

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
CHIYOKO NARIYOSHI) ADMINISTRATIVE
from) VARIANCE NO. 62
THE MINIMUM BUILDING SITE)
AREA REQUIREMENT)
in)
OLAA HOMESTEAD RESERVATION LOTS,)
PUNA, HAWAII)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department reviewed the application of CHIYOKO NARIYOSHI for a variance from the minimum building site area requirement, more specifically, to allow the construction of a third single family dwelling on a 59,214 square foot lot situated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at Olaa Homestead Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-02:17.

After reviewing the case, the Planning Director has found:

That there are special and unusual circumstances applying to the subject property which do not generally apply to surrounding property or improvements in the same district. The 59,214 square foot parcel is 786 square feet less than the minimum area required for creating three 20,000 square foot lots. The parcel, however, did consist of 69,260 square feet prior to governmental action in 1952. The State acquired approximately .215 acre of the subject parcel for the new Volcano Highway. At that time, the agricultural zoning of the property allowed more than three lots. As a result of the condemnation, the subsequent zoning designation established in 1968 left the subject property slightly too small (by 786 square feet) to accommodate a third dwelling. Without the taking of the land for public purposes there would have been sufficient land area for the proposed increased density being sought. This situation, the resultant decreased size of the lot caused by condemnation, is the special circumstance which has affected that property.

Further, the granting of the variance will not militate against the County General Plan nor will it be materially detrimental to the public welfare or injurious to surrounding improvements or property rights. The General Plan LUPAG Map designates the area for low density urban development, and said designation allows for no more than 4 units/acre. The requested lot size variance would be well within this General Plan density requirement. Then, too, there would be no significant additional public burden, as the property is already well serviced by or accessible to public facilities.

The small amount of deviation, 3.93% which would result by permitting the third dwelling on the 59,214 square foot lot is insignificant from an overall land use standpoint. Additionally, the County's present housing shortage has fostered a policy of maximum utilization of buildable lots or their allowable densities where they do not otherwise engender conflicts with other land use precepts of the County and the General Plan.

Granting of the variance will not constitute a grant of special privilege as similar approvals have been granted in like situations where the property lacks similarly small proportions of building area; moreso the situation which has given rise to the need for a variance was not self-imposed.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of a third single family dwelling on a 59,214 square foot lot situated within the Single Family Residential - 20,000 square foot (RS-20) zoned district at Olaa Homestead Reservation Lots, Puna, Hawaii, Tax Map Key 1-7-02:17, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner and/or his authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval.
2. Compliance by the petitioner with all applicable rules, regulations and requirements.

Tent. Sec. 11/23/81

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 July 7, 1981.

Dated at Hilo, Hawaii, this 11th day of September, 1981.

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

APPROVED AS TO FORM AND LEGALITY:

Robert Takayaki
Deputy Corporation Counsel
County of Hawaii

Date: 8 Sept 81

CERTIFIED MAIL

July 7, 1981

Mrs. Chiyoko Nariyoshi
P. O. Box 153
Kurtistown, HI 96760

Dear Mrs. Nariyoshi:

Variance Application (V81-13)
Tax Map Key: 1-7-02:17

After review of your application and the information presented to date, the Planning Director is hereby certifying the approval of the variance to allow the construction of a third single family dwelling on a 59,214 square foot lot situated within the Single Family Residential - 20,000 square foot (RS-20) zoned district, located on the east side of the new Volcano Highway approximately 2,300 feet south (Volcano direction) of the Huina Road intersection, Olaa Homestead Reservation Lots (Kurtistown), Puna Hawaii, TMK: I-7-02:17.

Approval of this request is based on the following findings:

That there are special and unusual circumstances applying to the subject property which do not generally apply to surrounding property or improvements in the same district. The 59,214 square foot parcel is 786 square feet less than the minimum area required for creating three 20,000 square foot lots. The parcel, however, did consist of 69,260 square feet prior to governmental action in 1952. The State acquired approximately .215 acre of the subject parcel for the new Volcano Highway. At that time, the agricultural zoning of the property allowed more than three lots. It is uncertain, however, whether the condemnation action took into account the future possible zoning and subdivision consequences; the action, nonetheless, reduced development options to the petitioner.

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Further, the granting of the variance will not militate against the County General Plan nor will it be materially detrimental to the public welfare or injurious to surrounding improvements or property rights. The General Plan LUPAG Map designates the area for low density urban development, and said designation allows for no more than 4 units/acre. The requested lot size variance would be well within this General Plan density requirement. Then, too, there would be no significantly additional public burden, as the property is well serviced by or accessible to public facilities.

Finally, the level of deviation (3.93%) is insignificant from an overall land use standpoint. This aspect is further amplified by the concern for finding alternative and expedient ways to address the County's housing problem. The spiraling cost of land has added much to the high cost of housing. Accordingly, two major policy developments reflect this concern and lend substantive support to this request. The first was the Mayor-initiated and Council-approved resolution on affordable housing; the second was the recent passage of Act 229, SLH 1981 relating to "Ohana" zoning. This act essentially allows two homes to be constructed on existing residential lots, regardless of zoning. To quote a passage of the Act, "This Act is to assist families to purchase affordable individual living quarters. . ." As such, it is concluded that unusual circumstances exist today which justify the granting of this variance.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of three single-family residences and the subdivision of the subject property into three lots of approximately equal size, subject to the following conditions:

1. That the petitioner and/or his authorized representative shall secure tentative subdivision approval within one (1) year from the effective date of the Variance Permit. The petitioner shall be responsible for securing final subdivision approval within one (1) year from the date of receipt of tentative subdivision approval.
2. That all applicable rules, regulations and requirements shall be complied with.

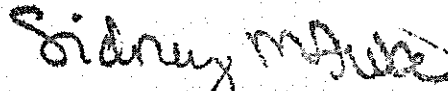
Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void.

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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 FURE
Planning Director

SF:wkm

cc: Planning Commission