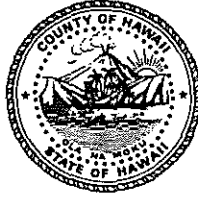


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

VAR 581 ✓

CERTIFIED MAIL

March 15, 1994

COPY

Mrs. Chrystal Yamasaki
Wes Thomas & Associates
75-5722 Kalawa Street
Kailua-Kona, Hawaii 96740

Dear Mrs. Yamasaki:

Variance Application WH(VAR94-12)
Applicant: Mrs. KELSO KU
Variance from Minimum SUBDIVISION CODE ROADWAY Requirements
Tax Map Key: 7-9-14: 42

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of your variance request to allow a TWO LOT SUBDIVISION WITH THE EXISTING 20 FOOT RIGHT-OF-WAY WITH 16 FOOT PAVEMENT in lieu of the minimum 50 FOOT WIDE RIGHT-OF-WAY WITH 20 FOOT PAVEMENT AND CURB, GUTTER AND SIDEWALKS as required by Chapter 23 (Subdivision Code), Article 2 (Administration), Division 4 (Street Design), Section 23-41 (Minimum Right-of-Way and Pavement Widths and Article 6 (Improvements, Division 2 (Improvements Required), Section 23-91 (Curbs and Gutters).

The subject property is located on the southwest corner of Saint Paul Road/Mamalahoa Highway intersection in Kawainui 1st, North Kona, Hawaii, TMK: 7-9-014: 042.

The Planning Director has concluded that the variance request from the MINIMUM ROADWAY AND PAVEMENT requirements should be approved, based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property is THE ONLY LOT situated within the Single Family Residential 7,500 square foot (RS-7.5) zoned district consisting of 19,379 square feet; has two single family dwellings and is part of this 6 lot subdivision.

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2. The remainder of the 6 lots in the subdivision is situated within the Single Family Residential 15,000 square foot (RS-15) zoned district. Therefore, the other 6 lots would not be able to subdivide their properties to increase the number of lots in this subdivision.
3. The applicant proposes to subdivide this 19,379 square foot lot into two lots. Lot E-1 consisting of 9,793 square feet and Lot E-2 consisting of 9,586 square feet, thereby increasing the number of lots in this subdivision 1 lot to 7 lots.
4. The present density and subdivision conditions are a result of governmental action and not a condition which was created unduly by the applicant for her own self interest.

Therefore, considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

1. The subject property has the necessary zoning and land area, and contains the two single family dwellings on each lot which meets all other subdivision code requirements.
2. The present design of the approved subdivision is not a result of any actions by the applicant.
3. The land area and zoning of the property allows the applicant to submit for the proposed subdivision.

Based on the above cited considerations, there are no reasonable available solutions without excessive demands placed on the applicant when a more reasonable alternative is available by the granting of this variance application. Therefore, there are no reasonable alternatives in resolving the difficulty of the applicant.

INTENT AND PURPOSE

1. The intent and purpose of limiting lots on a private road way with a certain right-of-way and pavement width for a certain number of lots. Chapter 23 (Subdivision Code), Article 6 (Improvements), Division 2 (Improvements)

Required, SECTION 23-88 (Non-dedicable street; private dead-end street) require a 20 foot right-of-way with a 16 foot pavement.

2. The proposed subdivision is consistent with the zoning of the subject property as it permits by density two single family dwellings on the subject property. The petitioner in this instance, is requesting that the two single family dwellings now be placed on two separate lots. The density allowance of the zoning and the fact that there are already two single family dwellings on the subject property should not affect the traffic circulation or patterns in the subdivision as it already exists. And no more additional traffic would be generated just by the placement of a lot line between the two existing single family dwellings.
3. There were no objections from any of the participating government agencies. There were also no objections from any surrounding property owners to the proposed variance request.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the areas character and to adjoining properties.


This variance request is 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. The applicant shall comply with all other requirements of the Subdivision, including the removal of the carport on lot E-1 prior to the granting of final subdivision approval.
3. The approval of this variance shall be included in the conveyance document for the subject properties and a copy of the recorded conveyance document shall be submitted to the Planning Department within a year from the effective date of approval of this variance.
4. All other applicable State and County rules and regulations shall be complied with.

Mrs. Chrystal Yamasaki
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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

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xc: Subdivision Application 93-124
West Hawaii Office