

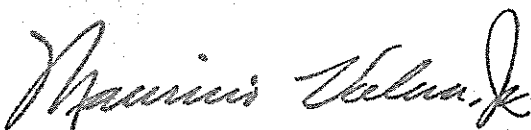
December 27, 1971

Mr. Larry D. Boot, Pres.
Economy Motors, Inc.
321 Kekuanaoa Street
Hilo, Hawaii 96720

Re: Variance Application
Tax Map Key 2-2-58:15

The Planning Commission, after a duly held public hearing on December 22, 1971, considered your application for a variance to allow no rear yard setback in lieu of a 20 foot requirement as prescribed in Section 21-F(1) of the Zoning Ordinance No. 63 for the construction of a building with facilities to service their customers, situated within the Kanoiehua Industrial Lots Subdivision, Waiakea, South Hilo, Hawaii.

Please be informed that the Commission's motion did not pass on your request either for or against the variance application.



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

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cc Mamoru Shimokusu ✓

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of Appeal of)
Economy Motors, Inc.)
Tax Map Key 2-2-58:15)

Variance Application

No. 269

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

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FINDINGS OF FACT
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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 December, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Larry D. Boot, President, appeared on behalf of the applicant, Economy Motors, Inc. 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 a variance from the required rear yard building setback for a proposed service/storage building located off Kanoelehua Avenue, Kanoelehua Industrial Lots, Waiakea, South Hilo, was received on October 27, 1971.
2. Preliminary hearing concerning the above matter was held on November 11, 1971.
3. Public hearing on the matter was held on December 22, 1971.
4. Application requested no rear yard setback in lieu of a setback of twenty (20) feet as required by the MG-1a (General Industrial) zoned district.
5. Presently located on the property is an office/storage building for the Economy Motors/Honda Motorcycle outlet.

6. Building situated on the adjoining property is setback from the rear property line.

7. A staff recommendation was requested and the staff recommended the request be denied based on the following:

- a. 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.
- b. 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 MG-1a zone are required to comply with the minimum rear setback of twenty (20) feet and based on an area of 26,500 square feet for the subject property, it is found that sufficient area exists on which to construct necessary facilities.

8. It was moved and seconded to deny the request as recommended by the staff. Lacking the necessary minimum of five (5) affirmative votes, the motion did not carry.

9. The subject application was reconsidered and it was moved and seconded to approve the requested variance. Again, the necessary votes were not cast and the motion was defeated.

CONCLUSIONS OF LAW

1. The Planning Commission had 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 the 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 21-F(1) of Zoning Ordinance No. 63, pertaining to rear yard setback building setback, of Tax Map Key 2-2-58:15 located in the Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 9th day of March, 1972.


Chairman