

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
DONALD A. IKEDA)
from)
MINIMUM SETBACK REQUIREMENT)
in)
Waiakea, South Hilo, Hawaii)

VARIANCE NO. 562

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 11, 1979, considered the application of DONALD A. IKEDA for a variance from the requirement of Chapter 8 (Zoning Code), Article 14, Section 7; more specifically, to allow the construction of a proposed warehouse with a zero (0) rear yard setback in lieu of the minimum requirement of fifteen (15) feet as stipulated within the Limited Industrial - 20,000 square foot (ML-20) zoned district. The property involved is located within the Kanoelehua Industrial Lots Subdivision, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-50:91.

The Commission has found:

That there are unusual circumstances applying to the subject property that do not generally apply to surrounding properties. The side property line for the property immediately south of the subject area extends fifty (50) feet further from Makaala Street than the property under consideration. Thus, the required rear yard for the property to the south does not abut the rear yard of the subject property. One of the reasons for requiring rear yard setbacks for industrial lots is to provide access for fire fighting purposes. However, the rear yard required for the subject property may not be accessible as there is no access to a public right-of-way. Essentially the rear yard on the subject property would stand as an open pocket in the midst of a developed area. This pocket could not serve the intended purpose of providing access for fire fighting.

That the remaining purpose of establishing rear yards in the industrial zoned districts is to mitigate negative visual impacts on surrounding properties. The structure on the property to the east has a firewall which extends to the subject property. The remainder of this structure is approximately five (5) feet from the subject property. The lot to the south is approximately six (6) feet higher than the subject property. Given this situation it is not anticipated that the construction of a structure with a zero rear

yard setback on the subject property would have any further adverse visual impacts than a structure with a fifteen (15) foot rear yard setback. Thus, the proposed rear yard as required within the ML-20 zoned district would not serve its intended purposes of providing access for firefighting or to mitigate visual impacts. This is considered to be a relatively unusual situation.

Inasmuch as, in this particular case, the required rear yard setback would not serve the intent of the Zoning Code, its retention would interfere with the best manner of development of the subject property. The retention of the rear yard setback would require the construction of the building with a 177 square foot quarter circle removed from its corner. However, as this alternative would not necessarily have beneficial impacts on the surrounding properties, it is determined that the best manner of development would be interfered with. The approval of the subject variance request would allow the structure to be situated at the perimeter of the property thereby freeing other areas for the provision of the necessary parking and loading area.

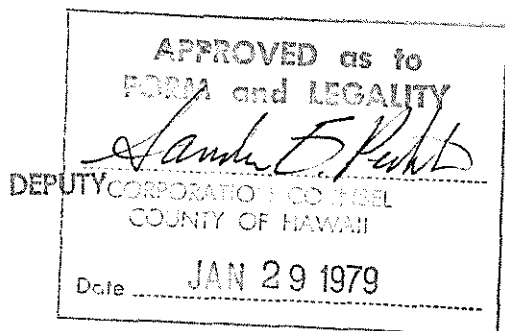
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a proposed warehouse with a zero (0) rear yard setback in lieu of the minimum requirement of fifteen (15) feet as stipulated within the Limited Industrial - 20,000 square foot (ML-20) zoned district, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code), subject to the following conditions:

1. That the petitioner, or his authorized representative, submit plans for plan approval within one (1) year from the effective date of the variance permit. The petitioner shall also be responsible for obtaining final plan approval.
2. That construction shall commence within one (1) year from the receipt of final plan approval and shall be completed within two (2) years thereafter.
3. That all other applicable rules, regulations and requirements 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 from January 14, 1979.

Dated at Hilo, Hawaii, this 25th day of January, 1979.



William F. Mielcke
WILLIAM F. MIELCKE
Chairman, Planning Commission