

SP66-37

HENRY BLANCHARD



November 3, 1966

Planning Department  
City & County of Honolulu  
Honolulu Hale Annex  
Honolulu, Hawaii

Gentlemen:

At its meeting on October 29, 1966, the Land Use Commission voted to approve the grant of a special permit to Mr. and Mrs. Henry Blanchard to construct a single family dwelling unit within an Agricultural District at Kahuku, Oahu, identifiable by Tax Map Key 5-6-03: 28.

Enclosed for your information is the staff report.

Very truly yours,

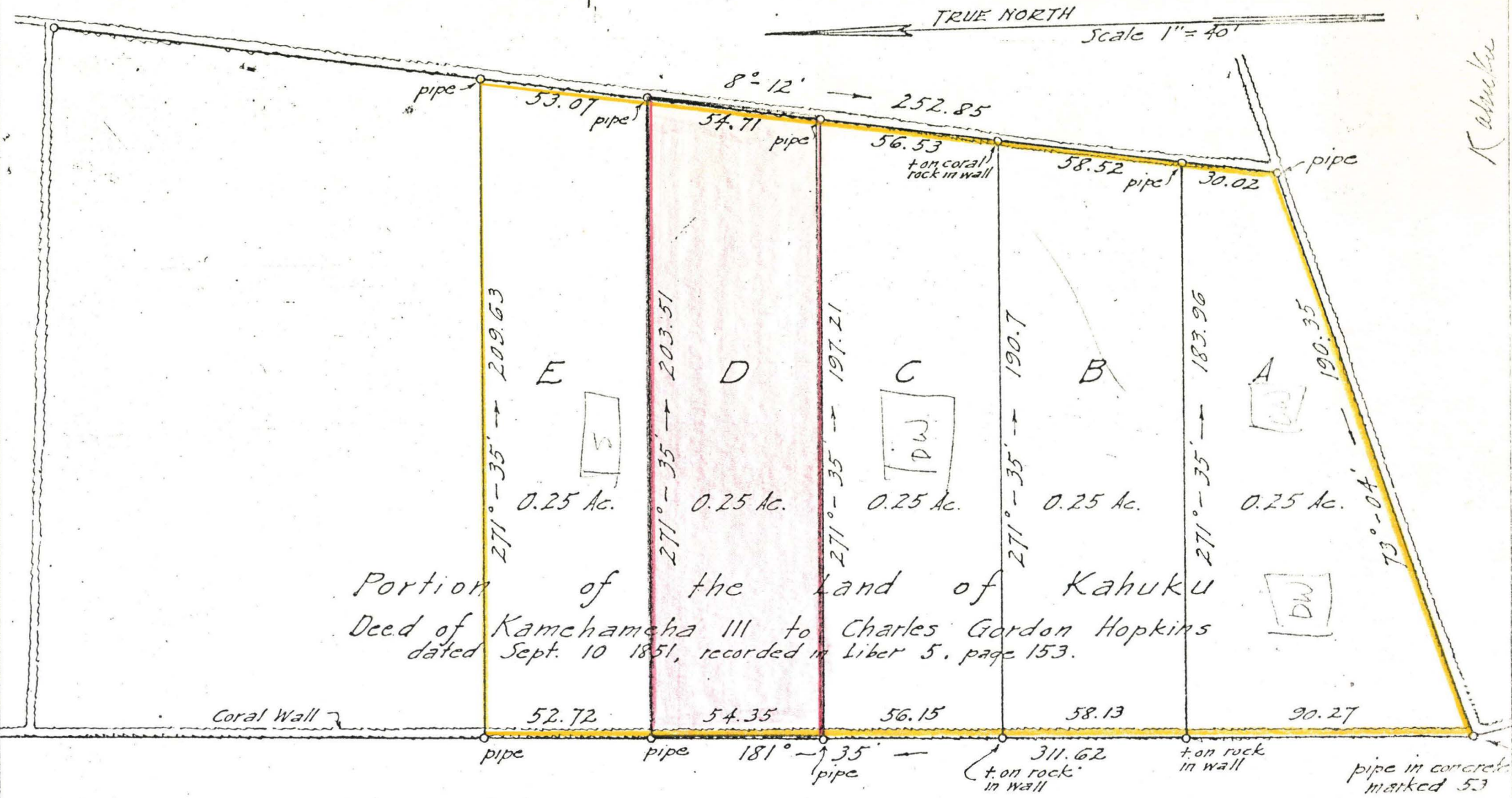
GEORGE S. MORIGUCHI  
Executive Officer

Encl.

cc: Chairman Thompson  
Department of Taxation  
Mr. & Mrs. Henry Blanchard

*returned zoning & floor plans to Mr. Blanchard*





Kahuku



STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

Item SP66 Blanchard

Date 10-29-66

Place Hilo (Hwy. 28.)

Time \_\_\_\_\_

Names	Yes	No	Abstain	Absent
WUNG, L.	✓			
INABA, G.	✓			
<del>OTA, C.</del>				
WENKAM, R.	✓			
BURNS, C.E.S.	✓			
NISHIMURA, S.	✓			
<del>MARK, S.</del>				
FERRY, J.	✓			
THOMPSON, M.	✓			

M  
S

Comments:



STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Public Hearing  
and Meeting

State Highways Division  
Hilo, Hawaii

9:30 a.m. - October 29, 1966

Commissioners Present: Myron B. Thompson, Chairman  
C. E. S. Burns  
Robert Wenkam  
Jim P. Ferry  
Leslie Wung  
Goro Inaba  
Shiro Nishimura

Commissioner Absent: Shelley Mark

Staff Present: George Moriguchi, Executive Officer  
Roy Takeyama, Legal Counsel  
Ah Sung Leong, Draftsman  
Dora Horikawa, Stenographer

A short prayer was offered by the Chairman, followed by an introduction of the Commissioners and staff and a brief outline of the hearing process. Individuals testifying during the hearing were sworn in.

Chairman Thompson advised that a rearrangement of the agenda had been necessitated and that the items requiring Commission action would be considered first.

ADOPTION OF MINUTES

Minutes of the August 5, 1966 hearing and meeting were approved as circulated.

ACTION

PETITION OF IIDA SUBDIVISION (A65-102) TO RECLASSIFY APPROXIMATELY 5.3 ACRES AT MIKIOLA, KANEHOE, FROM CONSERVATION TO URBAN, identifiable by Tax Map Key 4-4-13: portions 55 and 56

Staff memorandum, presented by Mr. Moriguchi, recommended denial of the petition based on the extensive grading that would be required and the possible resultant slide and storm water hazards to the abutting landowners.

Commissioner Wenkam brought out the point that on this and previous occasions, the recommendation from the City and County Planning Commission did not seem to reflect any consideration from the resultant slide and water hazards



Miss Lavenia Waldstein, property owner in the area, confirmed that the encircled area was designated as a shopping center and that there was a need for such a development. In fact, the absence of such a facility was a contributing factor in the slow development of the area.

In light of Miss Waldstein's testimony, Commissioner Wenkam expressed concern over the possible increased urban uses.

Commissioner Ferry moved to approve the special permit application as recommended by staff, seconded by Commissioner Burns. The motion was carried with Commissioner Wenkam casting the only negative vote.

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APPLICATION OF JACK SUMITANI, ET AL (SP66-35) REQUESTING PERMISSION TO SUBDIVIDE A FIVE ACRE PARCEL INTO THREE LOTS AT WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII, TMK 2-4-07:47

Based on its findings (see copy of report on file) it was the staff's recommendation that the application be approved.

Chairman Thompson asked for a clarification of the section in the staff report under Analysis which stated "the fact that all three homes situated on the parcels 'proposed' for residential use existed long before the enactment of the Land Use Law and the stipulation that no further development would take place are factors to be considered in applying the test for a special permit."

Mr. Ah Sung Leong explained that the County's approval had been based in part on the stipulation that no further development would take place. He also commented that the homes had existed 15 years prior to the enactment of the Land Use Law.

Commissioner Burns raised a question with respect to the tenure of the stipulation that no further development would take place. Mr. Moriguchi said that the stipulation would always remain with the lands even if there were to be a change in ownership at some future date.

Commissioner Wung moved to accept the staff's recommendation for approval, seconded by Commissioner Nishimura, and it was carried unanimously.

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✓ APPLICATION OF HENRY BLANCHARD (SP66-37) TO CONSTRUCT A SINGLE FAMILY DWELLING UNIT WITHIN THE AGRICULTURAL DISTRICT IN KAHUKU, OAHU, TMK 5-6-03: 28

It was the consensus of the staff that the petition meets the tests established by the Land Use Commission in evaluating special permits and therefore recommended approval of the special permit (see copy of report on file).

In brief, Mr. Leong summarized that the petitioners were merely seeking to build another house on an already existing 5-parcel subdivision which had never been recorded. Four homes had already been built and the request was for permission to build a fifth house.

Commissioner Wenkam moved that the petition be approved as recommended by staff. It was seconded by Commissioner Burns and passed unanimously.



STATE OF HAWAII  
LAND USE COMMISSION

State Highways Division, District  
Engineers Office, 50 Makaala Street,  
Hilo, Hawaii

9:30 A.M.  
October 29, 1966

STAFF REPORT

SP66-37 - HENRY BLANCHARD

Mr. and Mrs. Henry Blanchard have petitioned the Zoning Board of Appeals of Honolulu for a special permit to construct a single family dwelling unit within an area districted for agricultural use by the Land Use Commission in Kahuku, Oahu.

The Zoning Board of Appeals has submitted the following findings of fact:

1. The land in question is identified by Tax Map Key 5-6-03: Parcel 28, and comprises an area of 1.25 acres;
2. The subject property is situated approximately 3,500 feet on the makai side of Kamehameha Highway and fronts an unnamed, 12-foot hardtopped roadway that leads to the RCA Station at the abandoned Kahuku Airfield, and situated in the ahupuaa of Kahuku;
3. The State Land Use Commission's classification of the land in question is "Agricultural District";
4. The adopted General Plan of the City and County of Honolulu designates this area for agriculture use;
5. The subject parcel of land and those of the adjoining properties are situated within a Rural Protective zone, established by City Planning Resolution No. 563, effective March 4, 1954;
6. The land in question was allegedly created into five (5) 0.25 acre lots in 1934 by Wright, Harvey and Wright, surveyors and engineers, prior to the enactment of the City and County's Subdivision Rules and Regulations in 1939 and the Land Use Commission Act in August, 1964;
7. A total of four (4) existing dwelling units have been built on three of the lots;



8. The petitioner is attempting to have this problem of whether or not five lots exist, settled through the Small Estates Court and has filed a Quitclaim Deed on March 4, 1966;

9. The land, according to "Soil Survey Territory of Hawaii", published by the U. S. Department of Agriculture, Soils Conservation Service in September, 1955, is relatively level with brownish-lowland soils of the Lowland peat and muck series. The soil profile of this soil series is extremely variable with the upper horizon generally mixed with alluvium to form a mucky mixture of mineral soil and well-decomposed soft and mucky peat. The soil classification of the area, in general, is considered as being unsuitable for truck farming;

10. The petitioner has indicated that the area should be re-classified to an urban district inasmuch as a vast portion of the land within this coastal plain, due to the generally poor quality and rockiness of the soil, is not reasonably conducive to producing agricultural crops to any significant magnitude;

11. The petitioner desires to use the land for a use other than agricultural, by constructing a single-family dwelling unit consisting of three bedrooms, a living room, a den, a dining room-kitchen, a bathroom, and a room for laundry facilities. The proposed single-family dwelling unit will occupy about 1,125 square feet of floor space; and

12. There were no protests filed in person or by letter at the time of the public hearing.

The Zoning Board of Appeals has concluded as follows:

1. The proposed construction of an additional single-family dwelling unit on the land upon which the proposed use is sought is unsuited for the uses permitted within the District;

2. The proposed use would not prove contrary to the effectiveness and objectives of the State Land Use Law (Chapter 98H, R.L.H. 1955, as amended); and

3. The use sought will not alter or change the essential character of the



surrounding area and will not adversely affect the adjoining property owners.

Based on the foregoing, it was the decision of the Zoning Board of Appeals that a special permit be issued subject to final approval by the State Land Use Commission.

#### Analysis

The land in question lies in an area comprised principally of coral limestone or soils of the Lowland peat and moss series, both of which are considered unsuitable for agricultural use. To the south of the subject land, approximately a half mile away is the northern perimeter of Kahuku Plantation's cane fields. A few scattered residences and truck farms are located in the area which is approximately three miles distant from Kahuku town.

Electricity and telephone services are available. Water is obtained from the Campbell Estate and waste disposal is provided for by cesspools.

Although the subdivision of this lot was never recorded, the intent to subdivide is evident in the preparation of a subdivision map by a reputable surveying firm in 1934. It is noted that this was done prior to the enactment of the City's Subdivision Rules and Regulations in 1949 and the enactment of the Land Use Law.

#### Recommendation

Taking into consideration the facts and circumstances relating to this petition, it is the consensus of the staff that the petition meets the tests established by the Land Use Commission in evaluating special permits. Therefore, it is recommended that the special permit be approved.



SP66-37 Blue chard

Soil Survey

RH Pg. 630

Rockland, Mammala soil material (0-25% slope)

This unit consists of coral limestone and very small amounts of weathered limestone material or alluvium. These occur in crevices or locally as a very thin layer on the rocks' surface. Annual precipitation ranges from 10 to 40 inches. Generally there is enough red or brown friable clayey material to support a fairly dense stand of leany fruiting algaroba. In some places, cactus is prominent.

This land is used for grazing or lies idle. Its carrying capacity ranges from extremely low to moderate, depending on the amount of soil material present. (Algaroba fruit is the<sup>a</sup> principal source of forage)

Elevation = approx. 10' above sea level

Rainfall = 907 Kahuku Range 2 elev. 7'  
= 39.1" annual rainfall

State GP = Open Land & Forest Res



OK

5P66-37  
X MWS.

Mr. Henry Blandford has petitioned the Young Bd. of Appeals of Honolulu for a special permit to construct a single family dwelling unit within an area designated for agricultural use by the Land Commission \* in Kohala, Oahu.

The Young Bd. of Appeals has submitted the following findings of fact:

1 - etc thru 12 (See File)

The Young Bd. of Appeals has concluded as follows:

1 - thru 3 (See File)

Based on the foregoing, it was the decision of the Young Bd. of Appeals that a special permit be issued subject to final approval by the State Land Use Commission.

Analysis:

The land in question lies in an area comprised principally of coral limestone or rock of the Island past and more recent, that of which are considered unsuitable for agricultural use. To the north of the subject land, approx. a half mile away is the northern perimeter of



Kalika Plantations cane fields. A few scattered  
wooden and truck farms are located in the  
area which is approx. 3 miles distant from Kalika  
town.

Electricity and telephone services are available.  
Data is obtained from the Campbell Estate and most  
disposed to provide for by crop.

Although the subdivision of this lot was  
never recorded, the intent to subdivide is evident  
in the preparation of a road map by a reputable  
surveying firm in 1934. It is noted that this was  
done prior to the enactment of the city subdivision  
Rule and Regulations in 1949 and the enactment of  
the Land Use Law.

### Recommendation

Taking into consideration the fact and  
circumstances relating to this petition, it is the  
conclusion of the staff that the petition meets  
the tests set forth by the L.U. Comm. in  
establishing spec. permits. Therefore, it is  
recommended that the sp. permit be approved.



NEAL S. BLAISDELL  
MAYOR

RECEIVED

OCT 21 1966

State of Hawaii  
LAND USE COMMISSION



CITY AND COUNTY OF HONOLULU

PLANNING DEPARTMENT  
HONOLULU HALE ANNEX  
HONOLULU, HAWAII 96813

October 17, 1966

2064 SP66-37  
PLANNING COMMISSION

CYRIL W. LEMMON, CHAIRMAN  
GEORGE F. CENTEIO  
STANLEY T. HIMENO  
FRANK W. HUSTACE, JR.  
KINJI KANAZAWA  
THOMAS N. YAMABE, II  
ALFRED A. YEE

BUDGET DIRECTOR, EX-OFFICIO  
MANAGING DIRECTOR, EX-OFFICIO

ZONING BOARD OF APPEALS

GEORGE I. BROWN, CHAIRMAN  
HENRY C. H. CHUN-HOON  
HAROLD K. KOMETANI

PLANNING DIRECTOR  
FRANK SKRIVANEK

LUC 53

Mr. George S. Moriguchi  
State Land Use Commission  
426 Queen Street  
Honolulu, Hawaii 96813

Dear Sir:

SUBJECT: Special Permit Application  
Location: Kahuku - vicinity of RCA Station  
Tax Map Key: 5-6-03: 28  
Petitioner: Henry Blanchard

The Zoning Board of Appeals at its meetings on June 23, July 7, September 1, September 15, and October 13, 1966, considered the application of Henry Blanchard for a Special Permit to construct a single-family dwelling unit within an area classified as Agricultural District by the State Land Use Commission.

A public hearing on this matter was held on September 15, 1966, and at its meeting on October 13, 1966, it was the decision of the Board that a Special Permit be issued, subject to final approval by your Commission. Transmitted herewith are the following:

1. Findings of Fact, Conclusions of Law, and Decision and Order;
2. Application for Special Permit;
3. Plot plan for the proposed development;
4. Zoning Board of Appeals' minutes of June 23, July 7, September 1, September 15, and October 13, 1966.

Very truly yours,

ZONING BOARD OF APPEALS

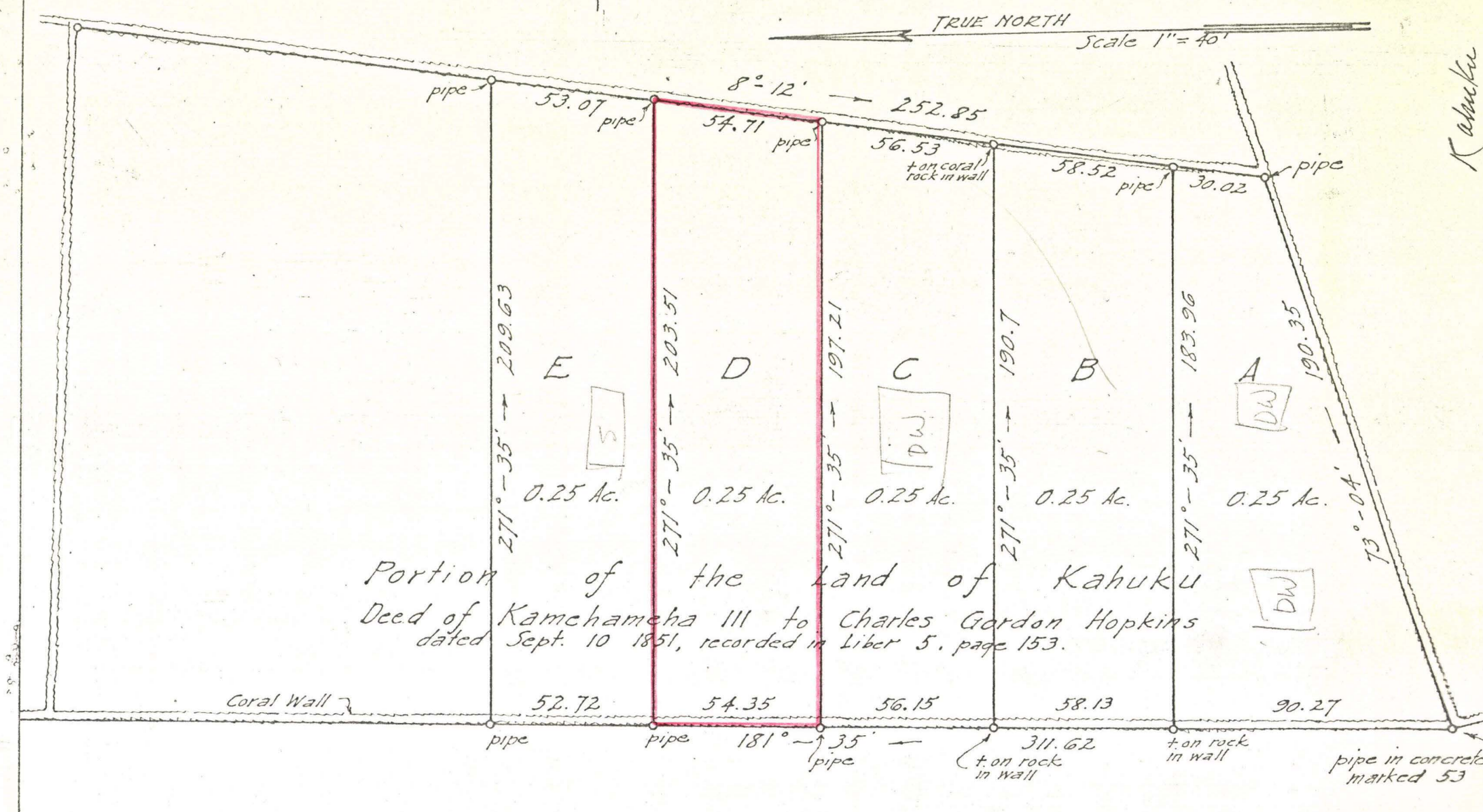
By

A handwritten signature in blue ink, appearing to read "Wallace S. W. Kim".

Wallace S. W. Kim  
Acting Planning Director

Encls.





Kahuku



ZONING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)

OF )

HENRY BLANCHARD )

FOR A SPECIAL PERMIT )

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

I. APPLICATION

The Zoning Board of Appeals, at its meetings on June 23, July 7, September 1, September 15, and October 13, 1966, considered the application filed by Henry Blanchard for a Special Permit to construct a single-family residential dwelling unit on a parcel of land containing 1.25 acres, situated within an area classified as Agricultural District by the State Land Use Commission. A public hearing on this matter was held by the Zoning Board of Appeals on September 15, 1966, pursuant to the provisions of Chapter 98H of the Revised Laws of Hawaii, 1955, as amended.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Board made the following Findings of Fact:

1. The land in question is identified by Tax Map Key 5-6-03: Parcel 28, and comprises an area of 1.25 acres;

2. The subject property is situated approximately 3,500 feet on the makai side of Kamehameha Highway and fronts an unnamed, 12-foot hardtopped roadway that leads to the RCA Station at the abandoned Kahuku Airfield, and situated in the ahupuaa of Kahuku;



3. The State Land Use Commission's classification of the land in question is "Agricultural District";

4. The adopted General Plan of the City and County of Honolulu designates this area for agriculture use;

5. The subject parcel of land and those of the adjoining properties are situated within a Rural Protective zone, established by City Planning Resolution No. 563, effective March 4, 1954;

6. The land in question was allegedly created into five (5) 0.25 acre lots in 1934 by Wright, Harvey and Wright, surveyors and engineers, prior to the enactment of the City and County's Subdivision Rules and Regulations in 1939 and the Land Use Commission Act in August, 1964;

7. A total of four (4) existing dwelling units have been built on three of the lots;

8. The petitioner is attempting to have this problem of whether or not five lots exist, settled through the Small Estates Court and has filed a Quitclaim Deed on March 4, 1966;

9. The land, according to "Soil Survey Territory of Hawaii", published by the U. S. Department of Agriculture, Soils Conservation Service in September, 1955, is relatively level with brownish-lowland soils of the Lowland peat and muck series. The soil profile of this soil series is extremely variable with the upper horizon generally mixed with alluvium to form a mucky mixture of mineral soil and well-decomposed soft and mucky peat. The soil classification of the area, in general, is considered as being unsuitable for truck farming;



10. The petitioner has indicated that the area should be re-classified to an urban district inasmuch as a vast portion of the land within this coastal plain, due to the generally poor quality and rockiness of the soil, is not reasonably conducive to producing agricultural crops to any significant magnitude;

11. The petitioner desires to use the land for a use other than agricultural, by constructing a single-family dwelling unit consisting of three bedrooms, a living room, a den, a dining room-kitchen, a bathroom, and a room for laundry facilities. The proposed single-family dwelling unit will occupy about 1,125 square feet of floor space; and

12. There were no protests filed in person or by letter at the time of the public hearing.

### III. CONCLUSIONS OF LAW

The Board made the following Conclusions of Law:

1. The proposed construction of an additional single-family dwelling unit on the land upon which the proposed use is sought is unsuited for the uses permitted within the District;

2. The proposed use would not prove contrary to the effectiveness and objectives of the State Land Use Law (Chapter 98H, R.L.H. 1955, as amended); and

3. The use sought will not alter or change the essential character of the surrounding area and will not adversely affect the adjoining property owners.

### IV. DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, it was the decision of the Board that a Special Permit



be issued to the applicant, and it is hereby so ordered, subject to final approval by the State Land Use Commission.

Dated at Honolulu, Hawaii, this 17th day of October, 1966.

ZONING BOARD OF APPEALS OF THE  
CITY AND COUNTY OF HONOLULU,  
STATE OF HAWAII

By George I. Brown  
George I. Brown, Chairman

APPROVED AS TO FORM:

/S/ Wendell Kimura  
Deputy Corporation Counsel

Date: October 21, 1966



Note:

October 13, minutes to  
follow upon completion.



Excerpt of  
Meeting of the Zoning Board of Appeals  
Minutes  
September 15, 1966

~~under authorization of the State, are expected to be continued in this use and no particular change is anticipated in the area.~~

~~Mr. Wilbert Choi, applicant, was present and he had nothing to add to the presentation made by the Director.~~

~~No one spoke in protest to this application. The public hearing was closed and the matter taken under advisement on motion of Mr. Kometani and second of Mr. Brown.~~

~~In considering this matter later, the Board determined that there is sufficient evidence to meet the three conditions of hardship outlined in the City Charter.~~

~~ACTION: The Board granted a variance to the applicant to construct two dwelling units on his land situated at 2179 Makiki Heights Drive on motion of Mr. Kometani and second of Mr. Brown.~~

PUBLIC HEARING  
SPECIAL PERMIT  
(LAND USE COMM.)  
KAHUKU  
MAKAI OF KAME-  
HAMEHA HIGHWAY,  
NEAR THE RCA  
STATION  
HENRY BLANCHARD

A public hearing was held to consider, pursuant to the provisions of Chapter 98H, R.L.H., 1955, as amended, an application for Special Permit to construct a single family dwelling unit on a parcel of land containing 1.25 acres, whereon exist four dwelling units, situated approximately 3,500 feet makai of Kamehameha Highway and on the east side of the road leading to the R.C.A. Station and the abandoned Kahuku Airfield, identified by Tax Map Key 5-6-03: Parcel 28, within the Agricultural District established by the State Land Use Commission. The zoning on the land is Rural Protective and the General Plan designates the area for Agriculture.

The public hearing notice published in the Sunday Star Bulletin and Advertiser of September 4, 1966, was read by the Director. Copies of the hearing notice were sent to the applicable governmental agencies, to adjoining land owners and to the League of Leeward Oahu Community Association. No written protests have been received.

The Director presented the request and gave information as follows:

(1) Under the Agricultural classification of the Land Use Commission, only one dwelling per acre of land is permitted.

(2) The subject parcel was subdivided into five 0.25-acre parcels in 1934 prior to enactment of the Subdivision Rules and Regulations in 1939 and the



Land Use Commission act in August, 1964; therefore, the subdivision was not recorded. The parcels had been divided among the heirs.

(3) A search at the Land Court, Bureau of Conveyances, and the State Tax Office, revealed no official recordation of the parcel into 5 separate lots.

(4) The Subdivision Rules and Regulations mention no requirement for recordation of a subdivision.

(5) Three of the lots have been built on with residential homes. Two lots are presently vacant.

(6) The applicant is attempting to have this problem of whether or not five lots exist settled through the Small Estates Court and has filed a Quitclaim Deed dated March 4, 1966.

(7) The soil classification of the area is indicated as unsuitable for truck farming. It is predominantly of coral outcropping with overgrowth of shrubs.

(8) A check was made with the staff of the Land Use Commission in an attempt to find a possible solution to the problem, and the Commission staff has come to a conclusion that this was a situation existing prior to the Subdivision Rules and Regulations and the effective date of the Land Use Commission law.

(9) In the future, this entire area is expected to undergo a change because of Campbell Estate's plans to urbanize its lands surrounding for residential and resort uses.

(10) A map displayed showed lands presently in agricultural uses. The applicant's property and lands immediately surrounding were uncolored indicating that agricultural uses, in most instances, were unsuitable.

In view of the variety of circumstances cited, the Director suggested that the request for Special Permit be granted to allow the construction of the dwelling requested on one of the subdivided parcels.

In reply to questions from the Board, the Director stated further that the City and County's zoning on the land is Rural Protective which permits a minimum lot area of 5,000sq. ft. The five lot subdivision was created in 1934 and a copy of the map dated December 10, 1934, prepared by Wright, Harvey and Wright, surveyors and civil engineers, is on file.



He was accepting this subdivision map as a pre-existing condition because no regulations on subdivision of land were in effect at that time. There are a total of four dwellings on three separate lots while two are vacant.

The Director was asked whether he was willing to stamp the map as approved for recordation and acceptance by the Tax Office knowing that requirements of the other governmental agencies cannot be met under present standards.

The Director replied that his decision will depend on the decision of the Small Estates Court. If the division of land as it occurred in 1934 is certified, he would approve the subdivision.

Mr. Blanchard, applicant, stated that his attorney is attempting to settle the partition of the land among the living heirs.

The Board advised him that a decision would be rendered after 15 days from today. The Board's decision will be forwarded to the Land Use Commission which will make the final decision whether to grant the Special Permit or not. A denial decision will be appealable to the court.

The public hearing was closed and the matter taken under advisement on motion of Mr. Kometani and second of Mr. Brown.

In accordance with statutory provisions, this matter was deferred for 15 days.

APPEAL  
(SUBDIVISION  
ORDINANCES)  
PALOLO  
1548 PUKELE ST.  
BUNJI TOKIOKA  
BY: JOHN CLINE  
MANN, SURVEYOR

The Board heard an appeal to override the decision of the Planning Director in disapproving a proposed subdivision of a parcel of land situated at 1548 Pukele Street, Palolo, Tax Map Key 3-3-42: Parcel 2, into two lots: Parcel A, a 12-foot flag lot containing 22,582sq. ft., and Parcel B, a 15-foot flag lot containing 18,660sq. ft.

The Director's disapproval was on the basis that creation of a 12-foot flag staff for Parcel A was not in accordance with established policies on accesses and flag lots because this parcel could be further subdivided. A map showing the proposed subdivision and a tax map of the general area were displayed. Palolo Stream running through the back portion of the property has divided Parcel A into two areas.

Mr. John Cline Mann, surveyor, represented Mr. Bunji Tokioka, appellant and owner of the property. He was advised by the Board that an appeal shall be



Excerpt of  
Meeting of the Zoning Board of Appeals  
Minutes  
September 1, 1966

~~ACTION: The Board granted a variance from the provisions of the Unrestricted Residential regulations to permit the encroachment of an eleemosynary clubhouse and its off-street parking area into that area of the lot zoned for residential use for the parcel in question on motion of Mr. Kometani and second of Mr. Brown.~~

SPECIAL PERMIT  
(LAND USE COMM.)  
KAHUKU  
MAKAI SIDE OF  
KAMEHAMEHA HWY.  
NEAR THE RCA  
STATION  
MR. & MRS. HENRY  
BLANCHARD

The Board again considered a petition for Special Permit to construct a single family residential dwelling unit on a 0.25 acre parcel of land which is a portion of a 1.25 acre lot situated off a road leading to the R.C.A. Station between Kamehameha Highway and the abandoned Kahuku airfield in Kahuku. The land is situated within the Agricultural District of the State Land Use Commission District Boundary Map. The zoning on the land is Rural Protective but general planned for agricultural purpose.

The Director reported that the staff exhausted all efforts to find evidence which would legally establish the subdivision of this land into five separate lots. This alleged subdivision was done in 1934 prior to the enactment of the Subdivision Rules and Regulations in 1939, and it was never recorded in the Bureau of Conveyances. At that time, there was no requirement for recordation. Presently, there is actually no requirement for recordation; therefore, in the process of approving a subdivision, a recommendation is made to the subdivider that he record the subdivision at the Bureau of Conveyances or Land Court. Of the five lots, three lots have houses on them while two are vacant. He had discussed this matter with the staff of the Land Use Commission, and they have concluded that the only solution possible would be to proceed with the public hearing to consider the petition on the basis that this was a condition existing prior to the Subdivision Rules and Regulations and prior to the Land Use Commission law. Thus far, they believe that this is the only case of this nature that they have encountered. The soil is not suitable for agriculture; that is, truck farming, and he had no objection to considering the matter and allowing the construction. He understands that this matter was referred to the small estate's attorney for approval and the applicant's attorney is appealing to the court for legal partition of the land.

In the event the decree of partition is granted by the court, the Director was asked whether he would approve the issuance of a building permit knowing that the access road is inadequate.

The Director's reply was that he would in all probability if the partition followed the original subdivision line. He probably would honor the partition by the



court because the lots were created, although not officially recorded, prior to enactment of the Subdivision Rules and Regulations.

22  
Knowing that the land is not suitable for agricultural purposes, Mr. Kometani believed that the City should initiate a restudy of this entire area and recommend to the State Land Use Commission that it consider reclassifying the area to urban use and zone the area into its proper classification.

The Director indicated that Campbell Estate is proposing a development of its land and a number of "kuleanas" are involved. Its development would require an urban classification and stated that a restudy can be undertaken.

The Board decided to schedule a public hearing to consider this application and later to submit a recommendation for restudy of this area to the Land Use Commission.

ACTION: A motion to authorize the calling of a public hearing to consider this application for Special Permit was made by Mr. Kometani, seconded by Mr. Brown, and carried.

~~ZONING VARIANCE  
(CLASS AA RES)  
MAKIKI  
2179 MAKIKI  
HEIGHTS DRIVE  
WILBERT CHOI~~

~~The Board again reviewed a request for variance from the existing Class AA Residential regulations to permit the construction of two dwelling units on a parcel of land containing an area of 18,000 $\pm$  situated at 2179 Makiki Heights Drive (dba Makiki Nursery) in Makiki. At the preliminary hearing, the applicant had presented his testimony, and the Board had deferred action for information from the State Department of Land and Natural Resources as to its plans for the future development of State lands in this area.~~

~~The Director reported that the State Department, by letter, indicated that it proposes to keep the area in its present use and study the possibility of expanding the area presently servicing the Forestry and State Parks Division of the Department of Land and Natural Resources. In other words, the area is to be retained as a service yard for the two divisions and the State nursery is to be continued.~~

~~The Board recalled the testimony given by the applicant that after homesteading on State land for a period of five consecutive years, he is allowed to purchase up to one-half acre of land. He did purchase the land, but because a portion of the land is within the right-of-way of a proposed road, his original land area of 24,000 $\pm$  was reduced to 18,000 $\pm$ . There is a one-story wooden building used as a combination sales office and living quarters on the premises. The commercial use was permitted, in conjunction with his~~



Excerpt of  
Meeting of the Zoning Board of Appeals  
Minutes  
July 7, 1966

rejected because prime agricultural land would be taken. He indicated that the soil classification report obtained by the staff is somewhat different from that presented by the applicant and this would have to be checked further.

The Board requested the Director also to inquire whether or not the pineapple companies had any intention of using this land for growing of pineapples. An inquiry should also be made as to why Cooke Trust is planning to give a 55 year lease on the subject property only and exclude the golf course area when the two uses seem to be related to each other.

This matter was deferred until the expiration of 15 days.

The Board again deferred consideration of the following applications since the legal opinion requested of the Corporation Counsel had not been received:

ZONING VARIANCE (CLASS AA RES.) KAHALUU LULANI STREET AMY TOMITA	(1) Request for variance from the Class AA Residential regulations to permit the subdivision of a parcel of land containing an area of 18,585± situated on Lulani Street, Kahaluu, into two lots as follows: one lot of 9,200± and a flag lot of 9,385±.
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ZONING VARIANCE (CLASS A RES.) PALOLO KEANU & 7TH AVES. ESTATE OF AUGUSTA PINHEIRO	(2) Request for variance from the Class A Residential regulations to permit the subdivision of a parcel of land containing an area of 9,911± situated at the corner of Keanu and 7th Avenues in Palolo into two lots as follows: one lot containing 4,913± and the other lot containing 4,998±.
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ZONING VARIANCE (CLASS A RES.) PUNAHOU CHAMBERLAIN ST. Y. KIRASHIMA	(3) Request for variance from the Class A Residential regulations to permit the subdivision of a parcel of land containing an area of 9,936± situated on Chamberlain Street, Punahou, into two lots of 4,968± each.
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SPECIAL PERMIT (LAND USE COMM.) KAHUKU MAKAI SIDE OF KAMEHAMEHA HIGH- WAY NEAR THE R.C.A. STATION MR. & MRS. HENRY BLANCHARD	The Board again considered Mr. Blanchard's petition for Special Permit to permit him to construct a single family residential dwelling unit on a 0.25 acre parcel of land which is a portion of a 1.25 acre lot situated off a road leading to the R.C.A. Station between Kamehameha Highway and the abandoned Kahuku airfield in Kahuku. The land is situated within the Agricultural District of the State Land Use Commission District Boundary Map and is zoned Rural Protective but general planned for agricultural purpose. In 1934, a map was prepared indicating a 5 lot subdivision, but this map was never officially recorded. The lot was subdivided into Lots A to E and a total of four dwellings exist on the land with Lots B and D still vacant. The request is to permit the construction of a 3 bedroom dwelling on Lot D.
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The Director reported that a check with the Bureau of Conveyances indicated no recordation of the alleged subdivision into five lots. The Tax Office lists the entire parcel as one. In the Small Estates records, an Order dated December 22, 1960 was recorded on January 3, 1961, at the Registrar of Conveyances, approving the distribution of the real property to several adult children of the decedent, in equal shares, as tenants in common, subject, however, to the dower interest of Eunice K. Ah Quin, widow of the decedent. An estimated value of the real property divided among the heirs was also given. No metes and bounds description of the property is given. No substantial evidence could be found that the five lots are separate lots of record.

The Director indicated that in an agricultural zone, only one dwelling is permitted for each acre of land. In this instance, the request is to permit a dwelling unit on 1/4 of an acre of land.

Mr. Blanchard, applicant, produced a copy of his deed but this provided no additional evidence that five separate lots exist. He indicated that the existing dwellings were built many years ago. Each family was given a 1/4 acre piece of the land in accordance with their father's bequest. He stated that a Quitclaim Deed was made out for this lot.

The Board noted that the application involved two permissions. One is to waive the one acre requirement to permit the construction of the dwelling and the second is to permit an urban use within an Agricultural District. Assuming that the Special Permit is granted by the Land Use Commission, the Board asked whether the Planning Director would approve the five lot subdivision knowing that the access road and water and sewer facilities are inadequate in this area to serve the subdivision.

Under the Rural Protective zone, one dwelling unit per 5,000<sup>±</sup> of area is permitted and the Director indicated that there have been instances where building permits have been issued if there were sufficient land area and the land was within the Urban District.

The Board felt that the applicant should have some relief since there is evidence of intent to subdivide the property into five lots through the preparation of a subdivision map by a reputable surveyor in 1934 prior to enactment of the Subdivision Rules and Regulations in 1949. Through some oversight, however, the map was never recorded. The Board informed Mr. Blanchard that his request will be given due consideration.

This matter was taken under advisement on motion of Mr. Kometani and second of Mr. Chun-Hoon.



In discussing this matter later, the Board noted that a reclassification of the area as an Urban District would permit the City and County's zoning of Rural Protective to apply. In the meantime, the Director could check with the other City departments regarding the adequacy of water and sewer facilities.

The Director stated that he will check further into this matter and see whether some other solution to the problem can be found. He noted that the Board has until August 31st to act on this matter.

ACTION: The Board deferred this matter for further study by the staff on motion of Mr. Kometani and second of Mr. Chun-Hoon.

~~ZONING VARIANCE  
(SETBACK, SPACING  
& BULK OF  
STRUCTURES)~~

~~MAKIKI  
1523 PIIKOI ST.  
MR. & MRS.  
HIROICHI  
SHIMAMURA~~

~~The Board reviewed an application for variance from the provisions of Article 10, Section 21-10.4, Revised Ordinances of Honolulu 1961, as amended, relating to Setback, Spacing and Bulk of Structures in Hotel-Apartment and Apartment Zones, to permit the encroachment of a proposed building into the side yard setback area on a parcel of land situated at 1523 Piikoi Street in Makiki and containing an area of 3,481#.~~

~~The Director reported the existence of an 8-foot easement along the mauka boundary of this property in favor of the rear lot. There is also a 12-foot street widening setback on Piikoi Street frontage. The proposal to construct a two story apartment building will require a 5-foot front yard setback and 10-foot side and rear yards setback. The existence of the 8-foot easement means that the building must be setback a total of 18 feet from the mauka side boundary, but the applicant is requesting a variance to permit a setback of 11 feet. The applicant indicated that this would then permit a buildable area of 1,235# in lieu of 927# if strict adherence is given to the setback requirements. The Director noted a drop curb exceeding 45% of the lot frontage and indicated that this must be corrected to comply with the existing ordinance.~~

~~Mr. Hiram Kamaka, representing the applicant, indicated that the 11-foot setback would increase the buildable area by 266# and still leave about 1,242# of setback areas around the property. This increase would permit the construction of 5, two bedroom units rather than 5 studio apartments. One for one parking will be provided, and the problem of the driveway can be resolved.~~

~~He claimed hardship by the fact that the applicant is paying property tax on 3,400# of area when he can utilize only 972# of his lot. The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood because he doubted that~~



Meeting of the Zoning Board of Appeals  
Minutes  
June 23, 1966

~~Mr. Alfred Fong, applicant, and Mr. Jerry Coppe, were present. The contents of the two letters received were read to the applicant.~~

~~Mr. Fong stated that his house which he occupies during the weekend is situated on high ground and it was not flooded during the last storm. The water did not even come to 4 inches of his property.~~

~~Mr. Coppe indicated that he had checked the property and found that the lowest point, which is about 300 feet from the house, to be 15 feet below the mean grade level where the house is to be constructed. He did not believe that the water was 15 feet deep. Furthermore, on an adjoining land where the grade is 15 feet below the high point of Mr. Fong's property, they saw that four new houses were constructed within the last two years.~~

~~Because of the conflicting information from the applicant and the Soil Conservation Service, the Board suggested to Mr. Fong that he contact Mr. Fred Haughton, State Conservationist, and explain the situation by pointing out the exact location where the house is to be constructed, other pertinent information and to submit whatever information he received to the Planning Director. The Director will then confer with the Chief Engineer in an attempt to help him in this situation because the area requirement on the land for construction of the second dwelling is very small. The staff will advise Mr. Haughton to expect a call from him.~~

~~Mr. Fong willingly accepted the suggestion of the Board.~~

~~When asked how soon the alignment of Ahuimanu Stream is to be undertaken, the Director believed that it may take from two to three years. A general idea of its alignment has been worked out but there is nothing in detail.~~

~~ACTION: The Board deferred this matter for receipt of additional information, on motion of Mr. Chun-Hoon and second of Mr. Kometani.~~

SPECIAL PERMIT  
(LAND USE  
COMM.)  
KAHUKU  
MAKAI SIDE OF  
KAMEHAMEHA  
HIGHWAY NEAR  
THE RCA STATION  
MR. & MRS. HENRY  
BLANCHARD

The Board considered a petition for Special Permit to construct a single family residential dwelling unit on a 0.25-acre parcel of land which is a portion of a 1.25 acre lot situated off a road leading to the R.C.A. Station between Kamehameha Highway and the abandoned Kahuku airfield in Kahuku. The land is situated within the Agricultural District of the State Land Use Commission District Boundary Map and is zoned Rural Protective but general planned for agricultural purpose.

The Director presented the request and pointed out the subject property situated about 600 feet from Kamehameha Highway in Kahuku. He indicated that this 1.25 acre



land was subdivided into five lots in 1934 but this subdivision was never officially recorded. The applicant desires to construct a dwelling on one of the lots identified as Lot "D". The land is level and the elevation is about 20 feet above sea level. The soil on the land is not suitable for agricultural purpose although there are sugar cane fields in this general area. There are no indication of other intensive agricultural uses. The zoning on the land is Rural Protective, created in 1954, which permits one single dwelling on a minimum lot area of 5,000 $\pm$  or a duplex on 7,500 $\pm$  of area. The area is sparsely developed with a few wooden houses and Quonset huts. He pointed out the location of the subject property in relation to the Campbell Estate land which is in cane cultivation.

Mr. Blanchard, applicant, showed the Board photographs taken of his property and the areas surrounding. He indicated that land within a half mile from Kamehameha Highway is in cane while the farm lands are below his property. His land is all coral and is not even suited for growing bananas. For that reason, the land was subdivided into residential lots and conveyed to his wife and her brothers and sisters, but they learned that the subdivision map was never recorded. He stated that his wife is the only living survivor and the land is being kept for all the grandchildren. He requested that the subdivision map be accepted for recordation.

In order to permit the subdivision of the land, the Director informed him that an adequate access road must be constructed and there must be the necessary utilities available.

When asked from where they obtain water and of their sanitation facility, Mr. Blanchard stated that water is obtained from the Campbell Estate and this water is 95% pure and 5% salt. It is drinkable. About 15 families in this area use the water from the Campbell Estate. For sanitation, they have a concrete lined cesspool with good seepage.

The Board stated that it must have some evidence which legalizes the 5 lots and asked Mr. Blanchard whether there is anything in writing conveying the separate lots to the grandchildren. It also asked how and who pays the property tax on the land.

Mr. Blanchard produced a subdivision map prepared by Wright, Harvey and Wright, surveyor and civil engineers, dated December 10, 1934. The Director reported that the Planning Department has no record of this subdivision. He noted, however, that the subdivision rules and regulations were adopted in 1939.



Mr. Blanchard stated that he pays the taxes on the entire property. Presently, his attorney is working on a partition whereby each grandchild will be given a share of the property so that he could take care of his own tax.

The Board informed him that the staff will check with the Tax Office and explore other possibilities to see if some solution to the problem can be found.

ACTION: The Board deferred this matter and referred it to the staff for further check on motion of Mr. Chun-Hoon and second of Mr. Kometani.

~~ADJOURNMENT: The meeting was adjourned at 3:15 p.m.~~

Respectfully submitted,

Carole A. Kamishima  
Carole A. Kamishima  
~~Secretary-Reporter II~~



*duplicate*

RECEIVED

Kahuku, Oahu

66 MAY 4 AM 8:53

May 4, 1966

Zoning Board of Appeals  
City & County of Honolulu  
Honolulu, Oahu, Hawaii

PLANNING DEPARTMENT  
CITY AND COUNTY  
OF HONOLULU

Re: REQUEST TO APPEAL PREVIOUS BOARD ACTION & DECISION

Gentlemen:

I hereby submit this letter of appeal/request to the board for a SPECIAL BUILDING PERMIT to off-set a previous refusal decision for a building permit submitted by me in the past.

The subdivision practice of 1934 by Wright Harvey & Wright Surveyors was a matter of surprise to all of the heirs: Namely, Hoolililimanu Ah Quin (W), Kala Simeon Kalua (W), Mrs Emma Blanchard (W), Kini Kaina (K), and Kaholupuna D. Pahu (W). Four of the heirs are now deceased, and my wife, Mrs Emma Blanchard, is the only living heir. The agricultural zoned part of the lands on your map is a surprise to the heirs of the deceased mentioned above. This piece of property is located on Map 11, Code 5, Land Court, surrounded by Lot 161 and is excluded from the Campbell Estate (1095) map showing exclusion 37 of same.

The Kahuku Plantation has a lease with the Campbell Estate to plant cane. Their location is from the main highway which I believe is about  $\frac{1}{2}$  of a mile and no further up to where the (Exclusion #37 subdivision) is identified. The old Oahu Railway and Land Co. use to run back-and-forth and now there are no tracks but a dirt road.

The Campbell Estate trustees has a lease with Mr. Norwood R. Conners and his wife who are planting Hawaiian sweet corn far away from even the canefields. I don't even think I can even plant anything in this  $1\frac{1}{4}$  acre of land.

The Radio Corp. of America is no further than where the (Subdivision of Exclusion 37) is located.

So, Gentlemen, when I asked Mr. Oswald K. Stender why is it that where our (Subdivision #37) is zoned agricultural, the only reply given was, " We're not concerned about Marconi, we are more concerned about Kawela." Gentlemen, Kawela proper is on the agricultural zoned area closer than where our subdivision is situated. I hope and pray that the good and bad of knowing your side of a piece of coral land, made out and subdivided amongst the poor so they and we could live and their/our grandchildren inherit (the left-over) that they all will be saying, " How can we be paying taxes and have no place to build our homes especially on a piece of land left by our parents." This gentlemen, are the leftover scraps of land that we get, without any love from our dead parents. So, I would be so ashamed to say to our children, " This piece of land is for you and your children, but you cannot build a home on it. "

My good wife will be 79 years old; On the 1st day of August, I will be 69 years old. I hope and pray that what we have left for our children and grandchildren when we pass away some day will be free from their saying, " My parents had no love for us and that is why the property cannot be contested by us. "



As a monument to our deceased parents and our children to us, we would like to do all that is possible, in time, to do while we are here in propriety and completeness.

Kawela is owned by the Campbell Estate and I feel that everyone should be treated alike. They are earning all the money from the Kahuku Plantation. So, Kawela must be urban...why, now it is said, " We're not interested in Marconi but Kawela. I believe that a taxpayer should be given the opportunity to voice themselves and that the rich land owners and the poor should be given the same kind of treatment and with no special favors and/or considerations shown at the expense of others.

Being at a loss of which the zoning has been changed to agricultural, I have been given a Quit-Claim Deed on February 21, 1966 by the heirs of Kini Kaina, deceased, and now I am at a loss as to why this Exclusion #37 property has been subdivided and cannot realize a house being built on it because of being zoned agricultural.

I believe that my real reasons have already been explained, however, I repeat that it seems that no one can build homes on these property (their own) without paying a high price fee. As of now, I am retired and trying to rest peacefully with our grandchildren but can't because of this MESS I HAVE TO CLEAR-UP because I am not working and am ashamed to face my children as I have nothing to offer them but coral rocks!

I beg of you and pray that you will generate enough heat in the right (high places) power-play areas so as to make it possible and non-expensive to HAVE OUR ZONING OF OUR PROPERTY CHANGED FROM AGRICULTURAL TO URBAN.

Please understand an old kamaaina's writing to you and why I am writing this letter to you good people, members of the City Planning Commission, for a rezoning of this subdivision which I believe is out of the jurisdiction of the Campbell Estate of any ruling on this subdivision of 1934. By law, we have an easement in and out of our subdivision exclusion #37; Even our home exemptions are given by the State Tax Dept. So gentlemen, I am not exerting your authority on matters which you are to see as I have written this plea to you; Exercise your own judgement.

Respectfully,

Mrs + Mrs Blanchard

P.O. Box 264, Kahuku Oahu, 96731



STATE OF HAWAII  
LAND USE COMMISSION

426 Queen Street  
Honolulu, Hawaii

This space for official use

Date Application and Fee  
received by LUC \_\_\_\_\_

SP 66-37

APPLICATION FOR SPECIAL PERMIT

(I) (We) hereby request approval of a special permit to use certain property located in the County of Honolulu, Island of Oahu, Land Use Commission Temporary District Boundary map number and/or name Kahuku 0-7, for the following-described purpose:

Description of property:

(See attached map) LOT "D"

Petitioner's interest in subject property:

(See attached document)

Petitioner's reason(s) for requesting special permit:

Request to construct a 3-bedroom dwelling on the subject property which is part of a subdivision created in 1934 and situated in an Agricultural District under the State Land Use District Map (See attached letter). LOT "D"

Signature(s)

Mr + Mrs Blomhard  
P.O. Box 561 Kahuku Oahu 96731

Address:

Telephone:

299-400

This space for official use

The property is situated in a(n) \_\_\_\_\_ district, whose regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) \_\_\_\_\_

For (agency) \_\_\_\_\_



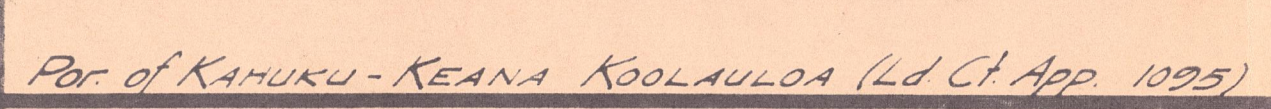
# SP66-37 BLANCHARD

P A C I  
2 MILES  
1 MILE



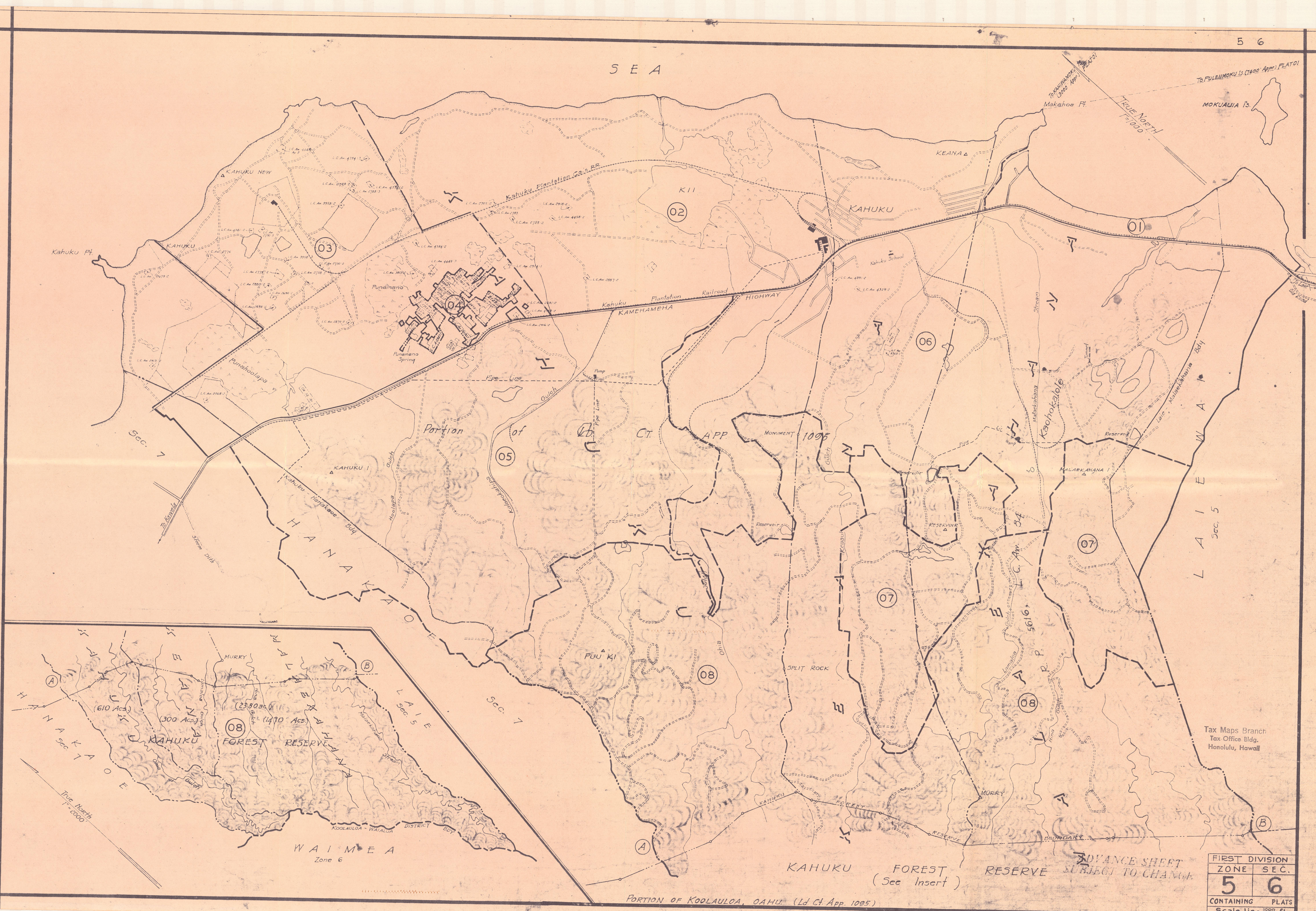


Orig. No. 347  
Source: Tax Maps Bureau; Ld. Ct. App. 1025  
By: P.K. & H.N. June 1930



TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FIRST DIVISION		
ZONE	SEC.	PLAT
5	6	02
CONTAINING PARCELS		
SCALE: 1 in. = 500 Ft.		
OCT 2 1966		





Dwg. No. 294  
By: H.T. May, 1932  
Source: Survey Dept. - U.S.G.S.

FIRST DIVISION	
ZONE	SEC.
5	6
CONTAINING	PLAT
Scale 1 in = $\frac{1000}{2000}$ ft.	

OCT 24 196



