

December 27, 1971

Messrs. Louis and Regina Sampaia
200 Chong Street
Hilo, Hawaii 96720

Re: Variance Application
Tax Map Key 2-5-15:28

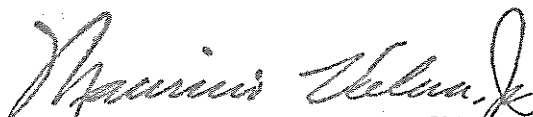
The Planning Commission at its preliminary hearing held on December 22, 1971 considered your application for a variance to allow the construction of an additional single-family dwelling on a lot containing an area of 19,862 square feet, which is within a Single Family Residential - 15,000 square foot (RS-15) zone where one single-family dwelling is allowed, situated in the "Charles Chong Man Subdivision," Ponahawai, South Hilo, Hawaii.

Please be informed that the Commission's motion to hold a public hearing on this request did not pass inasmuch as some of the members felt that a sixty-seven (67) per cent deviation from the required land area was too much to allow an additional dwelling.

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.

Since there will be no public hearing held on this matter, we are returning your filing fee.

A certified copy of the Order will be sent to you as soon as the document is prepared.



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

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Enclosure - County Warrant # 135

cc Corporation Counsel & Building Dept.

DEC 29 '71

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of Appeal of)
Louis Sampaia)
)
Tax Map Key 2-5-15:28)
)

Variance Application

No. 272

FINDINGS OF FACT

CONSLUSIONS OF LAW

and

DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of Appeal of)
Louis Sampaia)
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_____)

Variance Application

No. 272

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 County of Hawaii, on the 22nd day of December, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing Louis Sampaia, the applicant, appeared. 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 to allow the construction of an additional single-family dwelling on a lot containing an area of 19,862 square feet and located within a Single-Family Residential - 15,000 (RS-15) zone where one dwelling per 15,000 square feet is permitted located fronting Chong Road, Charles Chong Man Subdivision, Ponahawai, South Hilo, was received on December 2, 1971.

2. Preliminary hearing concerning the above matter was held on December 22, 1971.

3. Application requested a variance to allow the construction of an additional single-family dwelling on a lot which is 10,138 square feet below the 30,000 square feet requirement for two dwellings as regulated by the Single-Family Residential - 15,000 (RS-15) zone district. Subject property is general planned for Low Density Urban Use.

4. Presently located on the lot is one single-family dwelling.
5. Adjoining lot containing 18,939 square feet contains two (2) dwellings which were constructed prior to December 1969.
6. Single-family dwellings in the immediate area are located on lots ranging in sizes from 7,500 square feet to 1.4541 acres.
7. Although area has lots of approximately 7,500 square feet in size, the general character of the area is of lots over three-fourths (3/4) acre (30,000+1square feet) in size.
8. The existing 7,500 square foot lots were created prior to the adoption of Zoning Ordinance (Ordinance No. 63) and zoning map for the City of Hilo. Subject adoption date was December 26, 1968.
9. It was moved and seconded to place the matter on the agenda for a public hearing. The motion did not carry for lack of the necessary five (5) affirmative votes. Therefore, the requested variance is deemed 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 9-D(1) of Zoning Ordinance No. 63, pertaining to minimum building site area and designation of Districts (RS-15), of Tax Map Key 2-5-15: 28 located in the Charles Chong Man Subdivision, Ponahawai, South Hilo, Hawaii be and is hereby denied on its merits.

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

W. E. L. A.
Chairman