

CERTIFIED MAIL

June 1, 1989

Ms. Sandra Pechter Schutte
 101 Aupuni Street, Suite 124
 Hilo, HI 96720

Dear Ms. Schutte:

Variance Application (V89-4)
 Kohala by the Sea
Tax Map Key 5-9-06: 6

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 subdivision with 26 lots being served by a privately owned 1,300-ft long cul-de-sac in lieu of the maximum 18 lots, 600-ft. requirement, and 7 lots being served by a private 20-ft. wide road in lieu of the maximum of 6 lots requirement of the Subdivision Code..

The approval is based on the following:

FINDINGS AND RECOMMENDATIONS

Having reviewed the subject variances, the Planning Director has concluded that both requests; a variance to construct a 1,300-foot long cul-de-sac serving twenty-six (26) lots, and a variance to allow access to seven (7) lots from a twenty (20) foot wide private dead end street, be approved for the following reasons:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which interfere with the best use or manner of development of the property.

The State Department of Transportation has reduced the number of permitted access points to the property along the Akoni Pule Highway from two to one. This has shifted the access point to the center of the property frontage, and has constrained the interior circulation network to a design oriented off this single access point.



JUN 2 1989

Ms. Sandra Pechter Schutte

June 1, 1989

Page 2

A significant area along the northern half of the property will be encumbered by major drainage easements. In this phase, twenty-five (25) of the forty-four (44) proposed lots will be affected by this drainage easement in terms of net buildable area and accessibility depending on how the interior roadways are designed.

Road "C", which should have functioned as an interior connector between the proposed development and the adjacent Kohala Estates Subdivision, must now be designed as a cul-de-sac. As a stub out, Road "C" would not be constrained by the roadway length and number of lots served. The excessive length of proposed Road "C" is also related to providing access and allowing reasonable building areas for those lots which are partially encumbered by the drainage easement.

The combination of a single access point, topographic and drainage constraints affecting more than 50% of the proposed lots, and the foreclosed alternative of providing a stub out for future connection to the adjacent subdivision, create circumstances which exist to a degree that significantly interferes with the best use and manner of development for the subject property.

Similar circumstances relating to the drainage easements apply to the variance to allow one additional lot to access from a proposed private, dead end street. Proposed Lot 23 abuts both Road "C" and Road "D" and should gain primary access from Road "C". This lot, however, is bisected by a drainage easement near the front of the property which results in no buildable area directly adjacent to Road "C". There is buildable area at the rear of the lot, but access to that portion must come from Road "D", a private, dead end street which already serves as access to the maximum six (6) lots permitted under the code requirements.

ALTERNATIVES

There are no reasonable alternatives available that would resolve the difficulty.

There is no other practical alignment alternative for Road "C", which should have functioned as an interior connector between the proposed development and the adjacent Kohala Estates Subdivision. With that option foreclosed, Road "C" must now be designed as a cul-de-sac, whereas if it were constructed as a stub out, Road "C"

Ms. Sandra Pechter Schutte
June 1, 1989
Page 3

would not be constrained by the roadway length and number of lots served. The excessive length of proposed Road "C" is also related to providing access and allowing reasonable building areas for those lots along the northern boundary of the development which are partially encumbered by drainage easements.

With regard to the variance request to allow one additional lot to access Road "D", other alternatives are available. The private roadway requirements permit a right-of-way width of 20-foot and 16-foot pavement to serve a maximum of six (6) lots. If there are more than six lots accessing a private roadway, then the next higher standard involves a right-of-way width of 50-foot and 20-foot pavement. This alternative would result in additional costs to the applicant but at the same time would also reduce the already minimal buildable area for lots 23 and 28 by the increased right-of-way and improvement widths.

It is also possible to re-configure the entire subdivision or reduce the number of lots in order to comply with code requirements for cul-de-sac lengths and lot access to private streets. Given the topographic, drainage, and circulatory constraints imposed on the property, however, it is doubtful that these alternatives are viable or reasonable to implement.

Given the above site considerations, it is determined that the granting of these variances will still be consistent with the general purpose of the agriculture district, the intent and purpose of the Subdivision Code, and the County General Plan. Further, these approvals will not be materially detrimental to the public welfare or cause substantial adverse impact to the character of the development nor to surrounding properties.

The overall development is an agricultural/residential project consisting of lots of at least one (1) acre in size. Approval of variances from the Subdivision Code for private roadways within the project itself would allow the development of this agricultural subdivision in a manner that maximizes the use of the property for its intended purpose in consideration of the topographic, drainage, and circulatory constraints that are in evidence.

Further, the requested variances are deemed necessary in order to provide a better and safer development pattern for the occupants within the project, and thus, do not materially impact upon the public welfare. Because the project must now be contained within the property itself, impacts to surrounding properties, which are similar in character, will be non-existent.

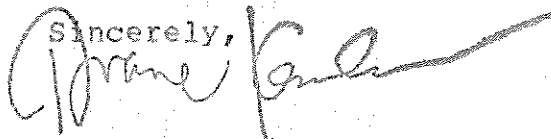
Ms. Sandra Pechter Schutte
June 1, 1989
Page 4

The variance requests as described herein are approved subject to the following conditions:

1. The applicant, its assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. All other requirements of the Subdivision Code shall be complied with, including but not limited to minimum street frontage, the Fire Department's cul-de-sac turning radiuses, and minimum buildable areas. No further variances from building setbacks or siting issues resulting from the final lot configuration shall be considered.
3. All other applicable State and County ordinances, rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Director may initiate action to declare the variances null and void.

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

Sincerely,


DUANE KANUHA
Planning Director

DK:aeb

cc: Subd. 88-158