

PLANNING AND TRAFFIC COMMISSION

County of Hawaii

Application for VARIANCE)
by)
HILO FISHERIES)
for)
Tax Map Parcel 2-5-13-13)
(Portion)

Variance No. 35

ORDER ALLOWING APPLICATION FOR VARIANCE

The application of Hilo Fisheries, through its Manager James E. Jaeger, 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, January 10, 1949, the Commission finds that:

1. The land for which a variance is requested is a portion of Lot 125 of Land Court Application 292 at Piihonua, South Hilo, Hawaii, and indicated on the Taxation Maps as a portion of parcel 2-5-13-13, and owned by Mr. Jaeger;

2. Pertinent zoning regulations presently applicable to said land are Paragraph C of Section 3 and Section 5 of Ordinance No. 45 of the Revised Ordinances of the County of Hawaii 1947, which specifically prohibit the use of any land or building for any purpose other than is permitted in the district;

3. The land for which a variance is requested is in a Class "A" Residential District;

4. The Hilo Fisheries is presently operating a harbor radio telephone station, call letters K S V, at 724 Punahoa Street, Waiakea, South Hilo, Hawaii;

5. The station is operated on a non-profit basis and is maintained for the sole purpose of communication between Hilo and the small fishing craft plying in and out of Hilo Bay which carry radio telephone equipment;

6. The requested variance is for the purpose of relocating radio telephone station K S V from its present location on Punahoa Street to a new location at 1877 Waianuenue Street in Piihonua, South Hilo, Hawaii, within a Class "A" Residential District;

7. The County Attorney has rendered a written opinion that a radio telephone station may be technically a business, though operating on a non-profit basis, and that the term "business", as defined, is ordinarily for profit but not necessarily so, and that the Zoning Ordinance in defining business does not negative said definition;

8. Mr. Jaeger is rendering public service to the fishermen whose lives and property are protected by the operation of a radio telephone station, and it would result in hardship for him to acquire a site, other than where his home is located, for the operation of the station;

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

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

11. 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 of the Revised Ordinances of the County of Hawaii 1947, hereby grants to the applicant, above-named, a variance from the terms of Paragraph C of Section 3 and Section 5 of Ordinance No. 45 of the Revised Ordinances of the County of Hawaii 1947, and hereby authorizes the use of the premises at 1877 Waialanuue Street for the operation of a radio telephone station; subject, however, to the following condition:

1. The variance is granted for a period of 30 years or its prior abandonment.

Dated at Hilo, Hawaii, this 10th day of January, A. D. 1949.

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


JOHN N. SMITH, DIRECTOR

Done at Hilo, Hawaii, this 10th day of January, A. D. 1949.

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


ERNEST B. DE SILVA, CHAIRMAN