

PLANNING AND TRAFFIC COMMISSION

County of Hawaii

Application for VARIANCE)
by)
Mrs. Matsuno F. Nakagawa)
for)
Tax Map Parcel 2-1-16-1)

VARIANCE NO. 15

Order Allowing Application for Variance

The application of Mrs. Matsuno F. Nakagawa for a variance from the Zoning regulations having come before the Planning and Traffic Commission at a public hearing, after due publication of notice thereof, on Monday, August 25, 1947, the Commission finds that:

1. The land for which a variance is requested is a portion of General Lease No. 2908 in Keaukaha, District of South Hilo, Hawaii, indicated on the Taxation Maps as parcel 2-1-16-1 and known as Lokoaka Fish Pond;

2. Pertinent Zoning regulations presently applicable to said land are Section 17 of Ordinance No. 45 which specifically disallows the construction and operation of a business in an "A2" Agricultural District;

3. The applicant has been in the restaurant business for many years as a sole means of earning a livelihood;

4. The applicant was in the restaurant business on the premises under lease since 1942 but at a different location from that for which she seeks a variance;

5. The seismic wave of April 1, 1946 completely demolished her business establishment;

6. The applicant applied for a building permit on February 14, 1947 for the construction of a dining room and kitchen at a new location on the leased premises, and the permit was issued by the Bureau of Construction and Inspections;

7. The applicant constructed her new establishment and just prior to opening for business she was advised that a variance from the Zoning regulations should have been secured;

8. No protest against the proposed variance has been received by the Commission;

9. The application presents a situation wherein strict enforcement of the existing regulations would involve practical difficulty and unnecessary hardship;

10. The desired relief may be granted and at the same time the public interest and general welfare will be protected and the fire, health, and safety hazards of the surrounding property will not be affected.

NOW, THEREFORE, the Planning and Traffic Commission, pursuant to the authority vested in it by Section 21, Ordinance No. 45, hereby grants to the applicant, above-named, a variance from the terms of Section 17, Ordinance No. 45, and hereby authorizes the use of said parcel of land for business purposes, subject, however, to the following conditions:

1. That the applicant will provide accommodations for off-street parking;
2. That the variance is granted for the duration of the lease which terminates November 1, 1963 or its prior abandonment.

Dated at Hilo, Hawaii, this 25th day of August, 1947.

PLANNING AND TRAFFIC COMMISSION
FOR THE CITY OF HILO AND COUNTY OF HAWAII


JOHN N. SMITH, DIRECTOR

Done at Hilo, Hawaii, this 25th day of August, 1947.

PLANNING AND TRAFFIC COMMISSION
FOR THE CITY OF HILO AND COUNTY OF HAWAII


ERNEST B. DE SILVA, CHAIRMAN