

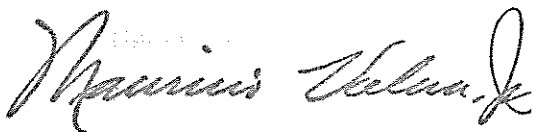
December 27, 1971

Mr. Roy M. Kawakami, President
Quality Sheetmetal Co., Ltd.
2670 Kilihau Street
Honolulu, Hawaii 96819

Re: Variance Application
Tax Map Key 2-2-58:3

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 in the Waiakea Industrial Lots Subdivision, Waiakea, South Hilo, Hawaii.

Please be informed that the Commission's motion for the variance application did not pass and the motion for a denial lacked a second to be effective.



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

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PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
Quality Sheetmetal Co., Ltd.)
Tax Map Key 2-2-58:3)
_____)

Variance Application

No. 270

FINDINGS OF FACT

CONCLUSIONS OF LAW

AND

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

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Variance Application

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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 December, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Roy M. Kawakami, President, appeared on behalf of the applicant, Quality Sheetmetal Company, Ltd. 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 building (6,250 square feet) located fronting Pohaku Street, Waiakea Industrial Lots Subdivision, Waiakea, South Hilo, was received on November 8, 1971.
2. Preliminary hearing concerning the above matter was held on November 24, 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. The subject property is presently vacant.
6. Building (Nishimoto Plumbing) situated on the adjoining property (Puna direction) meets all setback requirements.

7. In March 1971, a preliminary plan was submitted to the Planning Department for review and comments on a proposed warehouse building (4,950 square feet). Plan showed compliance to the front and rear yard setback of twenty (20) feet.

8. A staff recommendation was requested and the staff recommend that 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 12,114 square feet for the subject property, it is found that sufficient area exists on which to construct the necessary facilities.

9. It was moved to concur with the staff's recommendation for a denial of the request. There was no second to the motion. Chairman declared that the motion was defeated for lack of a second.

10. The subject application was reconsidered and it was moved and seconded to approve the requested variance. As required, a minimum of five (5) affirmative votes must be cast before a motion is carried. Inasmuch as the necessary affirmative votes were not cast, the motion was not carried and the request was deemed to be denied.

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 21-F(1) of Zoning Ordinance No. 63, pertaining to rear yard building setback, of Tax Map Key 2-2-58:3 located in the Waiakea Industrial Lots Subdivision, Waiakea, South Hilo, Hawaii, be and is hereby denied on its merits.

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


Chairman