

July 9, 1971

Mr. T. Hara, President
T. Hara & Company, Ltd.
51 Makaala Street
Hilo, HI 96720

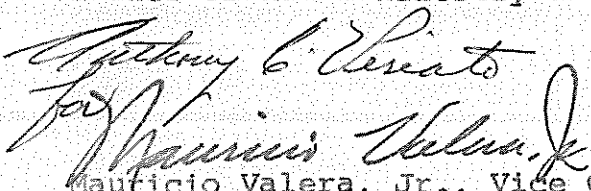
Re: Variance Application

The Planning Commission at its duly held public hearing on July 1, 1971 considered your application for a variance to allow no rear yard setback in lieu of a 15 foot requirement as prescribed in Section 20-F(1) of Ordinance No. 63, for the construction of a warehouse located in the Kanoelehua Industrial Lots subdivision, Waiakea, South Hilo, Hawaii, under Tax Map Key 2-2-50:88.

The Commission voted to deny your application because it was found that:

1. The request would be inconsistent with the intent of the setback regulation which attempts to provide open space for the circulation of air, light, etc.
2. There are no special or unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district. All construction within the Limited Industrial - 20,000 square foot zone (ML-20) are required to comply with the minimum setback of fifteen (15) feet.

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.


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

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cc Corporation Counsel
Building Dept.

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
T. Hara & Company, Ltd.)
Tax Map Key 2-250:88)
_____)

Variance Application

No. 240

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)	
T. Hara & Company, Ltd.)	Variance Application
)	
Tax Map Key 2-2-50:88)	No. 240
)	

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 1st day of July, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Gilbert Hara, Attorney-at-Law, appeared on behalf of the applicant, T. Hara & Company, Ltd., 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 required rear yard building setback for a proposed warehouse to be located off Makaala Street, Kanoelehua Industrial Lots, South Hilo, was received on April 8, 1971.

2. Preliminary hearing concerning the above matter was held on May 20, 1971.

3. Public hearing on the matter was held on July 1, 1971.

4. Application requested no rear yard setback in lieu of a setback of fifteen (15) feet as required by the ML-20 (Limited Industrial) zoned district.

5. Presently existing on the subject property is a warehouse/office building.

6. Building situated on the property abutting the rear of the Hara property has no rear setback.

7. The Building Code allows buildings to be built up to the property line, provided proper fire walls are constructed.

8. The request for no rear yard setback would be inconsistent with the intent of the setback regulation which attempts to provide open space for the circulation of air, light, etc.

9. There are no special or unusual circumstances applying to the subject property which do not generally apply to surrounding properties in the same district.

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 a variance from the requirements of Section 20-F(1) of Zoning Ordinance No. 63, pertaining to rear yard building setback, of Tax Map Key 2-2-50:88 located in the Kanoelehua Industrial Lots, South Hilo,

Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 23rd day of September, 1971.

PLANNING COMMISSION

By C. W. Edwards
Chairman