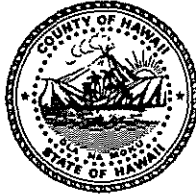


Stephen K. Yamashiro
Mayor



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

PD Var. 646

April 21, 1995

Mr. Robert Lew
454 Poipu Drive
Honolulu, HI 96825

Dear Mr. Lew:

Variance Application (VAR 94-72)
Robert Lew and Bessie Lew
Request: Zoning Code Minimum Lot Size Requirement
TMK: 2-9-4:40 & 70

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of Variance No. 646 to allow the creation of a 2 lot subdivision without meeting the minimum building site area requirements of Chapter 25 (Zoning Code), Article 8, A, Agricultural Districts, Section 25-154, Minimum Building Site Area for property situated on the south (Hilo) side of Chin Chuck Road approximately 7,500 feet mauka of its intersection with the Hawaii Belt Road in the Hakalau Homesteads Subdivision, Hakalau, South Hilo, Hawaii, TMK: 2-9-4:40 & 70.

The Planning has concluded that the variance request should be approved based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which exist either to a degree which deprives the 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. The parcels have been recorded at the Bureau of Conveyances, they have been sold, and property taxes have been levied and collected since 1959. Although the agency administering the County of Hawaii's Subdivision Ordinance has neither record of an application being submitted nor of its granting approval of this subdivision, other government agencies have recognized the existence of these parcels since 1959. Denial of the variance at this juncture will obviously interfere with the best use or manner of development of these properties.

4822

APR 26 1995

06 02
Mr. Robert Lew
Page 2
March 21, 1995

ALTERNATIVES

There are no reasonable alternatives in resolving the requirements. Current Zoning requires each lot to be a minimum of twenty acres in size, however, with the total land area involved to be 9.68 acres, this requirement can not be met. The minimum lot size required in 1959 was 5,000 square feet and both parcels met this requirement.

CONSISTENCY WITH DISTRICT AND NOT DETRIMENTAL TO PUBLIC


The limited nature of this request to recognize two parcels will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and to adjoining properties. The property is within the Hakalau Homesteads which is characterized by agricultural activity and farm dwellings. There will be no change to the character of the adjoining property as a result of this approval.

This variance request is therefore approved, subject to the following conditions:

1. The applicant, their assigns or successors shall be responsible for complying with stated conditions of approval.
2. The applicant, their assigns or successors shall submit to the Planning Department a map prepared by a Land Surveyor registered as a professional in the State of Hawaii which includes the metes and bounds descriptions of Parcel 40 (0.17 acres in size) and Parcel 70 (9.51 acres in size) within one (1) year from the approval of this Variance.
3. Comply with all other applicable State and County rules and regulations.

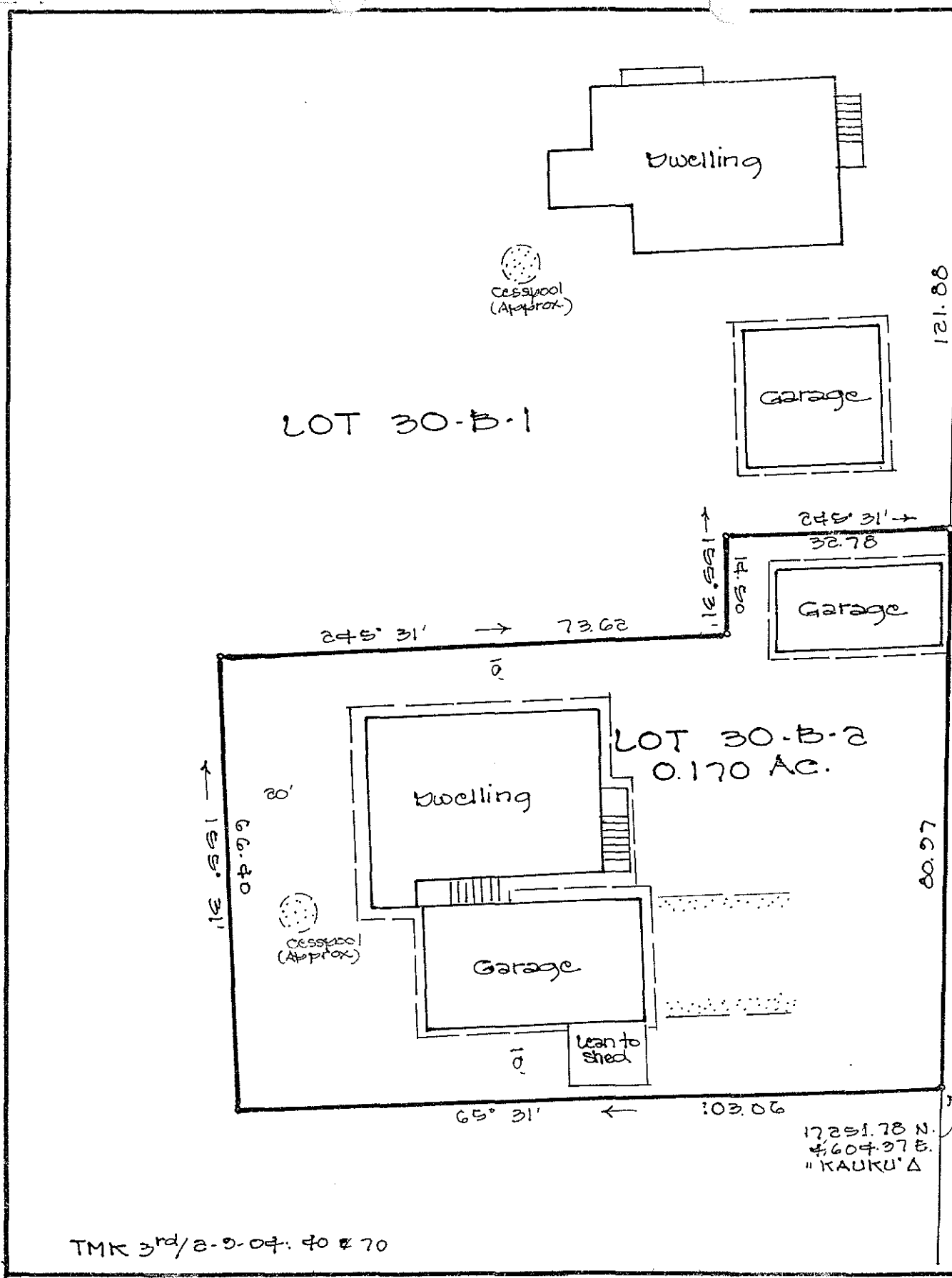
Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Sincerely,

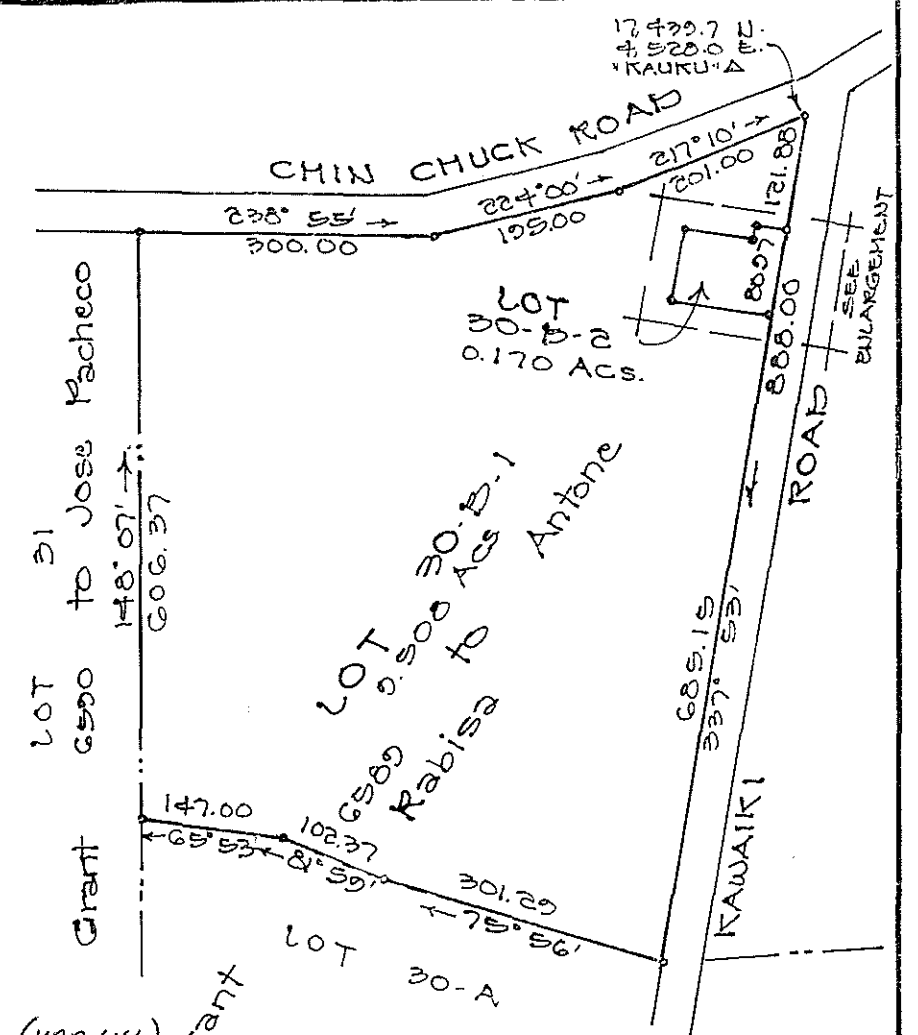
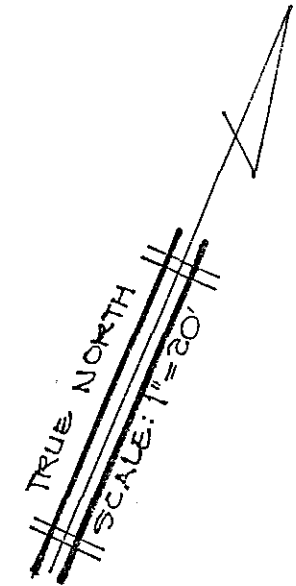

VIRGINIA GOLDSTEIN
Planning Director

RKN:dmo
LlewRo01.rkn

cc: SUB 577

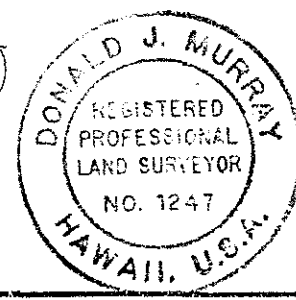


KAWAIIKI ROAD



TMK: 2-9-4: 40 & 70 (VAR 646)
 PRE-EXISTING LOT SUBDIVISION
 Wanda Anderson
 PLANNING DIRECTOR, COUNTY OF HAWAII
 DATE: 3-5-94

OWNER
 Robert H. L. & Bessie S. Lew
 454 Moipu Drive
 Honolulu, Hawaii 96825



LOT 30-B-2
 Portion of
 Lot 30, Grant 6589 to Antone Rabisa
HAKALAU HOMESTEADS
 Hakalau, South Hilo, Hawaii, Hawaii
 Survey and Plan by Murray, Smith & Associates, Ltd.
 P.O. Box 862
 Hilo, Hawaii

TMK 3rd/2-9-07: 40 & 70