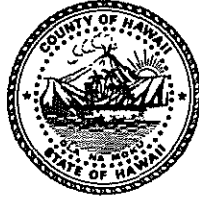


Stephen K. Yamashiro
Mayor



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

June 5, 1966

Mr. Ben Tsukazaki
Menezes Tsukazaki Yeh & Moore
100 Pauahi Street
Hilo, Hawaii 96720

Dear Mr. Tsukazaki:

Variance Application WH(VAR 96-27)
Variance No. 748
Applicant: Kohala Joint Venture
Variance from minimum building site Requirements
Tax Map Key: 5-9-010:043

After reviewing your application and the information submitted, the Planning Director certifies the approval of your variance request to allow the creation of a 7,701 square foot lot for a volunteer fire station in lieu of the minimum building site area of 20 acres, as required by Chapter 25, Article 8, Section 25-154.

The subject property is located in the Kohala Ranch Subdivision, Lot 558, Kahua 1st, Kahua and Waika, North Kohala, Hawaii, TMK: 5-9-010: 043.

The Planning Director has concluded that the variance request from the minimum building site requirements should be approved based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The applicant is interested in conveying a leasehold interest in the fire station lot at a nominal cost to the County of Hawaii.
2. The site of the volunteer fire station is within a zoned district which does not permit lots of less than twenty (20) acres.

06203

JUN 13 1966

Mr. Tsukazaki
Page 2
June 5, 1996

3. The proposed fire station will service the general public.
4. At the present time there is limited fire fighting services.
5. The variance application was acknowledged as received by the Planning Department on April 22, 1996.
6. A survey map was prepared by Belt Collins Hawaii on March 14, 1995. The proposed fire station is not in close proximity to any residential or intensive agricultural uses.

Therefore, considering the foregoing facts, the Planning Director has 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 land is presently zoned Agriculture (A-20). The proposed fire station lot is 7,701 square feet. One alternative would be to seek a Change of Zone.
2. While there are other alternatives available the more practical solution is the granting of the variance.

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.

INTENT AND PURPOSE

1. Chapter 25, Section 25-51(a) allows government agencies within any district.
2. In addition, Chapter 25-51(c) states that community, public, and public service buildings are permitted provided that they conform to the General Plan.
3. The General Plan for Hawaii County is a policy document addressing the desirable use of land regarding residential, agriculture, industrial, and other objectives.
4. The proposed reclassification conforms to the following General Plan objective and

policies.

5. Section 4 of the County of Hawaii General Plan states the following:

~~"Council Policies, Statement of Development Objectives, Standards and Principles.~~ The Council's policies for the long-range comprehensive physical development of the county and the statements of development objectives, standards and principles with respect to the most desirable use of land within the county are set forth as follows:

PROTECTIVE SERVICES

Course of Action

- o Service facilities shall be improved to meet needs.

GOVERNMENT OPERATIONS

Course of Action

- o Expand/improve facilities as necessary.
6. No existing agricultural activities would be displaced as a result of the proposed variance. Furthermore, the activities of a fire station are intermittent and benign in nature.
7. The volunteer fire station as a quasi governmental operation would provide for increased safety in the area and furthers the intent of the zoning code for the protection of the public health and safety.
8. Therefore, while the Zoning Code requires a minimum 20 acres per building site, in this particular case, the variance is minor and will not be adverse to any adjacent properties or development with the granting of this variance.
9. There were no objections from any of the participating government agencies or any surrounding property owners.

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 Code 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.


Mr. Tsukazaki
Page 4
June 5, 1996

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 approval of this variance shall be included in the conveyance document for the subject property 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.
3. All other applicable State and County rules and regulations shall be complied with.

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

EMM:rld
a:\59010043\kohala.app

xc: West Hawaii Office