

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

|                             |   |                  |
|-----------------------------|---|------------------|
| Application for VARIANCE    | ) |                  |
| by                          | ) |                  |
| RONALD YANAZAKI             | ) | VARIANCE NO. 510 |
| from                        | ) |                  |
| MINIMUM REAR YARD           | ) |                  |
| SETBACK REQUIREMENT         | ) |                  |
| in                          | ) |                  |
| Waiakea, South Hilo, Hawaii | ) |                  |
|                             | ) |                  |

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 27, 1977, considered the application of RONALD YANAZAKI for a variance from Chapter 8 (Zoning Code), Article 15, Section 7, Hawaii County Code, as amended, more specifically, to allow the construction of a warehouse/office building with a ten (10) foot rear yard setback in lieu of the minimum requirement of twenty (20) feet at Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-10:16.

The Commission has found:

That unusual circumstances exist to a degree which deprives the applicant of substantial property rights, which would otherwise be available. The proposed widening of the Silva Street right-of-way from its present 60-foot width to 120 feet will necessitate the acquisition of a 30-foot strip from the subject parcel. With the additional application of the required twenty (20) foot front and rear yard setbacks, the net buildable area of the 8,151 square foot parcel is reduced to 2,445 square feet. The resultant net buildable area would represent 30 percent of the total parcel size. The applicant could situate the proposed structure within the resultant buildable area and thus conform to the setback requirements. However, to be restricted to such an area would eliminate all flexibility in site planning and utilization.

The County of Hawaii Department of Public Works does not have any plans to implement the proposed widening of Silva Street. The State Department of Transportation, in considering alternatives to provide increased vehicular access to the Kuhio Wharf, does not propose to widen Silva Street. Thus, it does not appear that the proposed widening of Silva Street will be implemented in the foreseeable future.

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 him.

That the granting of the variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. On September 21, 1977, the Fire Department submitted the following comments to the Planning Department concerning the subject variance application:

"Granting of the ten-foot variance requested in lieu of the required twenty-foot rear yard setback may create fire exposure problems to the adjoining property."

Subsequent discussions with the Fire Department revealed that setbacks to mitigate fire exposure possibilities are contained in the Uniform Building Code and that this Code is used as the standard for evaluating fire exposure problems. Furthermore, the Building and Construction Inspection Bureau of the Department of Public Works has stated that the UBC setback requirement for the proposed structure is ten (10) feet from the nearest property line. In view of this, the Fire Department has stated that their letter of September 21, 1977, is incorrect as it was assumed that the twenty (20) foot rear yard setback requirement was contained in the UBC. Thus, it has been determined that granting of the variance shall not be injurious to improvements or property rights in the near vicinity.

That the granting of the variance will not be contrary to the general purpose of the district, nor will it militate against the County General Plan. The purposes of the Zoning Code and the General Plan are to provide for adequate industrial sites which are conveniently located and which will not be hazardous to the adjoining areas. The proposed use is consistent with both the County Zoning and General Plan Land Use Allocation Guide Maps. Further, as discussed above, the granting of the variance will not be injurious to adjoining properties.

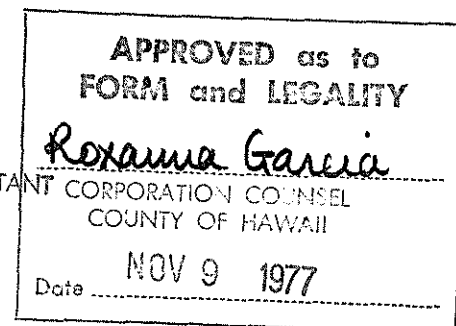
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a warehouse/office building with a ten (10) foot rear yard setback in lieu of the minimum requirement of twenty (20) feet at Waiakea, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That construction of the office/warehouse facility shall commence within one year from the effective date of the Variance Permit, and that construction be completed within two (2) years thereafter.
2. That the proposed structure shall be in conformance with the County Building Code.
3. That all other rules and regulations, including the plan approval process, be complied with.

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 October 27, 1977.

Dated at Hilo, Hawaii, this 16th day of November, 1977.



*Lorraine R. Jitchaku*  
(MRS.) LORRAINE R. JITCHAKU  
Chairman, Planning Commission