

December 16, 1983

Mr. Stephen Love  
Love Management Company  
2210 Wilshire Blvd., Suite 804  
Santa Monica, CA 90403

Dear Mr. Love:

Administrative Variance Permit No. 66  
Tax Map Key: 8-9-03:46

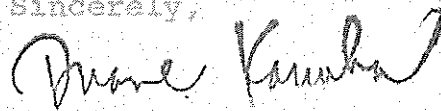
A review of our files shows that the subject Variance Permit was approved by the Planning Director effective September 18, 1981 to allow as access an existing 40-foot right-of-way with an agricultural standard improvement of 20-foot pavement width in lieu of the minimum 50-foot right-of-way.

Further, a time extension was granted to Condition No. 2 of the permit which stipulated the securing of final subdivision approval on or before September 18, 1983. To date, no final subdivision approval has been granted.

Therefore, this is to notify you that Administrative Variance Permit No. 66 is hereby deemed void for failure to comply with Condition No. 2 of said permit. Due to this action, please be advised that the minimum 50-foot right-of-way is required for your roadway in Subdivision No. 80-204.

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

Sincerely,



*Jr* SIDNEY FUKU  
Director

AK:y  
cc: Wes Thomas & Associates, Inc.  
bcc: Subd. No. 80-204 via Kaoru

DEC 19 1983

PD 1600  
#66

CERTIFIED MAIL

September 18, 1981

Mr. Stephen Love  
c/o Wes Thomas & Assoc. Inc.  
75-5722 Kalawa St.  
Kailua-Kona, HI 96740

Now: 8-9-013:001

Dear Mr. Love:

Stephen Love, Variance Application (V81-17)  
Allow Existing 40-Foot Roadway as Access for Proposed  
Subdivision in Hoopuloa, S. Kona TMK 8-9-03:46

After reviewing your application and the information presented to date, the Planning Director is hereby certifying the approval of the variance to allow your proposed subdivision's access road to be the existing 40-foot right-of-way with stipulated improvements in lieu of the Code requirement of a 50-foot right-of-way.

Approval of this request is based on the following findings:

There are special and unusual circumstances which apply to this situation. The petitioner is prepared to construct the required 50-foot roadway and improvements within his property. The access roadway to his property from the Mamalahoa Highway, however, is privately owned and contains a width of 40 feet. That road was created originally in 1958 under the standards existing at that time and was improved to its present gravel surface condition (16 feet of gravel with 3-foot shoulders) in 1960. The County standard for such a road today is 50-foot right-of-way width with 20-foot pavement to Agriculture standards. However, the applicant, as a private citizen, does not have the power to condemn the additional 10 feet of land needed from the private owners to increase the roadway width to 50 feet. He proposes instead to construct the 50-foot roadway pavement standards within the existing 40-foot right-of-way at his own expense.

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The unusual circumstance further exists to a significant degree in that the County finds that too often off-site improvements are needed to permit otherwise orderly development. Yet, to require a developer to improve public or private facilities such as roadways which are other than his own (i.e., off-site as opposed to on-site), is a difficult imposition to make, when calculating what is "reasonable and fair." In this case, the developer, Mr. Love, whose property is 1500+ feet in along the 40-foot wide private access road will make both the on-site as well as the off-site road improvements.

Granting the Variance would not constitute special privilege. Indeed granting the variance would actually result in the improvement of the entire 1,500-foot road condition for those 31+ lots and residences along the existing off-site gravelled 40-foot wide road right-of-way.

Further, granting the variance would be a significant step in improving off-site road conditions, and a welcome activity commensurate with General Plan goals.

This approval is subject to the following conditions:

1. That the entire existing 40-foot wide roadway leading to the petitioner's proposed subdivision from the Mamalahoa Highway shall be improved with 20-foot pavement to County Agricultural standards with appropriate shoulder improvements both meeting the requirements of the Chief Engineer. Obtaining the necessary permission from the existing roadway owners shall be the responsibility of the petitioner.
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 the petitioner shall enter into an agreement with the County to subject proposed lots to participation in an Improvement District program with the County if such is proposed by affected owners in the future.
4. That the petitioner comply with all other applicable rules, regulations and requirements of the State and County.

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

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Should you have any questions in the meantime, please feel free to contact us.

Sincerely,

*Sidney M. Fuke*

SIDNEY FUKU  
Planning Director

DT:lp

cc: Public Works

bcc: Masa/Kaoru