

CERTIFIED MAIL

April 22, 1988

Mr. and Mrs. William Buffum  
P.O. Box 733  
Kamuela, HI 96743

Dear Mr. and Mrs. Buffum:

Variance Application (V88-3)  
Variance from Minimum Water Requirements  
Tax Map Key 4-4-13:21

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 a 2-lot subdivision without a water system meeting with the minimum water requirements of the Department of Water Supply as required by Article 6, Division 2, Section 23-84(1) of the Subdivision Code. The subject property is 21.6 acres in area, identified by tax map key 4-4-13:21 and is located on the east side along the 30-foot road, 2900 feet makai of its intersection with the main cross road in the Kaapahu Homesteads, Hamakua, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the applicants of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

The nearest County water line is about 2400 straight line distance from the subject property, but 2800 ft. along the road alignment. Because of the elevation and distance, an undetermined series of pumps and holding tanks compounded by the dim prospect of easement acquisitions in the likelihood that the physical road veers from the platted homestead road, the cost of bringing county water to the property may well exceed the cost of value of the property.

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Four other properties in the area which are closer to the County water line have obtained water waivers from the Department of Water Supply (when the granting of waivers was the province of that department) since connecting to the County system was deemed unreasonable because of the elevation difference and distance.

Access to the property is by a homestead road which is substandard, according to the Department of Public Works, but the current zoning allows a 5-acre density. However, in this instance, the owner has voluntarily agreed to not subdivide his 21+-acre lot into more than the 2-lots now being requested in Subdivision Application 87-140, and also agrees to place this agreement as a covenant in the deeds, until the road is improved to acceptable County standards.

#### ALTERNATIVES

Supplying the proposed subdivision with a County water system would involve costs beyond the value of the property being subdivided; this is considered unreasonable.

The other alternative is to permit the proposed subdivision to have a private roof catchment water system. This would necessitate the locale having sufficient annual rainfall and the eventual building to construct adequate catchment area and storage facilities.

While it is not the intent of the County perpetuate roof catchment systems in large subdivisions, the present cost to bring the County water line to the property is deemed unreasonable to require, inasmuch as lower lying properties have been granted "water waivers."

#### INTENT AND PURPOSE

The intent and purpose of the water standard requirement is to ensure that a sufficient quantity of potable water is supplied to each subdivided lot. A roof catchment system for this area would, according to DLNR/DOWALD Rainfall Data, suffice for the potable water needs of a typical single family dwelling. However, the quality of the water using the roof catchment system would be in the sole control of the builder/user, once the rainfall were captured. It has been calculated that a catchment area of 2000 sq. ft. would be needed with a minimum storage capacity of 10,000 gallons.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

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

1. The applicants, their assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The applicants shall execute the Agreement:  
Condition of Land Subdivision Approval  
Subdivision Application No. 87-140  
Kaapuhu[sic] Homestead, Hamakua, Hawaii  
TMK: 4-4-13:21  
agreed upon by the applicants, the Planning Director and the Chief Engineer, as described elsewhere in this variance permit, in which the owners agree not to pursue any further subdivision of their land until the property's access, the 30-foot government roadway, is improved to standards acceptable to the County.
3. Until a County water system or a Department of Water Supply approved private water system is installed to serve the subject lots, each dwelling built on the property shall have a minimum of 2000 sq. ft. of roof catchment surface with a minimum 10,000 gallon water storage facility.
4. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Planning Director may act to render this variance request null and void.

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

Sincerely,



ALBERT LONO LYMAN  
Planning Director

DT:lv

cc: Department of Public Works  
Subdivision No. 87-140