

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
SUISAN COMPANY, LTD.)	VARIANCE NO. 525
from)	
MINIMUM REAR YARD SETBACK)	
in)	
Waiakea Warehouse Lots,)	
Waiakea, South Hilo, Hawaii)	
)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on February 23, 1978, considered the application of SUISAN COMPANY, LTD. for a variance from Article 15, Section 7, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, more specifically to allow the construction of a structure with a 1' - 0" rear yard setback in lieu of the minimum requirement of 20' - 0" as stipulated within the General Industrial - 20,000 square foot (MG-20) zoned district in the Waiakea Warehouse Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-07:03.

The Commission has found:

1. That there are unusual circumstances applying to the subject property which do not generally apply to surrounding properties. The subject parcel is bounded on its makai side by a State-owned parcel. This parcel is an old railroad right-of-way with a 50-foot width. Although it essentially resembles a roadway parcel, technically it is not. As a result, the subject property becomes an interior lot rather than a corner lot. What would be a side property line if the subject property were a corner lot becomes a rear property line with a setback requirement of twenty feet. As the same time, this rear property line is the side property line for the adjacent property to the west and there is no setback requirement. In this particular case, the technical determination of the rear property line due to the status and nature of tax map key 2-1-07:51 is considered to be an unusual circumstance which does not generally apply to surrounding properties within the same zoned district. The industrially zoned lands in the area are larger in size and have definitely determinable side and rear property lines. In addition, the rear property line of the subject parcel is one of the side property lines of the adjacent parcel and this is also a relatively unusual circumstance.

2. That these unusual circumstances interfere with the best manner of development of the subject property. If the proposed structure was required to be set back twenty feet from the rear property line, there would not be sufficient area to provide the amount of parking stalls required and the area needed to maneuver the large trucks which would be utilizing the facility. By siting the building closer to the rear property line, adequate area will be available to meet the parking requirement as well as to provide the necessary space for maneuvering large vehicles. In addition, the size of the structure is necessary for the proposed uses.

Further, the petitioner will construct a fire wall along the rear portion of the structure in keeping with the Uniform Building Code. There will also be a fire wall along the mauka side property line. By locating the structure closer to the mauka property line, the makai side yard setback will be approximately twenty feet. The State-owned parcel is located along this side of the subject parcel. It has been set aside for park and recreational purposes. The siting of the structure as proposed by the petitioner is determined to be the best manner of development of the subject property in that it will least affect the proposed use of the State-owned parcel.

3. That approval of the variance will not be contrary to the intent and purpose of the setback provisions of the Zoning Code. The purpose of the rear yard setback provision in the General Industrial (MG) zoned district is to assure that adequate area exists for access in the event of emergencies such as fire and to also provide for adequate light and air circulation. In this particular case, the subject property would have two open and accessible areas. One would be the front of the property along Kumau Street and the other would be the makai side yard. These access points to the property should provide sufficient entrance to the property in the case of emergencies. In addition, the adjacent property runs the width of the block, from Kalaniana'ole Street to the State-owned parcel along Ocean View Drive. The adjacent property also has frontage along Kumau Street. Given the configuration of the adjacent property, construction of the cold-storage warehouse facility as proposed should not interfere with development of the subject property relative to the intent of setback provisions.

Based on the above, it is determined that approval of the request will not be contrary to the spirit and purpose of the variance provisions of the Zoning Code.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a structure with a 1' - 0" rear yard setback in lieu of the minimum requirement of 20' - 0" as stipulated within the General Industrial - 20,000 square foot

(MG-20) zoned district in the Waiakea Warehouse Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-07:03 pursuant to the authority vested in it be Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for plan approval within one year from the effective date of approval of the Special Management Area Use Permit and the Variance Permit.
2. That construction of the proposed facility shall commence within one year from the receipt of final plan approval and shall be completed within two years thereafter.
3. That the proposed facility shall conform to the representations made by the petitioner and the plans submitted with the application.
4. That the petitioner shall provide a landscaping buffer strip along the makai side of the subject property. Plans for the buffer strip shall be reviewed and approved at the time of plan approval.
5. That the requirements of the Grading Ordinance shall be complied with.
6. That the requirements of the Safety Flood Hazard District shall be complied with.
7. That all other applicable rules and regulations, including the requirements of the Departments of Health and Public Works, shall be complied with.

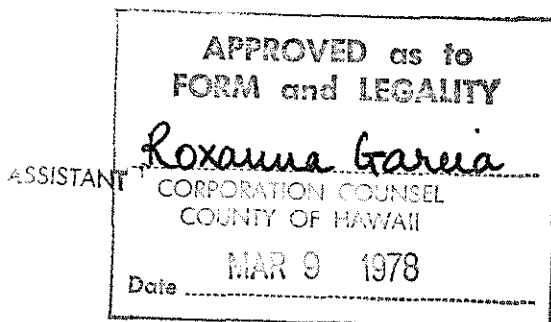
Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be February 23, 1978.

Dated at Hilo, Hawaii, this 22nd day of March, 1978.



William F. Mielcke
Chairman, Planning Commission



May 11, 1979

Mr. Rex Matsuno, President
Suisan Co., Ltd.
P. O. Box 366
Hilo, HI 96720

Dear Mr. Matsuno:

Request to Nullify SMA Use Permit No. 52
and Variance Permit No. 525✓
Tax Map Key 2-1-07:3

The Planning Commission at its regular meeting on May 10, 1979 considered your request to nullify SMA Use Permit No. 52 and Variance Permit No. 525. Both Permits relate to the proposed construction of a cold storage warehouse facility and related improvements on a property located along the west side of Kumau Street, adjacent to the Kamaaina Volkswagen/Audi Complex, Waiakea Warehouse Lots, Waiakea, South Hilo, Hawaii.

Pursuant to your request, the Commission voted to nullify both permits.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM F. MIELCKE
CHAIRMAN, PLANNING COMMISSION

lgv

cc Mr. Charles Umamoto
Building Division, DPW

bcc Land Use Division, Plng. Dept. (Masa)

MAY 11 1979