

V502

May 21, 1993

Mr. Robert G. Williams
525 Kilauea Avenue, Suite 204
Hilo, HI 96720

Dear Mr. Williams:

Variance Application (V 92-23)
Petitioner: Robert G. Williams
Daniel J. Lutkenhouse Revocable Trust
Seven Lots to be Served by a Private Dead End Road
Tax Map Key: 2-8-14: 13

Please be advised that we have further evaluated the subject variance application and therefore, recind our letter of May 3, 1993.

Based on this further evaluation, the Planning Director by this letter hereby certifies the approval of your variance request to permit one (1) additional lot (resulting in a total of seven (7) lots) to be served by an existing private dead-end street in lieu of the required maximum of six (6) lots. The property consisting of 7.0768 acres in area, identified by tax map key: 2-8-14: 13 and is located off of the old belt road within Honomu Village, Honomu, South Hilo.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property consisting of 7.0768 acres is situated within the County's Village Commercial (CV-10) and Single Family Residential (RS-10) zoned districts. Given these zoning designations the property could be subdivided into appropriately twenty-four (24) lots having a minimum of 10,000 square feet. However, this specific subdivision proposal is for only seven (7) lots for less than the maximum density.

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The configuration of the property only contains 150 feet frontage on the government road. There are lots existing which are not part of this subdivision application which hinder access. Existing old non-conforming commercial building further limit access to the subject property.

Based on the above, there are special and unusual circumstances related to the land in this particular application. In addition, access is further limited by the topography as well as other natural features.

The proposed private dead-end street servicing the seven (7) lots will consolidate the access points as opposed to multiple side by side access points which from the Department of Public Works stand point would reduce a potential traffic hazard.

Considering the foregoing factors, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprive the owner or petitioner of substantial property rights that would otherwise be available or to a degree which obviously interfere with the best use and manner of development of the subject property.

ALTERNATIVES

In this specific circumstance the only alternative to access would be multiple side by side access which would create unsafe and hazardous conditions. As such, there are no reasonable alternatives which the petitioner could use to resolve the situation.

The variance request is a reasonable one as it would provide a safer means for access purposes. In this particular case, the imposition of other alternatives in this situation is considered to be unsafe when a non-reasonable solution is available.

INTENT AND PURPOSE

The intent and purpose of the minimum roadway requirements is to ensure that minimum safety standard relative to traffic, drainage, etc., are provided.

The proposed non-dedicable roadway having a 20-foot right-of-way with a 16-foot wide pavement is determined to be adequate for success purposes for the 7-lot subdivision rather than the maximum six (6) lots. Additional traffic generated by the proposed subdivision will be minimal.

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The granting of this variance shall not be construed nor used as a justification for any further variances from the maximum number of lots. Inasmuch as the proposed paved roadway is a ced-de-sac and will remain in private ownership, the granting of the variance request will not be materially detrimental to the public's welfare and to adjoining properties.

As such, in review of these findings, the approval of this variance request would still be consistent with the general purpose of the zoning district, and the intent and purpose of the Subdivision Control Code and the County General Plan.

Based on the foregoing, the Planning Director has concluded that this variance request be approved subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The petitioner, its assigns or successors, shall be responsible for securing final subdivision approval within one year of the date of this approval.
3. Comply with all other applicable Federal, State and County rules and regulations.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Should you have any questions, please feel free to contact our office.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

EC:mjh
9111D

cc: West Hawaii Office
Subdivision 90-182