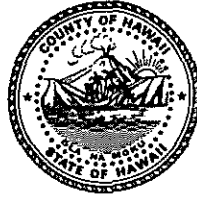


Stephen K. Yamashiro  
Mayor



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

June 26, 1995

Mr. Gregory Mooers, President  
Mooers Enterprises  
P. O. Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

Variance Application No. 664 (VAR 95-35)  
Applicant: Gregory Mooers  
Request: Variance From Number of Lots Off a  
Private Dead-End Street  
Tax Map Key: 6-5-9:98 & 99

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to permit one (1) additional lot, (Resulting in a total of seven (7) lots.) to be serviced by a private dead-end street in lieu of the required maximum of six (6) lots. The property consisting of 31,754 square feet in area, is identified by tax map key 6-5-9:98 & 99 and is located on a private dead-end street off of Puu Opelu Road, approximately 650 feet from its intersection with Kawaihae Road, Waimea Homesteads, South Kohala, Hawaii.

This approval is based on the following:

#### SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property consisting of 31,754 square feet is situated within the County's Single Family Residential 7,500 square foot zoned district (RS-7.5). Given this zoning designation the property is proposed to be subdivided into three (3) lots. The subject property is currently accessing over an existing thirty (30) foot wide right-of-way with sixteen (16) feet wide pavement which was constructed in 1993. The existing roadway is in excellent condition. Therefore, the one (1) additional lot increases in traffic will have very limited impact on the existing roadway.

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Mr. Gregory Mooers, President  
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Based on the above, there are special and unusual circumstances related to the land and there is no other accesses available to the subject property.

Considering the foregoing factors, it is determined that there are special and unusual circumstances applying to the subject property which deprive 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

In this specific circumstance there are no reasonable alternatives to the property owner inasmuch as the only access to the property is over the existing thirty (30) foot wide right-of-way with sixteen (16) feet wide pavement which was recently constructed. As such, there are no reasonable alternatives which the petitioner could use to resolve this specific situation.

Attempts to create alternative access over adjacent property have been unsuccessful and 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 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 non-dedicable roadway having a thirty (30) foot wide right-of-way with a sixteen (16) foot wide pavement is determined to be adequate for access purposes for the seventh (7) lot rather than the maximum six (6) lots, additional traffic generated by the proposed additional lot will be very minimal. The granting of this variance shall not be constructed nor used as a justification for any further variances from the minimum number of lots off a private dead-end street, inasmuch as the proposed paved roadway is a cul-de-sac and will remain in private ownership. The granting of the variance request will not be materially detrimental to the public's welfare and to adjoining properties.

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As such, in review 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.

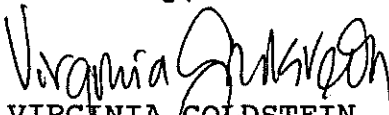
Based on the foregoing, the Planning Director has concluded that this variance request be approved subject to the following conditions:

- 1). The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
- 2). The 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 our office at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

EC:mjs

xc: West Hawaii Office  
Subd. No. 95-38