

made by the  
10/20/81

CERTIFIED MAIL

January 11, 1982

Mr. Greg Gadd  
207 Kinoole Street  
Hilo, HI 96720

Dear Mr. Gadd:

Variance Application (V81-32)  
Tax Map Key 1-3-03:36

We regret to inform you that after reviewing your application and the information presented in its behalf, the Planning Director is hereby denying your variance request. The reasons for the denial are as follows:

1. There is not found to be any special or unusual circumstance applying to the land which requires the creation of the less-than-average width lots as proposed by the applicant in order to adequately utilize his land. A plat which would show a roadway along one of the side boundaries of the existing parcel is a reasonable alternative open to the applicant, and is one which is among the most common layouts for subdivisions. Such a lot arrangement would readily permit the creation of four 10+-acre lots which could meet the average lot width requirements of the Zoning Code.

Denial of the variance would thus not deny the owner of substantial property rights since available alternatives can be implemented without undue interference to the best use or manner of development of the property.

2. Due to reasonable alternatives available to the petitioner, there is not shown to be special circumstances applying to the land to a sufficient degree compelling or limiting the applicant to design his subdivision in the manner requiring a variance from the average width stipulations of the Code.

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3. Because reasonable options are available to the applicant, an approval of this request would be considered a grant of special privilege, and thus be inconsistent with the limitations placed on other similarly districted property.
4. Furthermore, approval of this request would be contrary to the intent of the Subdivision Code which seeks platting of roads and lots with dimensions and proportions which do not inhibit further development. In the subject case, the narrow roadway easements would severely restrict further development in the future and would readily create the situation for additional non-conforming features.


The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

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

Sincerely,

  
SIDNEY M. DUKE  
Planning Director

DT:gs