

August 16, 1983

Mr. Vernon Inouye
Orchid Gardens, Inc.
175 East Kawaiilani Street
Hilo, Hawaii 96720

Dear Mr. Inouye:

Administrative Variance Permit No. 97
Tax Map Key 2-4-65:2 and 4

A review of our files shows that the subject variance permit was approved by the Planning Director effective June 3, 1982 to construct a roadway with an agricultural standard improvement of 16-foot pavement width in lieu of the minimum 20-foot pavement width within a 50-foot right-of-way.

Please be informed that Condition No. 1 of the variance permit stipulated that final subdivision approval be secured by May 31, 1983. To date, no final subdivision approval has been granted.

Condition No. 3 of this variance permit states that "should the applicant, Orchid Gardens, Inc., fail to comply with these conditions, this variance shall be deemed void."

This is to notify you that Administrative Variance Permit No. 97 is hereby deemed void for failure to comply with Condition No. 1 of the subject variance permit.

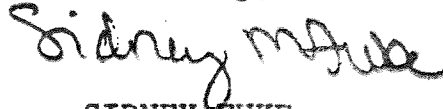
Because of this action, this is to inform you that the minimum of a 20-foot pavement width within the 50-foot right-of-way is required for your roadway in Subdivision No. 78-212.

AUG 17 1983

Mr. Vernon Inouye
Page 2
August 16, 1983

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

Sincerely,

A handwritten signature in cursive script that reads "Sidney Fuke".

SIDNEY FUKU
Planning Director

FS:ds

bcc: Subd. No. 78-212

CERTIFIED MAIL

June 3, 1982

Mr. Vernon Inouye
Orchid Gardens, Inc.
175 East Kawaiilani Street
Hilo, Hawaii 96720

Dear Mr. Inouye:

Variance Application (V82-3)
Tax Map Key 2-4-65:2 & 4

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to construct a roadway within an agricultural standard improvement of sixteen (16) feet in lieu of twenty (20) feet in a right-of-way of fifty (50) feet.

The approval is based on the following:

1. There are special and unusual circumstances applying to this site.

Access to this site off Kupulau and Haihai Streets is limited to the roadway presently serving this site. The drainage easement is a natural physical restriction currently limiting access. In addition, the Haihai Street extension exists only on paper and this extension is also restricted/limited by the drainage channel.

2. There are no reasonable alternatives.

Once Haihai Street is extended, it will become the principal and only legal access to the proposed lots 5-B and 5-C.

3. The variance is not inconsistent with the intent and purpose of the Subdivision Code and the County General Plan.

JUN 4 1982

Mr. Vernon Inouye
Page 2
June 3, 1982

The Subdivision and Zoning Code provide the standards and requirement to implement the County General Plan. The Hilo Zone Map calls for the Haihai Street extension to provide access to these lots mauka of Kupulau Street. Approving this request will allow the existing agricultural activity to continue and intensify via use of the proposed agricultural standard 16 ft. roadway on an interim basis until a fully improved Haihai Street is constructed.

The variance request is approved, subject to the following conditions:

1. The applicant, Orchid Gardens, Inc., submit the necessary construction drawings for review and approval by all affected agencies by November 30, 1982 and receive final Subdivision Approval by May 31, 1983.
2. The applicant, Orchid Gardens, Inc., enter into an agreement with the County of Hawaii via an instrument entitled "Declaration of Restrictive Covenant" before receipt of final Subdivision Approval.
3. Should the applicant, Orchid Gardens, Inc., fail to comply with these conditions, this variance shall be deemed void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



SIDNEY M. FUCE
Planning Director

RN:lqv
Enclosure

cc: Planning Commission