

RECEIVED BY: Candrey Kuals

DATE: 4/21/89

CERTIFIED MAIL

April 19, 1989

Mr. Sheldon Zane
Zane Development, Inc.
Pa'ahi Tower, Suite 1530
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Zane:

Variance Application (V88-37)
Zane Development, Inc.
Tax Map Key 6-8-02:por. of 27

After reviewing your application and the information submitted on behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow twenty-one (21) residential lots to access from a cul-de-sac on the makai side of Paniolo Avenue and across (north of) the Pu'u-nui Street/Paniolo Avenue Intersection, Waikoloa, South Kohala, Hawaii, Tax Map Key No. 6-8-02:por. 27, Lot 22.

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 applicant of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

The existing subdivision road ends at the subject parcel. The north and west boundaries drop steeply at a 40% to 44% grade to a depth of approximately 30 feet, rendering the continuation of the road practically impossible.

Allowable zoning density for this entire RS-10 zoned area permits 10,000 sq. ft. lots. However, due to the extreme slopes at the north end of this property, only 41-lots were being developed wherein 62-lots may have been possible were the land more uniformly level or not subject to severe topographical changes.

Mr. Sheldon Zane
April 19, 1989
Page 2

The developer would have built the road to the end of the property and continued its long axis in which case the additional lots could have been permitted. The extreme topographical changes for the north and west boundaries of the parcel have precluded that option.

ALTERNATIVES

The alternative to the strict imposition of the number of lots served by a limited cul-de-sac length would be the existence of RS-10 zoned lots of 2.1 acres, 1.3 acres, and 1.2 acres at the end of the existing subdivision road. While two of the remnant lots have no future development potential, the variance request would allow the 2.1 acre parcel to be commensurate with the allowable zoned density.

INTENT AND PURPOSE

The intent and purpose of the cul-de-sac requirement is to limit the dwelling unit density of dead-end streets, and encourage the street design to incorporate continued street alignments on adjacent and contiguous properties.

Denying this variance application, given its physical circumstances, would deprive the developer of property rights which are available to adjacent properties which are not beset with this severe topography--wherein more lots within the allowable zoned density would be possible. In this case, the 4-lots to be created from one will still average 21,000 sq. ft. in the RS-10 zone where the minimum lot size requirement is 10,000 sq. ft.

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.

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

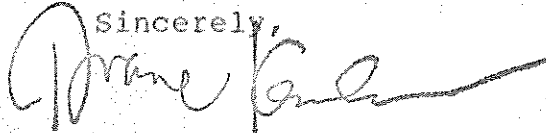
1. The applicant, his assigns or successors, shall be responsible for complying with all stated conditions of approval.

Mr. Sheldon Zane
April 19, 1989
Page 3

2. No further subdivision of lots 22B and 22C as shown on proposed subdivision map dated September 4, 1988, shall be permitted. Deed restrictions shall be reviewed by the County prior to its being submitted for recordation and a copy of the duly recorded deed for these lots shall be filed with this department.
3. All other applicable State and County rules and regulations shall be complied with.

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

Sincerely,



DUANE KAKUHA
Planning Director

DT:syw

cc: Mr. and Mrs. Woodrow Pelfrey
Mr. and Mrs. Henry Pelfrey
Kona Office

Ed Chaplin - Sub