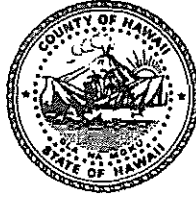


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

August 15, 2006

Mr. Frederick Guy Lam  
P. O. Box 9007  
Kailua-Kona, HI 96745

Dear Mr. Lam:

**WATER VARIANCE APPLICATION-VAR 06-061**

**Applicant: FREDERICK GUY LAM**  
**Owner: FREDERICK GUY LAM, ET AL.**  
**Request: Variance from Chapter 23, Subdivisions,**  
**Water Supply**

**Tax Map Key: 8-8-002:005**

Your variance application and submittals received on or about August 9, 2006 were considered by the Hilo-Ministerial Division. This office will not process any variance request from Chapter 23, Subdivisions, until comments (DWS) and other agency comments, including the DPW, DOH, etc., to a subdivision application are received. The variance request is premature and we are returning the original and copy(s) of the variance application form, attachments, and refunding the \$250 filing fee submitted.

In addition to the enclosures, we have the following comments:

1. You submitted an Application For Variance From Zoning Code (Chapter 25) and \$250 filing fee. The enclosed (blank) Application For Variance From Subdivision Code (Chapter 23) should be utilized and completed and attached to any variance request or application from Chapter 23, Subdivisions. In addition, please note the variance filing fee is \$100, and variance procedures, e.g. posting a sign on the property, notification, etc. from Chapter 23, Subdivisions are different from variance procedures associated with applying for a variance from Chapter 25, Zoning.

**AUG 17 2006**

Mr. Frederick Guy Lam  
Page 2  
August 15, 2006

According to your original background report, in lieu of providing a water supply to a proposed 8-lot subdivision of the subject TMK property in accordance with Chapter 23, Subdivisions, "the Applicant is proposing to utilize a water catchment system for domestic consumption, agricultural pursuits and fire fighting purposes". This report purports that the annual precipitation within the property or surrounding areas (measured over a course of 3-years) is between 13.5 inches 49.63 inches. Other calculations or "variables" were based on a "5' of rainfall/year" or "Rainfall average" (60 inches/year), etc.

2. A cursory graphic or map study of the subject TMK property indicates the subject TMK property is below the 60 inch isohyet line; and, other published rainfall data maintained for the South Kona district indicates that this property and surrounding areas receive less than 60 inches of rainfall annually. A proposed subdivision of the subject 43 + acre TMK property is subject to Rule No. 22 (Water Variance). In view of the foregoing, we are enclosing copy of Rule No. 22 attached to a staff memorandum dated March 13, 2006. In view of the rainfall information cited in your background report, other data indicating the subject TMK property receives less than 60 inches of rainfall annually, and Rule No. 22, a proposed subdivision of your TMK property zoned A-5a utilizing private rainwater catchment systems would be limited to two (2) 40 + acre lots only.
3. In addition to water supply, minimum road improvements pursuant to Chapter 23, Subdivisions and DPW will be required; and, other requirements, e.g. minimum lot size, minimum average lot width, etc. must be addressed and met

Please note the mere submittal of a completed and signed variance application from Chapter 23, Subdivisions, and processing of a variance application from Chapter 23 or Chapter 25 by the Planning Department does not imply tacit approval of the variance request.

Your original \$250.00 variance filing fee will be refunded to you under separate cover.

Mr. Frederick Guy Lam  
Page 3  
August 15, 2006

**Please attach a copy of this letter to any revised application, including appropriate filing fee; and, contact staff to review the revised application and other submittals before submitting a variance application to our Kona or Hilo offices.**

Any questions regarding the enclosures should be directed to our Hilo office at telephone (808) 961-8288.

Sincerely,


  
CHRISTOPHER J. YUEN  
Planning Director

WRY:cd

P:\WP60\WRY\FORMLETT\VAR06-06\LTR\TMK88002005.LAM

Enclosures

xc: Subdivision Section  
Account Clerk

NOTES		RECEIPT		DATE	NO.
		RECEIVED FROM		AUG 09 2006	5279
		ADDRESS		73-124 Old Hawaii Belt Hwy Kailua Kona	
		FOR		Variance FTF Frederick Guy Lam	
				\$ 250.00	
				Time 8-8-0205	
		ACCOUNT		HOW PAID	
AMT. OF ACCOUNT			CASH		
AMT. PAID	250.00		CHECK	\$100	
BALANCE DUE			MONEY ORDER		
		BY			
				©2001 REDIFORM® 81808	

ORIGINAL

## Keauhou Kona Construction Corp.

2006 AUG 9 AM 9 44

Kailua-Kona, HI 96745

P.O. Box 9007

PLANNING DEPT. PH: (808) 325-0199  
COUNTY OF HAWAII

Fax: (808) 325-7460

Lic. # ABC 15060

To:

County of Hawaii  
Planning DepartmentDate: ~~2-8-06~~ 8-4-06

Job Name: Arika Kona

Job Location 8-8-02:05

Job No.:

Re:

We are sending you: ☒ Herewith  
☐ Under separate cover the following items:

Plans

Shop drawings

Purchase order

Specs

Samples

Copy of letter

Tracings

Catalog cuts

Fax/phone to confirm receipt of letter

Prints

Change Order

Other

Copies	Dated	No.	ITEM	Description
5 (orig + 4)	2-7-06	#1		Completed Application for Variance w/attach.
5	-	#2		Description of Property
5	10/18/05	#3		Scale Drawn Plot Plan
25	-	#4		List of names, etc. of owners w/in boundaries
25	11/02/05	#5		Tax Clearance Certificate

Pages are transmitted as checked below:

For approval

Approved as submitted

Submit copies for distribution

For your use

Approved as noted

Resubmit copies for distribution

Return for corrections

Return corrected prints

## NOTES

## RECEIPT

DATE AUG 09 2006

NO. 5279

RECEIVED FROM Frederick G. Ham

ADDRESS 73-1244 Old Hawaii Belt Hwy Kailua Kona

FOR Variance FIF Frederick G. Ham \$250.00

Time 8-8-02:05

ACCOUNT	HOW PAID
AMT. OF ACCOUNT	CASH
AMT. PAID 250.00	CHECK \$102
BALANCE DUE	MONEY ORDER

By *[Signature]*

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018057

PLANNING DEPARTMENT

County of Hawaii

101 Puuhii St., Ste. 3

Hilo, Hawaii 96720-3043

PLANNING DEPARTMENT

County of Hawaii

15-5705 Kuakini Hwy. #105

Kailua-Kona, HI 96740

APPLICATION FOR VARIANCE  
FROM ZONING CODE

ORIGINAL

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
ITEM #1/MENT

RECEIVED AUG 04 2006

COUNTY OF HAWAII  
PLANNING DEPARTMENT

(Type or Print the requested information)

OWNER: FREDERICK GUY LAM, a married man, as Tenant in Severalty,

(see description Attachment #1)

OWNER'S SIGNATURE: [Signature] DATE: 2/7/06

ADDRESS: c/o P.O. Box 9007, Kailua-Kona, HI 96745

TELEPHONE: (Bus.) 808-325-0199 (Home) 808-885-7249

REQUEST: Water Variance as parcel is located in the 50" per year  
rainfall zone.

TAX MAP KEY: 8-8-02:05 SUBDIVISION #: \_\_\_\_\_

AREA OF PROPERTY: 43.56 acres ZONING OF PARCEL: AG-5

REPRESENTATIVE/APPLICANT: Frederick Guy Lam

ADDRESS: c/o P.O. Box 9007 DATE: \_\_\_\_\_

Kailua-Kona, HI 96745

TELEPHONE: 808-325-0199 x-102

APPLICANT'S REASONS(S) FOR REQUESTING A VARIANCE: (Please attach a detailed written explanation of the Purpose or Nature of the request. Photos and maps may be included.)

No variance may be granted unless it is found that:

1. There are special or unusual circumstances applying to the subject real 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 that property;
2. There are no other reasonable alternatives that would resolve the difficulty; and
3. The variance shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes, and the County General Plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

THIS APPLICATION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) payable to the County Director of Finance.

AND:

1. The Original and four (4) copies of the completed application form with attachments;
2. Five (5) copies of description of the property in sufficient detail for the public to precisely locate the property;
3. Five (5) copies of a scale-drawn plot plan of the property showing all existing and proposed structures and improvements including any intrusions into setbacks; and
4. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 25-2-4 of the Zoning Code.
5. A certification of clearance (from the Director of Finance that the real property taxes and all other fees relating to the subject parcel(s) have been paid and that there are no outstanding delinquencies) shall accompany this Application.