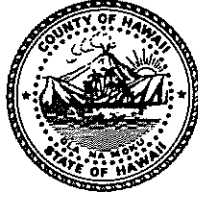


Stephen K. Yamashiro  
Mayor



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

CERTIFIED MAIL  
Z 416 228 894

October 4, 1995

Ms. Carla L. Bateman  
Drafting, Design & Planning  
145 Palani Street  
Hilo, HI 96720

Dear Ms. Bateman:

Variance Permit No. 696 (VAR 95-59)  
Applicant: Dan Bolton  
Request: Variance From Maximum Number of Lots  
Allowed on a Cul-de-sac  
Tax Map Key: 6-8-26:135

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 allow more than eighteen (18) lots to be served from a cul-de-sac.

The subject property, consisting of 11.090 acres, is located on the south side of Malina Street within Waikoloa Village, Unit 2-A-1 in South Kohala, Hawaii, Tax Map Key 6-8-26:135.

The Planning Director has concluded that the variance for more than eighteen (18) lots to be served from a cul-de-sac should be approved based on the following findings:

#### SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The subject property which consists of 11.090 acres is situated within the County's Single Family Dwelling with a lot size requirement of 10,000 square feet (RS-10). Under this zoning designation, the property can be subdivided into 10,000 square foot lots.

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2. The configuration of the existing 11.090 acre parcel is situated in such a manner that there is no possibility of redesigning the cul-de-sac into a through street.
3. The existing zoning density allows for forty-eight (48) single family dwellings on the property without subdivision. The proposed thirty (30), 10,000 plus square feet lots off the cul-de-sac is less than the zoning density would allow.

Therefore, considering the foregoing facts, it is determined that there are specific or unusual circumstances applying to the subject property which exist 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

In this specific circumstance there are no reasonable alternatives to the property owner inasmuch as the only legal access to the subdivided properties will be over the proposed fifty (50) feet cul-de-sac right-of-way. As such, there are no reasonable alternatives which the petitioner could use to resolve this specific situation.

Attempts to create alternative access over adjacent private property would be impractical. In this particular case, the imposition of other alternatives, which are very limited if any exist at all, is considered to deprive the property owner or petitioner of substantial property rights.

#### INTENT AND PURPOSE

The intent and purpose of the minimum roadway requirements is to ensure that minimum safety standards relative to traffic, drainage, etc. are provided. The proposed cul-de-sac having a fifty (50) foot wide right-of-way with a twenty (20) foot wide pavement is determined adequate for access purposes for the additional lots inasmuch as a "minor" through street only requires a fifty (50) foot wide right-of-way. The granting of this variance shall not be consuetude nor used as a justification for any further variances from maximum number of lots off a cul-de-sac. The granting of the variance request will not be materially detrimental to the public's welfare and to adjoining properties.

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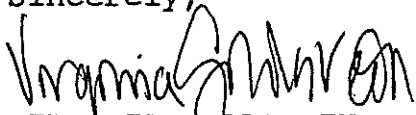
There were no objections from any of the participating government agencies.

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; and will not cause substantial adverse impact to the area's character and to adjoining properties. 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 cul-de-sac shall be built to County dedicable standards and dedicated to the County within one (1) year from final subdivision approval.
3. Comply with all other 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.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

EC:mjs

xc: Subd. No. 95-63  
Mr. Dan Bolton  
West Hawaii Office