

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
KAMUELA PLANTATION COMPANY ) ADMINISTRATIVE  
from ) VARIANCE NO. 35  
MINIMUM BUILDING SITE AVERAGE WIDTH )  
in )  
OULI, SOUTH KOHALA, HAWAII )  
\_\_\_\_\_ )

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on October 9, 1980, on the application of KAMUELA PLANTATION COMPANY for a variance from the minimum building site average width, more specifically, to allow the creation of four lots with building site average widths of 254, 247, 247, and 247 feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) district at Ouli, South Kohala, Hawaii, Tax Map Key 6-2-01:Portion of 18.

After hearing the case, the Planning Director has found:

It is determined that the granting of this particular 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. As provided in the Zoning Code, the minimum building site average width is that number obtained by dividing the total area of the lot by its longest side. The primary 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. After applying all of the applicable setback requirements, the minimum buildable area width for proposed lot nos. 4, 5, 6, and 7 will be 194, 187, 187, and 187 feet, respectively. The building site average widths of these lots will be 254, 247, 247, and 247 feet, respectively. It is felt that these resultant widths are reasonable and adequate to accommodate any structures which may be constructed on the lots. Although, the proposed lots will have less than the required minimum average width, the objective of this provision of the Zoning Code can still be met.

Further, the granting of this particular variance request will not be materially detrimental to improvements or property rights related to properties in the near vicinity. Since all setback requirements can be met, air circulation, light, and open space considerations for the proposed lots and adjacent properties can be satisfied. Therefore, although the proposed lots would have less than the required minimum building site average width, impacts to surrounding properties will be negligible.

It is further determined that there are special and unusual circumstances applying to the subject area which do not generally apply to other properties in the Unplanned (U) district. The area to be subdivided is an unusual shaped lot which meanders between the Kawaihae Road and Keanuio mano Stream. The mauka portion (east) is very narrow (96+ feet wide) while the middle section flares out to about 960 feet. The lots which do not meet the minimum building site average width are located at this latter portion of the property. Although the lots do meet the minimum building site area requirement of five (5) acres, because of its extraordinary depth, the minimum building site average width requirement cannot be met. This requirement is calculated by dividing the size of the lot by the longest side property line.

Further, in applying for the original subdivision request, the petitioner was required to increase the buildable area for one of the lots (lot no. 1). This requirement, necessitated the redesign of the subdivision layout; thus, resulting in the affected lots being smaller than originally proposed. In reducing the size of the lots to five (5) acres, the lots became more narrow; and thus, resulted in the present situation. Based on the above, it is felt that special and unusual circumstances exist to a degree which somewhat deprive the petitioner of substantial property rights which would otherwise be available and to a degree which obviously interferes with the best use or manner of development of the subject area.

It is also felt that granting of this particular request will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties within Unplanned district; especially since other variance applications have been granted for lots having similar circumstances with regard to their width.

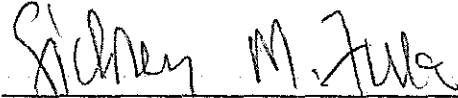
Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of four lots with building site average widths of 254, 247, 247, and 247 feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) district at Ouli, South Kohala, Hawaii, Tax Map Key 6-2-01:Portion of 18, pursuant to the authority vested in him by the County Charter, 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 also 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.

The effective date of this permit shall be from October 15, 1980.

Dated at Hilo, Hawaii, this 20 day of December, 1980.



SIDNEY M. FUCE, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel  
County of Hawaii

Date: 23 Dec 80

October 15, 1980

Mr. Roy Takeyama  
Suite 223  
33 S. King Street  
Honolulu, HI 96813

Dear Mr. Takeyama:

Kamuela Plantation Co. Variance Application (V80-25)  
Minimum Building Site Average Width  
Tax Map Key 6-2-01; Portion of 18

After review of your application and the information presented at the administrative public hearing on October 9, 1980, the Planning Director is hereby certifying the approval of the variance to allow the creation of four lots with building site average widths of 254, 247, 247, and 247 feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) district.

Approval of this request is based on the following findings:

It is determined that the granting of this particular 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. As provided in the Zoning Code, the minimum building site average width is that number obtained by dividing the total area of the lot by its longest side. The primary 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. After applying all of the applicable setback requirements, the minimum buildable area width for proposed lot nos. 4, 5, 6, and 7 will be 194, 187, 187, and 187 feet, respectively. The building site average widths of these lots will be 254, 247, 247, and 247 feet, respectively. It is felt that these resultant widths are reasonable and adequate to accommodate any structures which may be constructed on the lots. Although, the proposed lots will have less than the required minimum average width, the objective of this provision of the Zoning Code can still be met.

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It is further determined that there are special and unusual circumstances applying to the subject area which do not generally apply to other properties in the Unplanned (U) district. The area to be subdivided is an unusual shaped lot which meanders between the Kawaihae Road and Keanuio mano Stream. The mauka portion (east) is very narrow (96+ feet wide) while the middle section flares out to about 960 feet. The lots which do not meet the minimum building site average width are located at this latter portion of the property. Although the lots do meet the minimum building site area requirement of five (5) acres, because of its extraordinary depth, the minimum building site average width requirement cannot be met. This requirement is calculated by dividing the size of the lot by the longest side property line.

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It is also felt that granting of this particular request will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties within Unplanned district; especially since other variance applications have been granted for lots having similar circumstances with regard to their width.

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The conditions of approval are as follows:

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 also 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.

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 M. FUKU  
Planning Director

BN:wkm

cc: Planning Commission  
Kona Services Office

bcc: Masa's Section