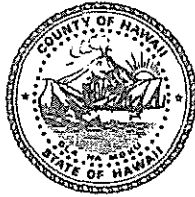


Harry Kim  
Mayor



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

January 3, 2007

4/2  
\* Call from B. Mims.  
Awaiting  
Status - Esmt. Docs.

Mr. Bryan Mims  
P. O. Box 1151  
Keaau, HI 96749

Dear Mr. Mims:

**VARIANCE APPLICATION (VAR 06-103)**

**Applicants: BRYAN MIMS, ET AL.**

**Owners: BRYAN MIMS, ET AL.**

**Request: Variance from Chapter 25, Zoning and  
Chapter 23, Subdivisions**

**Tax Map Key: 3-1-004:035, (SUB 06-000443)**

The variance application (Chapter 25) and submittals attached to transmittal letter dated December 20, 2006 are being returned for the following reasons:

1. The enclosed (original) variance application form (Chapter 25, Zoning Code) must be signed by owner Daniel Kelly. The submittals attached to this application must be revised to include a detailed written explanation or separate discussion regarding a variance from lot average width, five (5) copies of the proposed subdivision or site plan map, drawn to scale, list of names surrounding property owner and TMK(s) within 500 feet of the existing property's boundaries, certificate of tax clearance, and \$250.00 filing fee check.

In addition, pursuant to a recent discussion with Daryn Arai, this office understands that an interest in the existing TMK property was conveyed to Daniel Kelly. As such, the current owner(s) are required to submit a letter and copy of the original subdivision form signed by Daniel Kelly to the subdivision application's file-SUB 06-00443.

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2. The submittal-"Attachment to Application for Variance from Subdivision Code" includes a background discussion regarding variances from Chapter 23, Subdivisions, e.g. "water and minimum road requirements". This background report must be expanded to address the roadway requirements required by the DPW and Chapter 23. The enclosed application (Chapter 23, Subdivision Code) must be completed and signed by the 3-owners and include a revised detailed written explanation explaining a variance from the water supply and road requirements associated with the proposed 2-lot subdivision. Five (5) copies of proposed subdivision map or site plan map, drawn to scale, list of names and surrounding property owners within 300 feet from the boundaries of the existing property's boundary, and \$100.00 filing fee check must be attached a variance application from Chapter 23. The variance application from Chapter 23, Subdivisions may be filed concurrently with the variance application from Chapter 25, Zoning.

In the meantime, this office has the following are comments regarding the enclosed variance application:

- A. The subject TMK property, consisting of approximately 40.000 acres was created prior to the adoption of the Zoning and Subdivision Codes in 1967 and County General Plan.
- B. According to the original or enclosed "Attachment" the owner(s) are seeking variances from Chapter 25, Zoning and Chapter 23, Subdivisions to subdivide the property into 2-lots consisting of 20.000 acres. The owners are requesting a variance from Chapter 25, Zoning to permit a subdivision resulting in the creation of a lot or lot(s) not meeting the minimum 500 feet average width required for property zoned A-20a. In addition this "Attachment" includes a background discussion regarding variances from Chapter 23, Subdivisions or variances to permit proposed 2-lot subdivision without providing 1) a water supply system meeting the minimum requirements of the County-DWS; and, 2) constructing minimum roadway improvements pursuant to enclosed copy of DPW memorandum dated November 21, 2006.

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In this instance, the proposed subdivision's preliminary plat map (PPM) dated February 20, 2006 denotes the subject TMK property has frontage along two (2) "50 FOOT WIDE ROAD RESERVE" or "paper roads" created many years ago and denoted on the tax maps prior to statehood. The proposed 2-lot subdivision may be considered because the proposed subdivision's zoning (A-20a) and property's size meets minimum density or lot size requirements adopted after 1967. Essentially, the owners of the subject TMK property are seeking variances to subdivide the property into 2-lots resulting in the creation of a proposed lot or lots zoned A-20a meeting the minimum 500 feet average width required by Chapter 25, Zoning; and, without doing any subdivision improvements required by Chapter 23, Subdivisions.

- C. Water Supply/Road Improvements. The intent and purpose of requiring a water system for a subdivision is to assure that adequate water is available for human consumption and fire protection and the lots abut a defined roadway accessible by emergency vehicles.

Access from a public road to and from the subdivision must be clearly defined. Access to the subdivision must be accessible by standard vehicles and emergency vehicles. Your background report does not describe the condition of existing access to the property from the nearest public or private road or include other information including road costs required by the Planning Director to evaluate a variance from roadway requirements for a proposed subdivision. (See enclosed copy of PD memorandum dated May 1, 2002).

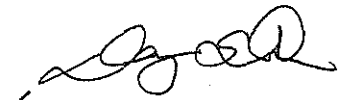
It appears that you and others recently acquired the property. The precedent by allowing a subdivision of this property without providing minimum subdivision improvements conflicts with elements of the Hawaii County General Plan and could become a precedent for other adjoining property(s) in this neighborhood or within the North Hilo District to permit subdivisions of other similarly zoned property without doing any subdivision improvements pursuant to County Codes.

**Please attach a copy of this letter with your revised variance application signed by all Owners, revised variance submittals, and appropriate filing fee check(s).**

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January 3, 2007

Please contact this office at (808) 961-8288 to schedule an appointment with William Yamanoha in the Hilo-Planning Department to review your revised variance application(s), variance submittals, and required filing fee checks prior to filing these applications at the Hilo-Planning Department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

WRY:cd  
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Enclosures

xc: SUB 06-000443 (Ltr. only)