

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of Appeal of )  
Albert Correa, Jr. )  
Tax Map Key 2-5-11:21 )  

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Use Permit Application

No. 6

FINDINGS OF FACT

CONCLUSIONS OF LAW

and

DECISION AND ORDER

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The above-entitled matter was brought on for public hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 14th day of October, 1971, in the Conference Room of the Planning Department, County Building, Hilo, Hawaii at which hearing Filmore Vierra, appeared on behalf of the Applicant, Albert Correa, Jr., and the Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. Application for Use Permit to construct sixty-seven (67) fly pens for game cocks and game hens within a Single-family Residential - 10,000 square foot (RS-10) zoned district at 1074 Kaumana Drive, Hilo, Hawaii, was received on August 13, 1971.
2. Preliminary hearing concerning the above matter was held on September 16, 1971, in the Conference Room of the Planning Department, County Building, Hilo, Hawaii.
3. Public hearing on the matter was held on October 14, 1971, in the Conference Room of the Planning Department, County Building, Hilo, Hawaii.

4. The property, on which the proposed fly pens were to be constructed, is a 13,495 square foot flag lot with access from Kaumana Drive.

5. Presently situated on the Correa property are fly pens and temporary cages. A building permit was issued in April, 1968, to construct three rows of fly pens. A building permit was also issued to a storage shed in July, 1971.

6. The lot in front of the subject property is also owned by the applicant and upon which is situated a dwelling.

7. Dwellings are located on both sides of the subject property. The dwelling to the makai side has been vacant for several years. To the rear of the Correa property is a 2.8-acre parcel on which the Chong poultry farm is situated. The Chong property is zoned for Single-family Residential use, and the poultry farm is allowed as an existing non-conforming use.

8. A petition protesting the proposed use was received on October 12, 1971 from residents in the immediate vicinity.

9. The Planning Commissioners went on a field trip to the Correa's property on October 14, 1971.

10. The Department of Health has recommended the approval of the request on the bases that the rules and regulations of the Department of Health can be complied with satisfactorily.

11. Checking with the State Tax Office, it was found that the applicant has no gross income license for the sale of the game cocks.

12. In any RS, RD, or RM district where the Planning Commission finds that the keeping of animals is not inconsistent with the character of the immediate neighborhood, it may grant a temporary 'use permit' provided it conforms to the requirements of the Department of Health and has the approval of the Director Section 30-B(5) of Ordinance 637.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Ordinances.
2. All procedural requirements as prescribed by law have been complied with.
3. The requirements for granting of the use permit have not been met.
4. The granting of the requested use permit would be perpetuating a non-conforming use and would not be consistent with the character of the immediate neighborhood.
5. The construction and maintenance of 67 fly pens for game cocks and game hens on the Residential-zoned lot would not be consistent with the character of the neighborhood.


DECISION AND ORDER

Based upon the testimony and exhibits introduced at the hearing and the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Planning Commission and it is hereby ordered that the application of Albert Correa, Jr. for use permit for the construction of fly pens within a Single-family Residential - 10,000 square foot zoned district, Tax Map Key 2-5-11:21 located in Kaumana, South Hilo, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 22nd day of December, 1971.

PLANNING COMMISSION

BY

  
Chairman