

March 24, 1971

Mr. Richard M. Frazier, Mgr.  
Honokaa Sugar Company  
Haina, HI 96709

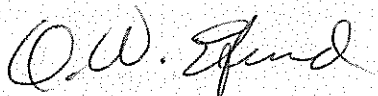
Re: Variance Application  
Tax Map Key 4-7-02:2

The Planning Commission, after its duly held public hearing on March 18, 1971, considered your application for a variance from the minimum building site area to allow a proposed subdivision for a house lot of approximately 1.55 acres and a remnant lot for consolidation purpose in Kapulena, Hamakua, Hawaii.

The Commission voted to deny your application because it was found that the granting of the variance would be inconsistent with the general purpose of the district (A-40a) or the intent and purpose of the Zoning Ordinance No. 63.

You may appeal the decision of the Planning Commission to the Board of Appeals of the Planning Department if you find that the Commission's action was based on an erroneous finding of a material fact, or that the Commission had acted in an arbitrary or capricious manner or had manifestly abused its discretion.

We will be forwarding the official Order as soon as the document is prepared.



O. W. Efurd  
Chairman

lat

MAR 25 '71

PLANNING COMMISSION OF THE PLANNING DEPARTMENT  
COUNTY OF HAWAII

In the Matter of the Appeal of )	
Honokaa Sugar Company )	Variance Application
)	
Tax Map Key 4-7-02:2 )	No. 231
)	
_____ )	

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
and  
DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of )	
Honokaa Sugar Company )	Variance Application
)	
)	No. 231
Tax Map Key 4-7-02:2 )	
_____ )	

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
and  
DECISION AND ORDER

The above-entitled matter was brought on for hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 18th day of March, 1971, in the Planning Department's Conference Room, County Building, Hilo, Hawaii, and the Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. Application requesting variance from the minimum building site area for property within an "Agricultural-40 acre" zoned district was received on January 15, 1971.
2. The area is within the Haukoi land division, Hamakua, mauka of the Honokaa-Waipio Road, across the Kapulena Subdivision.
3. Preliminary hearing concerning the above matter was held on February 18, 1971.
4. Public hearing on the matter was held on March 18, 1971.
5. The variance was to allow the subdivision of a 1.55-acre portion from a 429-acre parcel to use as a houselot for a company employee.

6. The variance request is inconsistent with the general purpose of the district (A-40a) on the intent and purpose of the Zoning Ordinance 63.

7. The applicant has failed to show that a hardship will exist if it is required to comply with the required minimum building site area.

#### CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Ordinances.

2. All procedural requirements as prescribed by law have been complied with.

3. The requirements for the granting of a variance have not been met.

#### DECISION AND ORDER

Based upon the testimony and exhibits introduced at the hearing and the foregoing findings of fact and conclusions of law, it is the decision of the Planning Commission and it is hereby ordered that the application of Honokaa Sugar Company for a variance from the requirements of Section 13-D(1) of Zoning Ordinance No. 63, pertaining to minimum building site area within the Agricultural Zoned district, of Tax Map Key 4-7-02:2 located in Kapulena, Hamakua, Hawaii, be and is hereby denied on its merits.

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

PLANNING COMMISSION

By   
For the Chairman