

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
REIDAR PETERSON ) ADMINISTRATIVE  
from ) VARIANCE NO. 40  
MINIMUM ROADWAY IMPROVEMENTS )  
in )  
AHUALOA HOMESTEADS, HAMAKAU, HAWAII )

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ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on November 7, 1980, on the application of REIDAR PETERSON for a variance from minimum roadway improvements, more specifically, to allow the creation of a 3-lot subdivision with a 14-foot wide oil-treated surface in lieu of the minimum requirement of a 20-foot wide agricultural standard pavement at Ahualoa Homesteads, Hamakua, Hawaii, Tax Map Key 4-5-11:13.

After reviewing the case, the Planning Director has found:

That there are special circumstances applying to the subject property which do not generally apply to the surrounding property or improvements in the same district. Rather than providing for a common access to the proposed lots, the petitioner could have applied for three flag lots dividing the existing 50-foot wide pole. The result would be three driveways connecting to the government road. If the property were subdivided in this manner, this would eliminate the petitioner's responsibility to provide on-site roadway improvements as each lot would have its own individual access to the government road. However, by providing for a common access via a 14-foot oil-treated gravel road, the number of access points along the government road would be reduced to one (1) and improvements be made to the access.

From a planning perspective, the single access alternative is much safer and more practical than having three separate driveways connecting the government road. Therefore, approval of the subject request will not be materially detrimental to the public welfare or injurious to improvements or property rights. However, by rigidly imposing the Subdivision Code requirements, the special circumstances described above would obviously interfere with the best manner of development of the subject property.

That the granting of the subject variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. It has been pointed out that two other subdivisions in the immediate vicinity have received variances to allow a 14-foot wide oil-treated gravel road.

The County zoning designation for the subject property is Agricultural-5 acres (A-5a). If the land had been zoned Agricultural-1 acre, the private roadway improvement requirement for the three-(3) lot subdivision would have been an 18-foot right-of-way with a 14-foot pavement. For the moment, it is determined that the 14-foot oil-treated surface is adequate to serve the three (3) lots. Therefore, approval of the subject request will not be inconsistent with the district or Subdivision Control Code and will not militate against the County General Plan. Should further subdivision of the property occur in the future, compliance with the 20-foot wide pavement standard would be required.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of a 3-lot subdivision with a 14-foot wide oil-treated surface in lieu of the minimum requirement of a 20-foot wide agricultural standard pavement at Ahualoa Homesteads, Hamakua, Hawaii, Tax Map Key 4-5-11:13, 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 be responsible for securing final subdivision approval.
2. That the 50-foot wide roadway easement be extended to the boundary of lot C while still retaining a net area of at least five (5) acres in each lot.
3. That the roadway improvements shall meet with the approval of the Chief Engineer of the Department of Public Works.
4. That those portions of the roadway having slopes of 8 percent or greater shall be built to pavement requirements.
5. That should further subdivision of the property occur in the future, compliance with the 20-foot wide pavement standard would be required. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
6. That all other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Administrative Variance Permit may be deemed null and void.

The effective date of this permit shall be from November 28, 1980.

Dated at Hilo, Hawaii, this 17<sup>th</sup> day of July, 1981.

Sidney M. Fuke  
SIDNEY M. FUCE, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

Arthur Kalayalis  
Deputy Corporation Counsel  
County of Hawaii  
Date: 10 July 81

November 28, 1980

Mr. Reidar Peterson  
P. O. Box 696  
Honokaa, HI 96727

Dear Mr. Peterson:

Variance Application (V80-33)  
Minimum Roadway Improvements  
Tax Map Key: 4-5-11:13

Thank you for resubmitting your \$100.00 filing fee.

After review of your application and the information presented at the administrative public hearing on November 7, 1980, the Planning Director is hereby certifying the approval of the variance to allow the creation of a 3-lot subdivision with a 14-foot wide oil-treated surface in lieu of the minimum requirement of a 20-foot wide agricultural standard pavement.

Approval of this request is based on the following findings:

That there are special circumstances applying to the subject property which do not generally apply to the surrounding property or improvements in the same district. Rather than providing for a common access to the proposed lots, the petitioner could have applied for three flag lots dividing the existing 50-foot wide pole. The result would be three driveways connecting to the government road. If the property were subdivided in this manner, this would eliminate the petitioner's responsibility to provide on-site roadway improvements as each lot would have its own individual access to the government road. However, by providing for a common access via a 14-foot oil-treated gravel road, the number of access points along the government road would be reduced to one (1) and improvements be made to the access.

From a planning perspective, the single access alternative is much safer and more practical than having three separate driveways connecting the government road. However, by rigidly imposing the Subdivision Code requirements, the special

circumstances described above would interfere with the best manner of development of the subject property.

That the granting of the subject variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. It has been pointed out that two other subdivisions in the immediate vicinity have received variances to allow a 14-foot wide oil-treated gravel road.

The County zoning designation for the subject property is Agricultural-5 acres (A-5a). If the land had been zoned Agricultural-1 acre, the private roadway improvement requirement for the three-(3) lot subdivision would have been an 18-foot right-of-way with a 14-foot pavement. For the moment, it is determined that the 14-foot oil-treated surface is adequate to serve the three (3) lots. Should further subdivision of the property occur in the future, compliance with the 20-foot wide pavement standard would be required.

The conditions of approval are as follows:

1. That the petitioner or his authorized representative shall be responsible for securing final subdivision approval.
2. That the 50-foot wide roadway lot be extended to the boundary of lot C while still retaining a net area of at least five (5) acres in each lot.
3. That the roadway improvements shall meet with the approval of the Chief Engineer of the Department of Public Works.
4. That those portions of the roadway having slopes of 8 percent or greater shall be built to pavement requirements.
5. That should further subdivision of the property occur in the future, compliance with the 20-foot wide pavement standard would be required. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
6. That all other applicable rules and regulations shall be complied with.

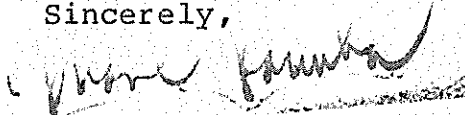
Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void.

Mr. Reidar Petersen  
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November 28, 1980

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 FUKÉ  
Director

BN:lkt

cc: Planning Commission  
Chief Engineer

bcc: Masa's section

VMP

November 10, 1980

Mr. Reider Peterson  
P. O. Box 696  
Honokaa, Hawaii 96727

Dear Mr. Peterson:

Variance Application  
Minimum Roadway Improvements  
Tax Map Key: 4-5-11:13

This is in regards to the above-described variance application which was received by this office on October 30, 1980. We have been informed that the \$100.00 check which accompanied the subject application, to cover the filing fee, was returned because of insufficient funds to cover it.

Although the public hearing on the subject application has been closed, we will withhold a decision on the matter until the filing fee is received.

Should you have any questions on this matter, please call Norman Hayashi or Brian Nishimura of this office.

Sincerely,

SIDNEY FUKU  
Director

BN:y

Call from Tillie - 11/7/80  
received cashiers check \$100 on 11/21

4K gave Treasurer 12/1  
NOV 12 1980