

PLANNING AND TRAFFIC COMMISSION

County of Hawaii

Application for VARIANCE )  
by )  
ELEANOR SILVA )  
for )  
Tax Map Parcel 2-4-02-6 )

Variance No. 91

ORDER ALLOWING APPLICATION FOR VARIANCE

The application of Eleanor Silva 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, March 1, 1954, the Commission finds that:

1. The land for which the variance is requested is Lot 809, Grant 11265, Waiakea Homesteads First Series, Waiakea, South Hilo, Hawaii, and covered by Tax Map Key 2-4-02-6;
2. Pertinent zoning regulations applicable to said land are Section 3-C and Section 6, 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 land for which the variance is requested is leased for 5 years by the applicant from John T. Carey and contains 40 acres;
4. The applicant proposes to use the land for the grazing and pasturage of cattle and to construct a 10' x 15' utility shed;
5. Three persons spoke against the granting of the variance because of the possibility of damage to their property by stray cattle;
6. There are existing non-conforming pasturage uses on three sides of the applicant's property;
7. The land cannot at present be developed economically for gardens or a residential subdivision;
8. The application presents a situation wherein strict enforcement of the existing regulations would result in practical difficulty and unnecessary hardship;
9. 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 Section

3-C and Section 6, Ordinance No. 45 of the Revised Ordinances of the County of Hawaii 1947, and hereby authorizes a variance to allow the grazing and pasturage of cattle and to construct a 10' x 15' utility shed in a Class A Residential District; subject, however, to the following conditions:

1. That the variance be allowed on a year-to-year revocable permit which may be terminated by the Commission after an advance notice of 6 months, and in no case to exceed the expiration date of the present lease.
2. That proper fencing be provided to keep cattle out of adjoining residential lots.
3. That in the event of damages to adjoining properties caused by applicant's stray cattle, the permit be cancelled.
4. That the proposed shed be constructed 480 feet mauka of the makai boundary line of the lot and not less than 200 feet and not more than 500 feet from Haihai Street.

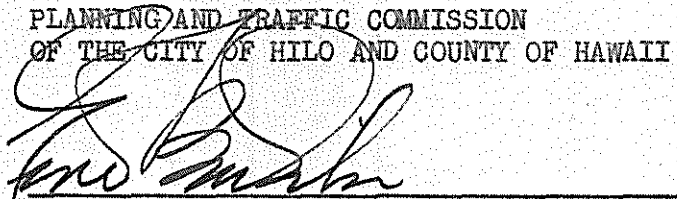
Dated at Hilo, Hawaii, this 1st day of March, A. D. 1954.

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

  
HIROSHI KASAMOTO, DIRECTOR

Done at Hilo, Hawaii, this 1st day of March, A. D. 1954.

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

  
ERNEST B. DE SILVA, CHAIRMAN