

August 31, 1983

CERTIFIED MAIL

Mr. Edgar Crumpacker
P. O. Box 1867
Kailua, Hawaii 96740

Dear Mr. Crumpacker:

Administrative Variance Permit No. 64
Tax Map Key: 7-8-09:18

correction:
7-8-009:015

As you are aware, the subject variance permit was approved by the Planning Director effective July 23, 1981 to allow the creation of a two (2)-lot subdivision by waiving the 50-foot wide easement and 20-foot wide pavement requirement.

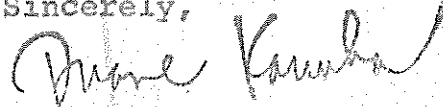
Condition No. 2 of the permit states, "That the petitioner shall be responsible for securing final subdivision approval within one (1) year from the effective date of approval of the Variance Permit." A time extension until July 23, 1983 was granted to fulfill said condition. However, to date, no final subdivision approval has been secured and the July 23, 1983 expiration date has lapsed.

Please be advised that this is to notify you that Administrative Variance Permit No. 64 is hereby deemed void for failure to comply with Condition No. 2 of said Permit.

Because of this action, this is to inform you that a minimum 20-foot pavement width within a 50-foot right-of-way is required for the roadway in the proposed subdivision.

Should you have any questions, please feel free to contact this office at 961-8288.

Sincerely,



SIDNEY FUCE
Director

AK:y
cc: Chief Engineer, Public Works
bcc: Subd. NO. 79-217 (via Kaoru)

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
EDGAR CRUMPACKER) ADMINISTRATIVE
from) VARIANCE NO. 64
MINIMUM ROADWAY REQUIREMENT IMPROVEMENT)
in)
KAHALUU, NORTH KONA, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department reviewed the application of EDGAR CRUMPACKER for a variance from the minimum roadway requirement improvement, more specifically, to allow the creation of a two (2) lot subdivision by waiving the 50-foot wide easement and 20-foot wide pavement requirement at Kahaluu, North Kona, Hawaii, Tax Map Key 7-8-09:15.

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 other properties in the same zoned district.

SUB 754

The existing 30-foot road which traverses the adjoining parcels was created as part of the subdivision approval (Subdivision No. 454) of Lots 82A to 82G on May 3, 1954. Approval was granted "with the stipulation that the upkeep and maintenance of the 30-foot road be the responsibility of the subdivider." The 30-foot roadway is to be used in common by all tenants extending along the easterly side of the lots in question.

The existing 30-foot road traverses through property owned by Bishop Estate and leased to various people. In addition, there are structures constructed within close proximity to the edge of this road which make the acquisition of additional land difficult.

Based on the above, it is determined that special and unusual circumstances exist to a degree which deprive the petitioner of substantial property rights.

Further, the granting of the request will not necessarily be inconsistent with the intent and purpose of the Subdivision Control since the present 30-foot road has been in existence for many years. The granting of the request also will not be detrimental nor injurious to properties in the near future since the road right-of-way will continue to exist as it has in the past. The subject property along with the rest of the properties along this 30-foot road have access rights on this road. (However, all the other lots also have their primary access on the public Kailua-Keauhou Middle Road).
The approval of the request will not increase the number

of lots having access on this roadway. Therefore the granting of this particular request also will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties.

In reviewing the alternatives available to subdivide the property, there were recommendations such as the use of easement on the flag lot concept where access to the proposed rear lot was from the middle government road. In reviewing the existing topographical site condition and roadway alignment, these alternatives would create a hazard which would be detrimental to the safety and welfare of the public.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the creation of a two (2) lot subdivision by waiving the 50-foot wide easement and 20-foot wide pavement requirement at Kahaluu, North Kona, Hawaii, Tax Map Key 7-8-09:15, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the 30-foot road shall be improved with a 16-foot wide oil treated surface road with adequate shoulder improvements meeting with the requirements of the Chief Engineer. The improvements shall begin from the intersection of the 30-foot road and the Old Government Road to the proposed lot 82-A-2.
2. That the petitioner shall be responsible for securing final subdivision approval within one (1) year from the effective date of approval of the Variance Permit.
3. That all other applicable rules, regulations, and requirements 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 23, 1981.

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

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

APPROVED AS TO FORM AND LEGALITY:

Robert T. Bazalis
Deputy Corporation Counsel
County of Hawaii

Date: 8 Sept 81

SEE subdiv 79-217
BPP/corpn counsel

CERTIFIED MAIL

July 23, 1981

Mr. Edgar Crumpacker
~~RRI, Box 783, Walua Road~~ *BOX 1867*
Kailua-Kona, HI 96740

8/18/81

Dear Mr. Crumpacker:

Variance Application (V81-2)
Tax Map Key 7-8-09:15

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 creation of a two (2) lot subdivision by waiving the 50-foot wide easement and 20-foot wide pavement requirement, located along the mauka side of Walua Road (Kailua-Keauhou Middle Road) in the vicinity of the Kuakini Highway-Kamehameha III Road intersection, above Kuakini Houselots Subdivision, Kahaluu, North Kona, Tax Map Key 7-8-9:18. :015

Approval of the 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 other properties in the same zoned district.

SUB 754

The existing 30-foot road which traverses the adjoining parcels was created as part of the subdivision approval (Subdivision No. ~~454~~) of Lots 82A to 82G on May 3, 1954. Approval was granted "with the stipulation that the upkeep and maintenance of the 30-foot road be the responsibility of the subdivider." The 30-foot roadway is to be used in common by all tenants extending along the easterly side of the lots in question.

The existing 30-foot road traverses through property owned by Bishop Estate and leased to various people. In addition, there are structures constructed within close proximity to the edge of this road which make the acquisition of additional land difficult.

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Mr. Edgar Crumpacker
Page 2
July 23, 1981

Based on the above, it is determined that special and unusual circumstances exist to a degree which deprive the petitioner of substantial property rights.

Further, the granting of the request will not necessarily be inconsistent with the intent and purpose of the Subdivision Control since the present 30-foot road has been in existence for many years. The granting of the request also will not be detrimental nor injurious to properties in the near future since the road right-of-way will continue to exist as it has in the past. The subject property along with the rest of the properties along this 30-foot road have access rights on this road. The approval of the request will not increase the number of lots having access on this roadway. Therefore the granting of this particular request also will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties.

In reviewing the alternatives available to subdivide the property, there were recommendations such as the use of easement on the flag lot concept where access to the proposed rear lot was from the middle government road. In reviewing the existing topographical site condition and roadway alignment, these alternatives would create a hazard which would be detrimental to the safety and welfare of the public.

Therefore, the Planning Director hereby grants to the petitioner a variance to allow the creation of a 2-lot subdivision by utilizing an existing 30-foot wide road right-of-way subject to the following conditions:

1. That the 30-foot road shall be improved with a 16-foot wide oil treated surface road with adequate shoulder improvements meeting with the requirements of the Chief Engineer. The improvements shall begin from the intersection of the 30-foot road and the Old Government Road to the proposed lot 82-A-2.
2. That the petitioner shall be responsible for securing final subdivision approval within one (1) year from the effective date of approval of the Variance Permit.
3. That all other applicable rules, regulations, and requirements be complied with.

Mr. Edgar Crumpacker
Page 3
July 23, 1981

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 Fuke
Planning Director

MO:lgv

cc: Planning Commission
Chief Engineer, Public Works
Kona Services Office

bcc Subdivision Section