

VAR 595

May 27, 1994

Mr. David Henderson
Vice President
HSC, Inc.
P. O. Box 747
Hilo, HI 96721

Dear Mr. Henderson:

Variance Application (VAR 94-21) *HSC, Inc.*
Petitioner: David Henderson
Request: To Allow A 19th Lot to Take Access From A
Cul-de-sac Which Allows Only 18 Lots
Tax Map Key: 2-4-66: 56 Subdivision No. 87-164

After reviewing your application and the information submitted in its behalf, the Planning Director by this letter hereby certifies the approval of your variance request to permit one (1) additional lot (resulting in total of nineteen (19) lots) to be served by a proposed cul-de-sac in lieu of the required maximum of eighteen (18) lots. The property is 6.6 acres in area; identified by tax map key 2-4-66: 56 and is located off Kumukoa Street adjacent to Pacific Heights Subdivision, Kukuau 1st, South Hilo, Hawaii.

The approval is base on the following:

Special and Unusual Circumstances

The subject property which consists of 6.6 acres is situated within the County's multiple residential zoning, 4000 square feet (RM-4) zoned district. Under this zoning designation, the parcel could be subdivided into approximately thirty-one (31) lots having 7,500 square feet minimum lot size.

There are special and unusual circumstances related to this particular Application with respect to access. The property borders Kumukoa Street and Kukuau Street. The primary access from Kumukoa Street will be 50-foot wide right-of-way with 32-foot wide dedicable pavement with curb, gutters and sidewalk which will be dedicated to

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the County. The existing driveway access to Kukuau Street must be removed for safety reasons. Kukuau Street is a 60-foot wide collector street which is a limited access road. As such, as a condition, subdivision approved the subdivider must provide a 10-foot wide "no vehicular access" planting screen easement along the entire frontage of the subdivision with Kukuau Street. Therefore all access to the subdivision will be from Kumukoa Street. The two (2) proposed lots (Lot No. 1 and 19) fronting Kumukoa Street must utilize the 50-foot wide subdivision road since they will also contain a 10-foot wide "no vehicular access" planting screen easement along their frontage with Kumukoa Street for safety reasons. The new dedicable paved roadway will provide a much safer access for the proposed nineteen (19) lots.

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 deprives the owner or petitioner of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use and manner of development of the subject property.

Alternatives

The alternative to access to Kukuau Street directly and/or multiple access points to Kumukoa Street would create unsafe and hazard conditions. As such, there are no reasonable alternatives which the petitioner could use to resolve the situation.

The variance request is a reasonable one (1) as it would provide a safer means for access purposes. In this specific case, the imposition of other alternatives in this situation is considered to be unsafe when a more reasonable solution is available.

Intent and Purpose

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

The proposed dedicable roadway having a 50-foot wide right-of-way with 32-foot wide dedicable pavement with curb, gutters and sidewalks is determined to be more than adequate for access purposes for the proposed 19 lot subdivision which will result in one (1) additional lot being served by the cul-de-sac rather than the maximum 18 lots. Additional traffic will be minimal.

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The granting of their variance shall not be construed nor used as a justification for any future variances from the maximum number of lots. Inasmuch as the proposed roadway will be built to County desirable standards; the granting of the variance request to allow one (1) additional lot will not be materially detrimental to the public's welfare and to adjoining properties. It should be noted that the property will not be further subdivided.

As such, in view 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 the 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 two (2) years 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 Ed Cheplic at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EC:mjh
3897D

xc: Subdivision No. 87-164