

July 26, 1971

Dr. Nicholas Steuermann
204 Kaiulani Street
Hilo, Hawaii 96720

Re: Variance Application
Tax Map Key 2-3-15:34

The Planning Commission at its duly held public hearing on July 22, 1971 considered your application for a variance to allow no side yard setback in lieu of the 10 foot requirement as prescribed in Section 9-F(2) of Ordinance No. 63 (Zoning Ordinance) to allow the construction of a 10 foot high fence on a lot in Reed's Island, South Hilo, Hawaii.

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

1. There are no special or unusual circumstances applying to the subject property which do not generally apply to surrounding property in the same district.
2. The granting of this request would be giving special privilege inconsistent with the limitations imposed on other properties under identical zoning classification.

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. Efurd, Jr.
Chairman

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cc Corporation Counsel
Building Dept.

JUL 26 '71

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
Nicholas Steuermann)
Tax Map Key 2-3-15:34)
_____)

Variance Application

No. 247

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)	
Nicholas Steuermann)	Variance Application
)	
Tax Map Key 2-3-15:34)	No. 247
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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 22nd day of July, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Nicholas Steuermann, the applicant, appeared on his behalf 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 side yard setback for property located at Reeds Island, South Hilo, was received on June 10, 1971.
2. Preliminary hearing concerning the above matter was held on July 1, 1971.
3. Public hearing on the matter was held on July 22, 1971.
4. The variance sought is to allow no side yard setback in lieu of the ten (10) feet setback required by the RS-15 (Single-family Residential) zoned district and for the construction of a ten (10) foot high masonry wall along the side property line.

5. An existing ten (10) foot high wall surrounds the west and north sides of the property.

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

7. The granting of the variance request would be giving special privilege inconsistent with the limitations imposed on other properties under identical zoning classification.

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 are 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 Nicholas Steuermann for a variance from the requirements of Section-F(2) of Zoning Ordinance No. 63, pertaining to side yard building setback of Tax Map Key 2-3-15:34 located at Reed's Island, South Hilo, Hawaii, be and is hereby denied on its merits.

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

PLANNING COMMISSION

By

D.W. Edmunds Jr.
Chairman