

The conditions of approval are as follows:

1. 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.
2. That once the 50-foot roadway system is connected by dedicable roads, it should be turned over to the County and the private road should be deeded at the eastern end of lot 1.
3. That lot 8 shall take access from the 50-foot roadway section.
4. That all other applicable rules, regulations, and requirements shall be complied with.

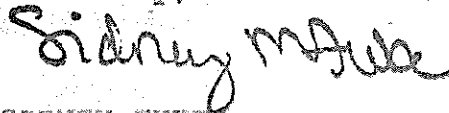
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Should any of the foregoing conditions not be met, the variance permit may be deemed null and void.

Please be informed that the official Variance Permit will be forthcoming under separate cover.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



SIDNEY FUKU
Planning Director

NH:wkm

cc: Planning Commission
Imata and Associates

bcc: Subdivision Section