

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
HILO SODA WORKS )  
from )  
MINIMUM REAR YARD SETBACK )  
REQUIREMENT )  
in )  
Kanoelehua Industrial Lots, )  
WAIAKEA )  
SOUTH HILO, HAWAII )

VARIANCE NO. 585

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on July 12, 1979, considered the application of HILO SODA WORKS for a variance from minimum rear yard setback requirements, more specifically, to allow the construction of an addition to an existing building with a zero (0) rear yard setback in lieu of the minimum requirement of fifteen (15) feet as stipulated within the Limited Industrial (ML-20) zoned district. The property involved is the site of the existing HILO SODA WORKS located along the south of rear side of Kawili Street, Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 2-2-50:15.

The Commission has found:

That the approval of the subject request will not be contrary to the purpose and intent of the Zoning Code. One of the purposes of the rear yard setback requirement is to provide areas for firefighting purposes. Principally this access is to allow for the entry of firefighters to protect the adjoining properties from the threat of fire. However, in this case the petitioner is proposing to utilize firewalls on all sides of the structure and thus the potential fire hazard to adjoining properties is mitigated.

The subject property is bounded on two (2) sides by other industrial uses. The steel structure to the south is higher than the proposed structure and thus, from the standpoint of the adjoining properties to the east and south, no adverse visual impacts are anticipated. The Hilo Community College Campus is adjacent and to the side of the subject property. The impact of the approval of the subject request would be the lengthening of the structure by the additional 15 feet. In view of the length of structure allowable under the Zoning Code requirements and the existing structure to the rear it is anticipated that the visual impacts would be minimal from the Hawaii Community College Campus.

Thus, it is determined that the granting of the request will not be contrary to the purpose and intent of the Zoning Code. Based on the same rationale, it is not anticipated that the approval of the request will be materially detrimental to surrounding improvements or property rights.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of an addition to an existing building with a zero (0) rear yard setback in lieu of the minimum requirement of fifteen (15) feet as stipulated within the Limited Industrial (ML-20) zoned district at the Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii pursuant to the authority vested in it by Article 1, Section F of the Zoning Code, subject to the following conditions:

1. That the petitioner, or his authorized representative, shall secure final Plan Approval within one (1) year from the effective date of the Variance Permit.
2. Construction of the addition shall commence within one (1) year from the date of receipt of final Plan Approval and be completed within two (2) years thereafter.
3. That adequate parking, as determined through the Plan Approval process, shall be provided on-site.
4. That the requirements of the Department of Public Works, including the Uniform Building Code, shall be complied with.
5. 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 July 12, 1979.

Dated at Hilo, Hawaii, this 7th day of August, 1979.

  
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WILLIAM F. MIELCKE  
Chairman, Planning Commission

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII

Date: \_\_\_\_\_

JUL 31 1979