

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
KOHALA FARMS ) ADMINISTRATIVE  
from ) VARIANCE NO. 63  
MINIMUM SETBACK REQUIREMENT )  
in )  
PUUEPA-KOKOIKI HOMESTEADS, )  
NORTH KOHALA, HAWAII )  
\_\_\_\_\_ )

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department reviewed the application of KOHALA FARMS for a variance from the minimum setback requirement, more specifically, to allow the construction of a building with a setback of 53 feet in lieu of the minimum requirement of 100 feet at Puuepa-Kokoiki Homesteads, North Kohala, Hawaii, Tax Map Key 5-5-04:48.

After reviewing the case, the Planning Director has found:

1. That there are special circumstances applying to the subject property which do not apply to surrounding property or improvements in the same district. The subject property is 126.7 feet wide. The imposition of the 100 feet setback requirement would not permit the construction of the proposed building. The subject property is one of four lots of equal area that do not have sufficient width to meet with the 100 feet setback requirement.
2. That should this variance request be denied, the special circumstances described above exists to a degree which obviously interfere with the best use and manner of development of the subject property. A Special Permit was approved by the County Planning Commission to allow the propose use on the property
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. The special circumstances described above adequately distinguish this application from others which may be submitted.
4. That the granting of the variance will not be inconsistent with the general purpose of the Agricultural district or the intent and purpose of the Zoning Code. Further, the approval of this request will not militate against the General Plan nor will it be materially detrimental to the public welfare or injurious to improvements or property rights.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of a building with a setback of 53 feet in lieu of the minimum requirement of 100 feet at Puuepa-Kokoiki Homesteads, North Kohala, Hawaii, Tax Map Key 5-5-04:48, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

*Final V.A.  
7/29/81  
P.O. 4/20/81  
dec 8/2/81  
7/16/81*

1. That the petitioner or its authorized representative shall submit plans to the Planning Department and secure Final Plan Approval within one (1) year from the effective date of approval of the Variance Permit.
2. That construction shall commence within one (1) year from the effective date of Final Plan Approval and be completed within two (2) years thereafter.
3. That the rules, regulations and requirements of the State Department of Health, Department of Agriculture and the Department of Public Works shall be complied with.
4. That the conditions of Special Permit No. 489 be complied with.
5. 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 July 16, 1981.

Dated at Hilo, Hawaii, this 27<sup>th</sup> day of August, 1981.

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

APPROVED AS TO FORM AND LEGALITY:

*Robert Fukazaki*  
Deputy Corporation Counsel  
County of Hawaii

Date: 14 Aug 81

July 16, 1981

CERTIFIED MAIL

Mr. Randolph Solomon  
Kohala Farms  
P. O. Box 219  
Kohala, Hawaii 96755

Dear Mr. Solomon:

Variance Application (V81-13) ✓  
Kohala Farms  
Tax Map Key: 5-5-04:13

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 building with a setback of 53 feet in lieu of the minimum requirement of 100 feet. The property is located along the north side of Park Road, approximately 700 feet and 950 feet mauka of the Mahukona-Hawi Road and the Kohala Kim Chee facility respectively, Puuepa-Kokoiki Homesteads, North Kohala, TMK: 5-5-04:47.

Approval of this request is based on the following findings:

1. That there are special circumstances applying to the subject property which do not apply to surrounding property or improvements in the same district. The subject property is 126.7 feet wide. The imposition of the 100 feet setback requirement would not permit the construction of the proposed building. The subject property is one of four lots of equal area that do not have sufficient width to meet with the 100 feet setback requirement.
2. That should this variance request be denied, the special circumstances described above exists to a degree which obviously interfere with the best use and manner of development of the subject property. A Special Permit was approved by the County Planning Commission to allow the proposed use on the property.
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. The special circumstances described above adequately distinguish this application from others which may be submitted.

Mr. Randolph Solomon  
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4. That the granting of the variance will not be inconsistent with the general purpose of the Agricultural district or the intent and purpose of the Zoning Codes. Further, the approval of this request will not militate against the General Plan nor will it be materially detrimental to the public welfare or injurious to improvements or property rights.

The conditions of approval are as follows:

1. That the petitioner or its authorized representative shall submit plans to the Planning Department and secure Final Plan Approval within one (1) year from the effective date of approval of the Variance Permit.
2. That construction shall commence within one (1) year from the effective date of Final Plan Approval and be completed within two (2) years thereafter.
3. That the rules, regulations and requirements of the State Department of Health, Department of Agriculture and the Department of Public Works shall be complied with.
4. That the conditions of Special Permit No. 489 be complied with.
5. 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 by the Planning Director.

Sincerely,



SIDNEY FUKÉ  
Director

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cc: Planning Commission