

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
BARRY MACHADO) ADMINISTRATIVE
from) VARIANCE
MINIMUM BUILDING SITE AVERAGE) NO. 58
WIDTH REQUIREMENT)
in)
KOLO SUBDIVISION, KOLO, SOUTH KONA, HAWAII)
.....)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department reviewed the application of BARRY MACHADO for a variance from the minimum building site average width requirement, more specifically, to allow the creation of two (2) lots with building site average widths of 200+ feet and 250+ feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district at Kolo Subdivision, Kolo, South Kona, Hawaii, Tax Map Key 8-7-13:31.

After reviewing the case, the Planning Director has found:

1. That there are special circumstances applying to the subject property which do not generally apply to surrounding property. The subject property is situated within the County's Unplanned zoned district and has an area of 22.11 acres. The property has a maximum width of 250+ feet which is already substandard by current requirements. It has a maximum length of 4,772+ feet.
2. That the special circumstances described above would deprive the owner of substantial property rights if the minimum building site average width requirement, as stipulated in the Zoning Code, is rigidly imposed. Although the property has the necessary land area for creating four (4) lots, no subdivision could be created unless the requested variance is granted.
3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Other variance applications have been granted for parcels having similar circumstances with regards to the width of the property.
4. 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 minimum buildable

area width for proposed lot 13-A will be 160+ feet after applying all of the applicable setback requirements. The building site average width of this proposed lot will be 200+ feet. Proposed lot 13-B will have a minimum buildable area width of 210 feet after applying the setback requirements. The building site average width of proposed lot 13-B will be 250+ feet. These widths are determined to be reasonable and adequate to accommodate structures on the properties. Although the proposed lots will have less than the required minimum average width, the objective of this provision in the Zoning Code can still be met.

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

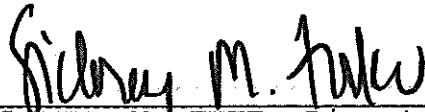
Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of two (2) lots with building site average widths of 200+ feet and 250+ feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district at Kolo Subdivision, Kolo, South Kona, Hawaii, Tax Map Key 8-7-13:31, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

- 10-12-81
11/5/81
1. That the petitioner or his authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval.
 2. That the pole of the flag Lot 7-B be located on the south boundary line with consideration be given to the utilization of Easement 1 located on the adjoining south property which has a subdivision pending.
 3. That no variances from the minimum setback requirements for the proposed lot shall be applied for in the future. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
 4. That all applicable rules, regulations and requirements 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 June 15, 1981.

Dated at Hilo, Hawaii, this 10th day of July, 1981.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:

..... *Ryblei Takazaki*
Deputy Corporation Counsel
County of Hawaii

Date: 8 July 81

CERTIFIED MAIL

June 15, 1981

Mr. Barry Machado
c/o Wes Thomas & Associates, Inc.
75-5722 Kalawa Street
Kailua-Kona, HI 96740

Dear Mr. Machado:

Variance Application (V81-7)
TMK: 8-7-13:31

After review of your application, the Planning Director is hereby certifying approval of the variance to allow the creation of two (2) lots with building site average widths of 200+ feet and 250+ feet in lieu of the minimum requirement of 280 feet as stipulated within the Unplanned (U) zoned district.

Approval of the request is based on the following findings:

1. That there are special circumstances applying to the subject property which do not generally apply to surrounding property. The subject property is situated within the County's Unplanned zoned district and has an area of 22.11 acres. The property has a maximum width of 250+ feet which is already substandard by current requirements. It has a maximum length of 4,772+ feet.
2. That the special circumstances described above would deprive the owner of substantial property rights if the minimum building site average width requirement, as stipulated in the Zoning Code, is rigidly imposed. Although the property has the necessary land area for creating four (4) lots, no subdivision could be created unless the requested variance is granted.
3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Other variance applications have been granted for parcels having similar circumstances with regards to the width of the property.

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4. 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 minimum buildable area width for proposed lot 13-A will be 160+ feet after applying all of the applicable setback requirements. The building site average width of this proposed lot will be 200+ feet. Proposed lot 13-B will have a minimum buildable area width of 210 feet after applying the setback requirements. The building site average width of proposed lot 13-B will be 250+ feet. These widths are determined to be reasonable and adequate to accommodate structures on the properties. Although the proposed lots will have less than the required minimum average width, the objective of this provision in the Zoning Code can still be met.
5. That the granting of this variance request will not be materially detrimental to improvements or property rights related to property in the near vicinity. Since all setback requirements can be met, air circulation, light, and open space considerations for the proposed lot and adjacent properties can be satisfied. Therefore, although the proposed lot would have less than the required minimum average width, impacts to surrounding property will be minimal.

The variance request is approved subject to the following conditions:

1. That the petitioner or his authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner/representative shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval.
2. That the pole of the flag Lot 7-B be located on the south boundary line with consideration be given to the utilization of Easement 1 located on the adjoining south property which has a subdivision pending.
3. That no variances from the minimum setback requirements for the proposed lot shall be applied for in the future. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.

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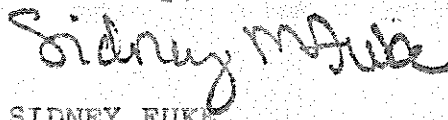
4. That all applicable rules, regulations and requirements shall be complied with.

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 further questions, please feel free to contact us.

Sincerely,



SIDNEY FUKU
Planning Director

MO:wkm

cc: Planning commission

bcc: Kaoru Nagai