

CERTIFIED MAIL

April 30, 1991

Mr. Raymond Suefuji
192 Kapiolani Street
Hilo, HI 96720

Dear Mr. Suefuji:

Variance Application (V90-42)
Green Point Nurseries
Tax Map Key: 1-7-13:103

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 4-lot subdivision of 20 acres each which would not contain a water system meeting the standard requirements of the subdivision control code. The subject property is 80.634 acres in area, identified by tax map key 1-7-13:103 and is an 80-acre lot on the west (Volcano) side of 13 Mile Road, 1,800 feet northwest (mauka) of its intersection with the Volcano Road in the Olaa Reservation Lots, Puna.

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

In this case, the applicant would create four 20 acre sized lots from an 80 acre parcel but would only build one dwelling on the whole development (that dwelling would be served by a standard 5/8 inch meter). Each resultant lot would be able to be mortgaged individually precluding the impractical and illogical encumbering of the entire parcel for incremental development of the farm which would be irrigated by water from the heavy rainfall in the area.

MAY - 1 1991

Mr. Raymond Suefuji
April 30, 1991
Page 2

Based on the foregoing, it has been determined that there are special and unusual circumstances applying to the subject property which exist to a degree which deprive the owner of substantial property rights that would otherwise be available, or which unreasonably interfere with the best use or manner of development of the property.

ALTERNATIVES

The alternative of providing a standard county water system to serve the 4 farm lots is possible but at an inordinate cost while being unnecessary for the use to which the property will be put. The applicant is a farmer and is not subdividing for real estate development (selling of lots) purposes. For the farming activity, the heavy 185 inches annual rainfall is more than adequate (roofing to shelter the plants from rain is necessary) and the applicant will build an irrigation reservoir to store the rainfall for controlled watering of the plants. It would be unreasonable and unnecessary in this case to require a county water system to all four lots.

INTENT AND PURPOSE

The intent and purpose of the 6 inch water transmission line requirement is to provide lots of the requested number and size (4 lots, 20 acres each) with the standard county potable water system. Potable water presumes domestic use along with the agricultural. In this case, the applicant is a farmer, not a real estate developer selling "farm lots," and he intends to develop the 80 acre parcel in increments for his farm use. Since there is an adequate rainfall in the area to the extent where roof covering over the plants are necessary to protect them from heavy rains, and since the applicant will be constructing a reservoir utilizing runoff to irrigate his plants, potable water will not be needed except for the one house doubling as security for the farm when the development can afford it. At that time, the developer will utilize the one 5/8 meter for the one dwelling only. Thus, the intent of having the county water system serve all houselots is accomplished by the applicant's intent to build only one dwelling in the four lot subdivision while the other lots utilized solely for the growing of plants can be more than adequately served by the area's rainfall.

Based on the foregoing findings, the variance request would be

Mr. Raymond Suefuji
April 30, 1991
Page 3

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 petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. Final subdivision plats for final approval for recordation shall be submitted within one year of receipt of this variance permit.
3. All other applicable State of County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Director may proceed to declare the variance null and void.

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

Sincerely,


NORMAN K. HAYASHI
Planning Director

DT:mra
1554D

cc: Subdivision 90-6
Water Supply