

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
ERBIN R. DE PONTE, SR.)	
from)	
MINIMUM LAND AREA REQUIREMENT)	Variance No. 411
FOR THE RAISING OF PIGS)	
in)	
The Kukui Heights Lot Subdivision,)	
Olaa, Puna, Hawaii)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on July 17, 1974 considered the application of ERBIN R. DE PONTE, SR. for a variance from Chapter 8 (Zoning Code), Article 6, Section 3, Hawaii County Code, as Amended, more specifically to allow the raising of pigs on 2.2 acres of land in lieu of the minimum land area requirement of three (3) acres as required within the Residential-Agricultural one-half acre (RA-.5a) zoned district in the Kukui Heights Lot Subdivision, Olaa, Puna, Hawaii, Tax Map Key 1-7-24:60.

The Commission has found that:

1. The granting of the variance will not be inconsistent with the general purpose of the district or the intent of this Ordinance. The general purpose of this district is to provide for low density large lot rural areas where the principal use is residential mixed with compatible agricultural uses. The existing land uses for this area is rural in character, as there are scattered single-family residences with agricultural activities being conducted on a small scale, acres of pasturage lands, surrounded by cane lands. The applicant's principal use of the subject property is residential with pasturage activity being conducted on the rear portions of the property. Therefore, the applicant is in keeping with the general purpose of this zoned district by also introducing the proposed use of the piggery building on his property; and
2. The granting of the variance would not be materially detrimental to the public welfare nor will it be injurious to improvements or property rights in the near vicinity. The use being proposed is a permitted use with this zoned district, and that all applicable setbacks including the

sixty (60) foot setback from all property lines can and will be adhered to. It is therefore felt that the intent of the three (3) acre provision requirement by the ordinance will not be adversely violated as for all intents and purposes the piggery building will be setback at least 112 feet from the side property line and sixty (60) feet from the rear property line, thereby reducing any nuisance effects of the proposed building; and

3. Inasmuch as the Department of Agriculture and the Department of Health have recommended that the variance be granted, the granting of the variance will also be in keeping with the General Plan's Agricultural element goal of maintaining agricultural lands in some form of agricultural activity while still adhering to the necessary health and sanitation concerns. In this case, the applicant will be pursuing an agricultural activity permitted within the Residential-Agricultural zoned district and though not meeting the land area requirement, will adequately accommodate the necessary setbacks required for the proposed type of operation.

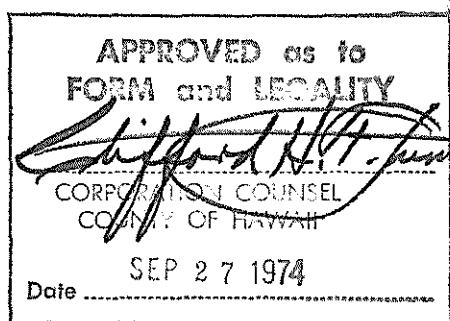
Therefore, the Commission hereby grants to the applicant a variance to allow the raising of pigs on 2.2 acres of land in lieu of the minimum land area requirement of three (3) acres as required with the Residential-Agricultural one-half acre (RA-.5a) zoned district, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The parcel be subdivided to reflect that the one dwelling will be in a one-half acre parcel and the remaining area of 2.2 acres to reflect the other dwelling and the proposed piggery building; and
2. The applicant, Erbin De Ponte, Sr., submit a subdivision plan for such and secure tentative approval within one (1) year from the date of approval of this variance request.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from July 17, 1974.

Dated at Hilo, Hawaii, this 25th day of September, 1974.



Arthur W. Martin
Arthur W. Martin, Chairman