

April 14, 1972

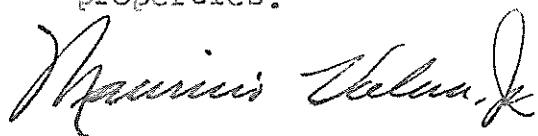
Mr. Larry Boot
Economy Motors
321 Kekuanaoa Street
Hilo, Hawaii 96720

Re: Variance Application
TMK: 2-2-58:15

The Planning Commission at its duly held public hearing on April 13, 1972 considered your application for a variance from the minimum required rear yard setback for a proposed service area addition.

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

1. there were no special or unusual circumstances applying to the subject property, such as terrain considerations, which would render the required setback impossible to meet. It was found that sufficient area exists on which to construct the necessary facilities while still adhering to the required setbacks. Compliance to all setback regulations would still allow for approximately 45 per cent of the total acreage for open display.
2. the request would be inconsistent with the intent of the setback regulations which attempt to provide for the adequate circulation of air and light. Although it may be argued that the rear setback is non-functional for this particular property, it nevertheless affects the circulation of air and light of surrounding properties.



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

GM:mh

cc Masanori Kushi

APR 17 1972

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

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

Variance Application

No. 287

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)	
Economy Motors, Inc.)	Variance Application
)	
Tax Map Key 2-2-58:15)	No. 287
)	

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 13th day of April, 1972, in the Planning Department's Conference Room, County Building, Hilo, Hawaii, at which hearing Masanori Kushi, Attorney, 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. An application requesting a variance from the required rear yard building setback for a proposed service repair building located in the Waiakea Industrial Lots Subdivision, Waiakea, South Hilo, was received on January 24, 1972.
2. A preliminary hearing concerning the above matter was held on March 9, 1972 at which hearing the Commission voted to schedule the request for a public hearing.
3. A public hearing on the matter was held on April 13, 1972.

4. The application requested no rear yard setback in lieu of a setback of twenty (20) feet as required by the general industrial (MG-1a) zoned district.

5. The subject property is zoned for general industrial (MG-1a) uses and requires a minimum front and rear setback of twenty (20) feet and no side yard setback except by plan approval.

6. Situated on the subject property which contains an area of 26,500 square feet is the Economy Motors/Honda Motorcycles outlet.

7. The submitted plot plan shows the proposed addition being built up to the rear property line with side yard setbacks of ten (10) feet on the Honokaa side and twenty (20) feet on the Puna side.

8. The applicants have stated that as the franchise dealer of Honda and Mazda, they have made commitments to enlarge the repair and service facilities.

9. A similar request was considered by the Commission at a duly held public hearing on December 22, 1971. The request at that time showed an addition built up to the side property lines and up to the rear property lines. The request was subsequently denied.

10. It was recommended by the staff that the request be denied as it was found that there are no special or unusual circumstances applying to the subject property, such as terrain considerations, which would render the required setback impossible to meet. It is found that sufficient area exists on which to construct the necessary facilities while still adhering to the required setbacks. Compliance to all setback regulations would still allow for approximately forty-five (45) per cent of the total acreage for open display.

It was further found that the request would be inconsistent with the intent of the setback regulations which attempt to provide for the adequate circulation of air, light, etc. Although it may be argued that the rear setback is nonfunctional in regard to this particular use, it nevertheless affects the surrounding properties' air and light circulations.

11. The request was further discussed and it was felt that an unusual circumstance exists in that, with this type of business, there is a need to provide as much open display space as possible.

12. It was moved and seconded that the request be approved.

13. The votes on the motion were as follows: three (3) ayes and four (4) noes. For lack of a minimum of five (5) votes, the motion did not carry.

14. After further discussion, it was moved and seconded to deny the request based on the findings of the staff.

15. The votes on the motion were as follows: five (5) ayes and two (2) noes. The motion carried and the request was 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. Under Section 5-4.3(g) of the Hawaii County Charter, a variance may not be granted unless there are special or unusual circumstances applying to the subject property which would result in unnecessary hardship if the ordinance were literally enforced, and the granting of the variance would not be contrary to the public interest.

4. The requirements for the granting of a variance have not been met.

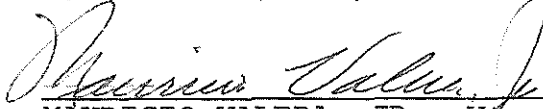
DECISION AND ORDER

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 2-2-58:15 located in the Waiakea Industrial Lots Subdivision, Waiakea, South Hilo, Hawaii, be and is hereby denied on its merits.

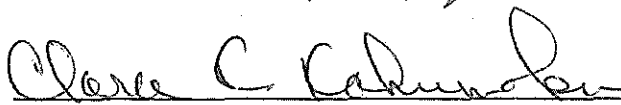
Dated at Hilo, Hawaii, this 13th day of July, 1972.



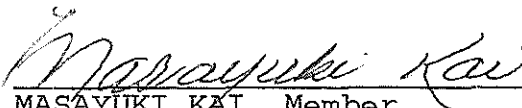
O. W. EFURD, JR., Chairman



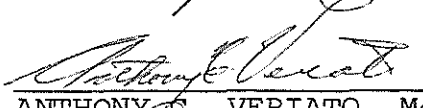
MAURICIO VALERA, JR., Vice Chairman



CLARA K. KAHUMOKU, Member



MASAYUKI KAI, Member



ANTHONY C. VERIATO, Member