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CERTIFIED MAIL

August 1, 1984

Mr. George S. Lockwood
Hawaiian Abalone Farms
P. O. Box A
Kailua-Kona, Hawaii 96745

Dear Mr. Lockwood:

Variance Application (V84-21)
Hawaiian Abalone Farms
Tax Map Key 7-3-43:3

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 allow the creation of a 3-lot subdivision without a water system meeting with the minimum requirements of the County Department of Water Supply as required by Article 6, Division 2, Section 23-84(1) of the Subdivision Code.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special circumstances applying to the properties which exist to a degree which obviously interferes with the best use or manner of development of the property. The intent of the two additional lots that are to be created is for the purpose of developing a Commercial Demonstration Module for the raising of abalone, utilizing deep upwelled water brought to the surface by the 5,000 foot pipeline located at the Natural Energy Laboratory of Hawaii (NELH) site located on the subject parcel. The operation entails only the use of ocean water. The present plans do not include usage of any potable water.

ALTERNATIVES

The subdivision is being created for the purpose of providing land that will be utilized for aquaculture program which utilizes sea water to raise abalone. The facility as proposed will not require potable water.

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INTENT AND PURPOSE

The granting of the variance shall be consistent with the general purpose of the Subdivision Code and the General Plan. As previously stated, the basic intent for the creation of the two additional lots is for developing a Commercial Demonstration Module for the raising of abalone. There are no proposed uses that will be requiring potable water. The intent for requiring water is for domestic use and fire protection.

Therefore, we have determined that the granting of this particular request will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character.

Based on the above-cited circumstances and reasons, we have determined that the special and unusual circumstances exist to a degree which deprives the petitioner of substantial property rights which would otherwise be available and also to a degree which obviously interferes with the best use or manner of development of the property.

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 allow the creation of one lot with an area of 0.775 acre in lieu of the minimum 1 acre as required in the General Industrial (MG-1a) zone district.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special circumstances applying to the property which exist to a degree which obviously interferes with the best use or manner of development of the property. The property is 312.339 acres in size. Since the zoning of the area is within the General Industrial (MG-1a) district, the petitioner could technically subdivide the subject property meeting with the minimum building site area requirement of one acre. However, the purpose for the creation of the 0.775 acre parcel is for the construction of two fifteen foot high, 105 foot diameter tanks for the growing of kelp which is to be used as food for abalone which is to be grown on an adjacent parcel. No other structures are proposed on the parcel.

The parcel is being created as part of a high-tech ocean-related aquaculture program for raising of abalone.

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ALTERNATIVES

The petitioner has an alternative in this matter. In this particular instance, the land area could be increased to meet with the one acre requirement. However, in this application, the additional land is not necessary since the two tanks that are to be constructed on the parcel can be accommodated on the 0.775 acre parcel.

The denial of the variance would result in the additional area not being put to use.

INTENT AND PURPOSE

The granting of the variance shall be consistent with the general purpose of the Zoning district and the General Plan. As previously stated, the entire property has a land area of 312.339 acres. Therefore, unlike other lot size variance requests, the petitioner is not requesting an increase in density by creating a lot which is less than the minimum building site area requirement. Therefore, we have determined that the granting of this particular request will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character.

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

1. That the petitioner or authorized representative shall secure tentative approval within one (1) year from the effective date of approval of the variance. The petitioner or representative shall also be responsible for securing final subdivision approval within one (1) year thereafter.
2. That the proposed lots (parcels A & B) be utilized for aquaculture purposes. Should any change in use require the need for water, the requirements of the Department of Water Supply be complied with.
3. That all other applicable rules, regulations and requirements shall be complied with.

Should any of the foregoing conditions not be complied with, this variance shall automatically be deemed void.

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

Sincerely,



SIDNEY M. FUKÉ
Planning Director

MO:wkm

cc: Manager, Department of Water Supply

bcc: Kaoru