

PLANNING COMMISSION
Planning Department
County of Hawaii

Application for VARIANCE)	
by)	
DEPARTMENT OF TRANSPORTATION)	
STATE OF HAWAII)	
from)	Variance No. 226
BUILDING SETBACK REQUIREMENT)	
in)	
KAAO 1ST, HONOKAA, HAMAKUA,)	
Hawaii)	

VARIANCE PERMIT

The Planning Commission held a public hearing on December 3, 1970 on the application of Department of Transportation, Highways Division, State of Hawaii, for a variance from Section 13-F, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow a ten (10) foot front and side yard building setback for proposed baseyard facilities in lieu of the required front and side yard building setback of twenty-five (25) feet and fifteen (15) feet respectively as regulated by the 'agriculture zoned district.' The baseyard facilities are to be located at the intersection of Ohia and Mamane Streets, Kaa0 1st, Honokaa, Hamakua, Hawaii, Tax Map Key 4-5-01:15.

The Commission finds that:

1. The proposed baseyard facilities are necessary to meet the public service needs of the area and that the proposed buildings conform to the intent of the 'industrial' general plan designation of the area. Had the area been rezoned from 'agriculture' which requires a front and rear setback of 25 feet and a side yard setback of 15 feet, to 'industrial' to conform with the industrial general plan, the required building setbacks would be 15 feet for the front and rear and no building setback required for the side yard except as may be required under the conditions of the 'plan approval' procedure.
2. The 10 foot front and side building setbacks requested would not be injurious to property rights of surrounding properties and that the facilities requiring the setback variances are for the public benefit.
3. The 10 foot building setbacks that will be provided will carry out the intent of the building setback requirements. In essence, the 10 foot side yard setback provided more than carries out the intent of providing open space because had the property been zoned to conform to the 'industrial' general plan, no side yard building setback would be required.

Therefore, the Commission hereby grants to the applicant a variance from the building setback requirement pursuant to the authority vested in it by Section 36 of said Ordinance on the conditions that:

1. Construction of the baseyard facilities shall conform substantially to that as submitted with the variance request.
2. Construction of the facilities shall begin within one year of the date of approval of the variance or the variance shall be deemed null and void.
3. Profuse landscaping shall be required before final plan approval is granted.
4. All other applicable regulations shall be complied with.

The effective date of this permit shall be from December 3, 1970.

Dated at Hilo, Hawaii, this 26th day of July, 1971.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII



Mauricio Valera, Jr.
Vice Chairman
For
O. W. Efurd, Jr.
Chairman