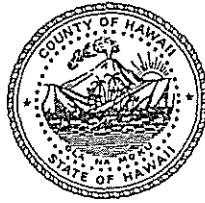


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

July 6, 2004

Mr. Gregg Kashiwa
PROJECT PLANNERS
5375 Kalaniana'ole Highway
Honolulu, HI 96821

Dear Mr. Kashiwa:

VARIANCE PERMIT NO. 1464 WH (VAR 04-049)
Applicant: GREGG KASHIWA-PROJECT PLANNERS
Owner: GAMREX, INC.
Request: Variance from Chapter 23, Subdivisions
Tax Map Key: 7-6-021:015, 7-6-026:061, and 7-6-027:036, (SUB 03-0022)

After reviewing your variance application, the Planning Director certifies the approval of your variance request with conditions. The subject variance allows proposed cul-de-sac to exceed 600 feet and serve more than 18 lots within affected portion of proposed "ROADWAY LOT A" within a pending residential subdivision (SUB 03-0022). The variance request is from Hawaii County Code, Chapter 23, Subdivisions, Article 3, Design Standards, Division 4, Street Design, Section 23-48, Cul-de-sacs.

BACKGROUND

1. **Location.** The referenced property(s) and "ROADWAY LOT A", are within proposed "Kona Vista Subdivision, Unit 2-B" (SUB 03-0022), being a portion of R.P. 4475, L.C Aw. 7713, Ap. 43 and portion of Grant 3630, situated at Holualoa 1st and 2nd, North Kona, Hawaii.

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2. **Zoning.** The subject property is zoned Single-Family Residential (RS-15) by the County and designated Urban ("U") by the State Land Use Commission (LUC). Property zoned RS-15 means a minimum building site area one-half acre.
3. **Subdivision Request/PPM.** The applicant submitted proposed subdivision (SUB 03-0022). The subdivision application's preliminary plat map (PPM) is dated July 24, 2003. The PPM was issued Tentative Approval on January 29, 2004 subject to conditions.
4. **Variance Application.** The applicant submitted the variance application and submittals on April 26, 2004.

The applicant's variance background report states in part:

"The Kilohana Street cul-de-sac as agreed upon between DPW, Planning and Gamrex would be fifty (50) foot wide County standard roadway identified as Kilohana Street with paved swales and underground utilities. Upon completion, applicant herein will dedicate it to the County of Hawaii. It starts at the centerline of the intersection of Kilohana Street and Road H, hereinafter referred to as Kalakua Street and proceeds approximately 750 feet north towards Lako Street where it ends at a turnaround having a forty-five (45) foot radius. Reference is made to Exhibit A attached hereto." (Staff's note: Exhibit A is a reduced copy of the subdivision PPM).

"The subject cul-de-sac is the only roadway that can service lots fronting Lako Street since no Lots in Unit 2B are allowed access off Lako Street. 21 lots are serviced on the Mauka and Makai sides of said cul-de-sac in Unit 2B. Ordinance 23-48 allows no more that eighteen (18) lots serviced by a cul-de-sac not more than 600 feet in length. The director when unusual conditions exist may approve longer cul-de-sac streets. Therefore by interpretation, Gamrex, Inc. must request a variance for 1) Approval by the Director of the 750 foot long Kilohana Street cul-de-sac and 2) approval by the Director allowing said cull-de-sac to service 21 lots."

"This request for variance results from a joint effort by government (County) agencies and the private sector over a needed roadway. The subject Kilohana cul-de-sac is a byproduct of that effort and benefits neither party. It is best described as the only logical solution to a pressing infrastructural problem that required resolution.

Approval of this variance by the Director will not create dangerous conditions along the cul-de-sac for the following reasons. The cul-de-sac itself is approximately 750 feet long and fifty feet wide. This allows adequate space to ingress and egress their driveways. Two-way traffic is easily accomplished along with generous parking opportunities along the swale.

Gamrex experiences hardship on lots along Lako Street that are accessed via the turnaround at the end of the cul-de-sac. Because no Lako Street access is allowed, these "pie" shaped lots become a problem and must be serviced by the Kilohana Street cul-de-sac. This condition creates the need for shared driveways (Common driveways) and Gamrex asks the Director to take this into account when addressing the issue of 21 lots being serviced by the subject cul-de-sac. All lots serviced by the cul-de-sac are a minimum of 15,000 square feet and meet county (RS 15) zoning requirements. Based upon the fact that Gamrex has worked with the County to achieve a safer Lako Street connection that resulted in the subject cul-de-sac along with no access onto Lako Street in keeping with County connector roadway standards, Gamrex respectfully requests that these circumstances be given due consideration."

5. **Agency Comments and Requirements (VAR 04-052):**

a. The County of Hawaii Fire Department (CHFD) memorandum dated May 17, 2004, was received. (Refer to DOH memorandum in variance file).

b. The State Department of Health (DOH) memorandum dated May 18, 2004 states in part:

"The Health Department found no environmental health concerns with regulatory implications in the submittals."

c. The Department of Public Works (DPW) memorandum dated May 25, 2004, states in part the following:

"We have reviewed the subject application and have no comments or objections."

6. **Notice to Surrounding Owners.** The applicant submitted a copy of a notice dated May 10, 2004 mailed to property owners within 300 feet of the

subject property(s), list of surrounding property owners, and proof of mailing said notice to surrounding property owners. It appears that the notice was mailed on or about May 11, 2004.

7. **Comments from Surrounding Property Owners or Public.** No written objections to the subject variance application were received from surrounding property owners or public. No other agency comments were received.

SPECIAL AND UNUSUAL CIRCUMSTANCES

The following special and unusual circumstances apply to the subject project which exist either to a degree which deprive the applicant/owner 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:

1. Proposed Residential Uses. The applicant is requesting a variance to permit a cul-de-sac and to exceed the maximum 600 feet cul-de-sac length by approximately 150 feet + and allow 3 more lots or 21 lots in lieu of maximum 18 lots to access the proposed dedicable roadway within the 750 feet + cul-de-sac which will be eventually dedicated to the County.
2. The proposed roadway improvements within the subdivision are being built to County dedicable standards. The variance request is in part due to road geometry between subdivisions and other cumulative traffic and other safety concerns cited by agencies.

ALTERNATIVES

The decision alternatives include the following:

1. *Provide and construct dedicable subdivision roadways within the proposed subdivision meeting DPW requirements and conditions of Tentative Subdivision approval.*
2. *Consider alternative subdivision access and dedicable roadway standards within the proposed subdivision. Examine safety and traffic issues pertaining to the subdivision and adjoining areas to insure that lot access by emergency vehicles to proposed lots are provided and that cumulative traffic concerns and other safety issues are considered and met.*

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INTENT AND PURPOSE OF THE SUBDIVISION CODE

The intent and purpose of access requirements to a proposed subdivision is to ensure legal and physical access to the proposed lots that is clearly defined and accessible from a public road by domestic vehicles, police, fire, and other service vehicles under various weather conditions without constant maintenance.

The surrounding areas are zoned residential. The roadways within the pending subdivision and adjoining areas are being designed and improved meeting minimum County dedicable standards.

Therefore, after considering the representations and background presented by the applicant, evaluation of access available to the proposed subdivision and evaluation of the rights-of-way or public roadway network within the immediate neighborhood, the Planning Director finds that the variance request is reasonable.

DETERMINATION-VARIANCE CONDITIONS

The variance request and application was acknowledged by letter dated April 29, 2004. Additional time to study previous variance approvals and complete the variance background report was necessary. The applicant granted an extension of time to July 15, 2004 to complete the variance background and render a variance decision.

Based on the foregoing findings, this applicant's variance request would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the County General Plan. Furthermore, the variance requested 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 variance request is approved subject to the following variance conditions:

1. The subdivider, owners, their assigns, or successors shall be responsible for complying with all stated conditions of this variance.
2. The owners, their assigns or successors shall pay any outstanding real property taxes due and comply with all other applicable State and County rules and regulations pertaining to subdivisions, tentative subdivision approval conditions, approved subdivision construction plans, variance conditions, and land use.
2. Any outstanding and active building permits issued by the DPW shall be addressed and closed prior to final subdivision approval. The location of all

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permitted and existing building improvements are subject to the minimum building yards pursuant to the Hawaii County Zoning Code.

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

Thank you for your understanding and patience during our review.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

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cc: DPW-Engineering Branch
SUB 03-0022