

PLANNING AND TRAFFIC COMMISSION

County of Hawaii

Application for VARIANCE)
by)
HENRY H. BAKER)
for)
Tax Map Parcel 2-3-13-25)

Variance No. 62

ORDER ALLOWING APPLICATION FOR VARIANCE

The request of Henry H. Baker, Managing Trustee of the Estate of John T. Baker, 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 November 13 and 27, 1950, the Commission finds that:

1. The land for which the variance is requested is a portion of property owned by the John T. Baker Estate at the Puna-mauka corner of Kinole Street and Waianuenue Street, South Hilo, Hawaii, and indicated on the Taxation Maps as parcel 2-3-13-25, to be leased to the Dairy Queen Products Company;
2. Pertinent zoning regulations presently applicable to said land are Section 3-C and Section 10 of Ordinance No. 45 of the Revised Ordinances of the County of Hawaii 1947, which specifically prohibit the use of any land for any purpose other than is permitted in the district;
3. The requested variance is for the purpose of constructing a drive-in ice cream and ice milk dispensing building as shown on drawings filed with the Commission;
4. No written protests against the proposed variance were received;
5. Two verbal protests made by the representatives of the Hilo Hotel and the Church of the Holy Apostle had a bearing on the Commission's deliberations, and conditions were added in accordance with their requests;
6. Because about one-half of the premises under consideration is in a Business District and because of the existence of business uses in the vicinity, the application presents a situation wherein strict enforcement of the existing regulations would involve practical difficulty and unnecessary hardship;
7. 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 of 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 Section 3-C and Section 10 of Ordinance No. 45 of the Revised Ordinances of the County of Hawaii 1947, and hereby authorizes a variance in use for the purpose of constructing and operating a retail, self-service ice milk and ice cream dispensing business; subject, however, to the following conditions:

1. That the variance be allowed for the period of its lease to expire December 31, 1975, or its prior abandonment.
2. That no other type of commercial enterprise, concession or accessory uses such as juke boxes, pin ball machines, etc, be operated on the premises.
3. That at least two signs be erected on the premises requesting patrons not to sound their horns.
4. That the ^{passageway} ~~driveway~~ on the mauka side of the building be closed from 6:00 p.m. to 6:00 a.m.
5. That the driveway width on Waiamanu Street and Kinoole Street be not more than 20 feet except for the approaches.
6. That the roof of the proposed structure be green or some other dark color so as to minimize glare.
7. That the closing hour of the business be 11:00 p.m.
8. That the business be opened at 1:00 p.m. on Sundays, and 7:00 a.m. on other days.

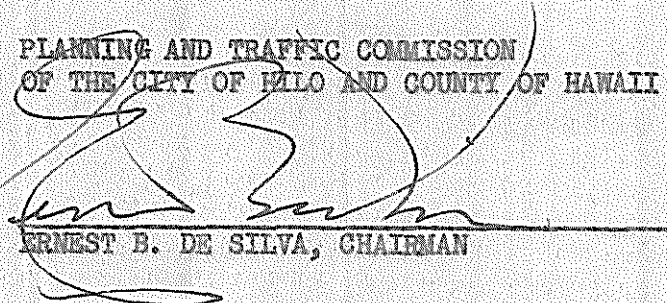
Dated at Hilo, Hawaii, this 27th day of November, A. D. 1950.

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


HIROSHI KASAMOTO, DIRECTOR

Done at Hilo, Hawaii, this 27th day of November, A. D. 1950.

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


ERNEST B. DE SILVA, CHAIRMAN