

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
JEANNETTE M. OKADA)	
from)	
FUTURE ROAD RIGHT-OF-WAY SETBACK)	VARIANCE NO. 504
in)	
Panaewa House Lots Subdivision,)	
Waiakea, South Hilo, Hawaii)	
<hr/>		

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on September 8, 1977, considered the application of JEANNETTE M. OKADA for a variance from Chapter 8 (Zoning Code), Article 25, Section 4C more specifically, to allow the construction of a saran shade building within a future 80-foot right-of-way as indicated on the City of Hilo Zoning Map in the Panaewa House Lots Subdivision, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-52:1.

The Commission has found:

That unusual circumstances exist to a degree which deprives the owner/applicant of substantial property rights, which would otherwise be available. An 80-foot right-of-way, which is a proposed extension of Stainback Highway, will affect a forty (40) foot strip of the subject property on the southern side. This future right-of-way is part of a circumferential route designated by the General Plan Facilities and Transportation Map. It is also described as a specific course of action in the Transportation Element of the General Plan. The original purpose of this route was to provide major access ways from the Waiakea-waena and Iuka areas to the airport, industrial areas, downtown and university/Waiakea school area. It should be noted that since this route was originally proposed in 1961, Komohana Street has been extended to Waianuenue and Kanoelehua has been improved to a 4-lane highway. The Hilo Community Development Plan does not recommend implementation of this course of action within the lifetime of the plan, that is, through at least 1985. Upon reviewing the variance application, the State Department of Transportation stated that the applicant's observation of alternative routes had merit and further that no through access opening across the Volcano Highway is shown on their plans at this location. The Department of Public Works commented that the possibility of this road construction was remote.

As such, it does not appear that this road extension is likely to be constructed in the near foreseeable future. Additionally, in view of other circulatory developments, the appropriations of this road at this time is somewhat questionable. During the review and revisions to the General Plan including the facilities and transportation map, it is possible that changes may also be made to this General Plan designated route.

Under these circumstances, it is reasoned that the strict enforcement of the zoning provisions would deprive the applicant of substantial property rights which would otherwise be available to her.

Further, the saran shade house is of a semi-permanent nature and may be relatively easily relocated. Thus, should the road extension be constructed within this designated right-of-way, the shade house may be relocated without undergoing major public condemnation costs.

Based on the foregoing considerations, it is determined that the variance request will not be materially detrimental to the public welfare, nor injurious to improvements or property in the near vicinity.

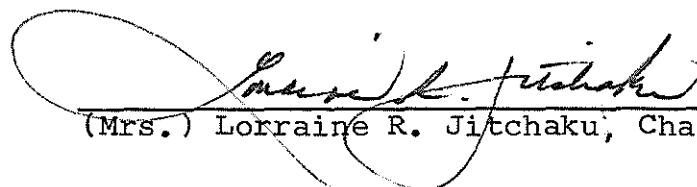
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a saran shade building within a future 80-foot right-of-way as indicated on the City of Hilo Zoning Map in the Panaewa House Lots Subdivision, Waiakea, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That construction of the saran shade house shall commence within one (1) year of the effective date of the Variance Permit and shall be completed within two (2) years thereafter.
2. That the applicant shall comply with all other applicable rules and regulations including the Plan Approval process.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from September 8, 1977.

Dated at Hilo, Hawaii, this 3rd day of October, 1977.


(Mrs.) Lorraine R. Jitchaku, Chairman

