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County of Hawai'i PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 11, 2020

Robert T. Shirai, LPLS
Island Survey, Inc.
P.O. Box 4215
Hilo, HI 96720

Dear Mr. Shirai:

SUBDIVISION WITHDRAWN

SUBDIVIDER: CRUDELE, Robert J.

Proposed Subdivision of Lot A-1,
Being a Portion of Lots A & B, Hualani Place Subdivision,
Being Also a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 17,
Into Lots A-1-A & A-1-B,
Kalalau, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-6-006:001 (SUB-93-000086)

Our last action in our files on the subject application, dated April 11, 2000, was to acknowledge a time extension request and inform of the need to re-certify the construction drawings. The property has since changed ownership as well.

Therefore, this application is being **withdrawn** from our active files. We will also deem approved variance VAR 533 (VAR- 93-000041) **null & void**.

Should an election to pursue the subdivision at a later date be made, a new application complete with filing fee must be resubmitted to this department.

Pursuant to Article 4, Section 23-60(c), Chapter 23, Subdivision Control Code, a portion of the filing fee equivalent of ten percent (10%) of the fee or five dollars (\$5.00), whichever is greater, shall be retained for applications which have been withdrawn or denied before granted tentative approval. However, tentative approval was issued, and therefore, no refund is due.

Robert T. Shirai, LPLS
Island Survey, Inc.
February 11, 2020
Page 2

Should you have any questions, please feel free to contact Hans Santiago at hans.santiago@hawaiicounty.gov or Jonathan Holmes at jonathan.holmes@hawaiicounty.gov of this department.

Sincerely,


MICHAEL YEE
Planning Director

JRH:tb

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xc: Manager, DWS
 Director, DPW
 District Environmental Health Program Chief, DOH
 District Engineer, DOT
 VAR 533 (VAR- 93-000041)
 G. Bailado (N/V VAR)

VAR 533

CERTIFIED MAIL

September 29, 1993

Mr. Brian Nishimura
101 Aupuni Street, Suite 217
Hilo, HI 96720

Dear Mr. Nishimura:

Variance Application (VAR 93-41)
Petitioner: Robert Crudele
Request: Cannot Meet Minimum Building
Site Average Width Requirement
Tax Map Key: 2-6-6:1

After reviewing your application and the information submitted in behalf of it including comments received from consulting agencies, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of two (2) lot subdivision with one (1) lot (A-1-A) having a minimum building site average width of approximately 66-feet in lieu of the minimum requirement of 90-feet as stipulated within the Single Family Residential 15,000 square feet (RS-15) District of the Zoning Code.

The approval of the variance request to allow one (1) lot with a minimum 66 feet building site average width is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprives the applicant of substantial property rights that would otherwise be available, and further, interferes with the best use or manner of development of the property. There are two major physical constraints which drastically reduce the buildable area of the subject property. A river gulch along the southern property line and a sea cliff along the eastern boundary reduces the usable land area of the subject property by more than 50 percent.

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Mr. Brian Nishimura
Page 2
September 29, 1993

Although the remaining buildable area can easily accommodate two dwellings on two separate 15,000 square foot parcels, the resulting subdivision configuration does not comply with the existing minimum average width requirements. As such, the applicant would be denied substantial property rights to create an additional parcel that would otherwise be permitted by the zoning density of the RS-15 zoned district, if the variance is not approved.

ALTERNATIVES

There are no other reasonable alternatives to satisfy the minimum average width requirement. Although it is technically possible to subdivide the subject property meeting all subdivision requirements, including the minimum average width requirement, such a subdivision would not be practical because proposed lot A-1-B would not have sufficient buildable area for a dwelling. In addition to the 40 foot shoreline setback requirement, proposed lot A-1-B is subject to 10 foot minimum side yard setback requirements along the north and west boundaries. Given the existing topographic constraints due to the river gulch and the sea cliff, the proposed subdivision plan included with this variance application makes the most efficient use of the available buildable area on the subject property.

INTENT AND PURPOSE

All other requirements including zoning setback, shoreline setback and lot size can be met by the proposed subdivision plan. There is sufficient land area for two single family dwellings to be situated on the subject property without altering the existing character of development in the area. Proposed lot A-1-A has an existing single family dwelling approximately 1,056 square feet in size which will not be adversely affected by the proposed subdivision. There is sufficient buildable area to accommodate additions to the existing dwelling which could effectively double the area of the present structure. Approval of the variance request will allow the applicant to make the best use of the subject property, consistent with the manner of development of surrounding properties.

Based on the foregoing, the variance request is consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan. Approval of the variance 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.

Mr. Brian Nishimura
Page 3
September 29, 1993

The 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.
2. That no variance from the minimum setback requirements for the proposed lot shall be applied for in the future. This condition shall be stipulated in the deed of the property and recorded with the Bureau of Conveyances.
3. All other applicable State and County rules, regulations and requirements shall be met.

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

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

EC:mjs
1007D

xc: Subdivision No. 93-86
Mr. Robert Crudele

September 17, 1993

Ms. Diane G. Faye'
P.O. Box 1870
Koloa, HI 96756

Dear Ms. Faye':

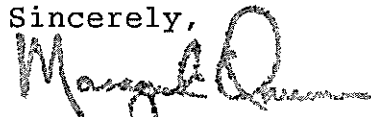
Variance Application (VAR 93-44)
Applicant: Robert Crudele
Request: Cannot Meet Minimum Building Site
Average Width Requirement
TMK: 2-6-6:1

This is to acknowledge receipt of your letter of September 8, 1993, regarding the subject variance application.

Please be advised that your concerns will be considered during the review of the application.

Should you have any questions, please feel free to contact Ed Cheplic of this office.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

EC:lm
0841D

xc/ltr: Brian T. Nishimura, Planning Consultant

SEP 20 1993