

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
INDUSTRIAL STEEL CORPORATION)
from)
SIDE YARD SETBACK)
REQUIREMENTS)
in)
Waiakea Industrial Area,)
Waiakea, South Hilo)
_____)

Variance No. 461

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 5, 1976 considered the application of INDUSTRIAL STEEL CORPORATION for a variance from Chapter 8 (Zoning Code), Article 15, Section 7, Hawaii County Code, as Amended, more specifically to allow a building to straddle across property lines at Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-47:61 and 2-2-58:27 and 28.

The Commission has found that:

There are unusual circumstances applying to the subject properties which do not generally apply to surrounding properties or their improvements in the same zoned district. Prior to applying for a variance, the applicant has sought other alternatives in trying to fulfill his needs; but to no avail. Under normal circumstances in cases such as this, the applicant is required to consolidate the parcels to resolve the problem. In this particular case, however, the lots are owned by different parties and leased to the applicant. Parcel 61 is owned by the Department of Hawaiian Home Lands and parcels 27 and 28 are owned by the Department of Land and Natural Resources. The lease with the Department of Hawaiian Home Lands is until year 2023, while the lease with the Department of Land and Natural Resources is until 2010. The applicant has contacted both parties for permission to consolidate the properties. Although the Department of Land and Natural Resources had no objections to the proposed consolidation of the lots, the Department of Hawaiian Home Lands was not in favor of such action. As such, the applicant is faced with a peculiar situation whereby one landowner is agreeable to the consolidation, while the other is not receptive to that idea. In light of this, it is determined that there exists certain unusual circumstances which, in a way, deprives the applicant of substantial property rights which would otherwise be available, and also to a degree which obviously interferes with the best use or manner of development of the properties.

It is further determined that the granting of the variance will not be totally inconsistent with the general purpose of this particular zoned district or the intent and purpose of the Zoning Code. Under the General Industrial (MG) zoning regulations, there is no side yard setback requirements, except if required through the Plan Approval process. A building within this zoned district could be constructed up to the side property line provided it meets with the Building Code requirements which are administered by the Department of Public Works, Bureau of Building and Construction. The applicant has received approval from the Building Board of Appeals to construct the interconnecting roof across the side property line.

It is also determined that although the proposed roof covering may seem permanent in nature, it can be removed within a 48-hour period. Also, since the existing leases on the properties are for several more years, 35 and 48 years to be exact, the straddling of the building across these lots is not considered to be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity. There would be very little, if any, adverse affect on other properties and their improvements in the area. In fact, the granting of this particular variance will tend to improve the existing situation as it will maximize the efficiency of the building in terms of usage.


Therefore, the Commission hereby grants to the applicant a variance to allow a building to straddle across property lines, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. Construction of the interconnecting roof be commenced by the applicant within one (1) year from the effective date of the Variance Permit. Such construction shall be completed within one (1) year thereafter.
2. Prior to the expiration dates of the leases, or abandonment of the present use, whichever occurs sooner, the applicant shall be responsible for dismantling the interconnecting roof and the overhead beams straddling the property lines.
3. All other applicable rules and regulations, including the Plan Approval process be complied with.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from February 5, 1976.

Dated at Hilo, Hawaii, this 19th day of February, 1976.


Leon K. Sterling, Jr., Chairman

