

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
JOHN JENSEN)
from)
NON CONFORMING BUILDINGS AND USES)
in)
Waiakea, South Hilo, Hawaii)

Variance No. 293

VARIANCE PERMIT

The County Planning Commission at its duly held public hearing on June 15, 1972, considered the application of JOHN JENSEN for a variance from Section 31-B-1, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the request was to allow a variance to enlarge (dwelling) and to replace (carport) non-conforming uses within a general industrial (MG-1a) zoned district, located in the Kuhio Bay area, Waiakea, South Hilo, Hawaii, tax map key 2-1-07:32.

The Commission has found:

1. that literal enforcement of the zoning ordinance would result in unnecessary hardship on the use of the land. The land is owned by the State and leased to the applicant with the condition that the land shall be used for residential purposes. The lease runs through the year 2015. All of the lands which are part of the Ocean View Lease Lots are governed by the same leasing provisions and conditions. In no way does the lease allow an industrial use, except if the lease is revoked by the State for a public purpose and that public purpose, (for example, wharf use) is an industrial use.

To prohibit and/or minimize the residential use of the land as the present industrial zoning would have the effect of doing, would be contrary to the provisions and conditions of the State lease. Therefore, it is found that special hardship exists on this land which is not normally found on similar type of land. It should also be noted that the hardship was a result of a public as opposed to a private lease; and

2. that there will not be any substantial change to the original structure of the building which will result in an expansion of the residential use. The resultant expansion will have a minimal effect on the character of the area which is basically residential.

Therefore, the Commission pursuant to the authority vested in it by Section 36 of said Ordinance, hereby grants to the applicant a variance to enlarge a dwelling and to replace non-conforming (carport)

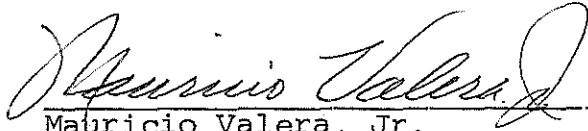
uses within a general industrial (MG-1a) zoned district subject to the following conditions:

1. that the applicant or lessee of the subject parcel be responsible for securing a building permit and starting construction of the area no later than one year from the official date of approval of this variance request; and
2. that all structural additions comply with the required front, rear, and side yard setbacks and all other applicable regulations.

The effective date of this permit shall be from June 15, 1972.

Dated at Hilo, Hawaii, this 17th day of August

1972.



Mauricio Valera, Jr.
Vice Chairman