

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE	)	
by	)	
JOHN H. PAYNE, INC./PUNA SUGAR COMPANY	)	
from	)	Variance No. 481
MAXIMUM ALLOWABLE HEIGHT REQUIREMENT	)	
in	)	
Keaau, Puna, Hawaii	)	
<hr/>		

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on December 16, 1976 considered the application of JOHN H. PAYNE, INC./PUNA SUGAR COMPANY for a variance from Chapter 8 (Zoning Code), Article 7, Section 4, and Article 26, Section 5.C, Hawaii County Code, as amended, more specifically to allow the construction of a 79+-foot high control tower in lieu of the maximum allowable height of 55'-0" as stipulated within the County's Agricultural zoned district at Keaau, Puna, Hawaii, Tax Map Key 1-6-03:portion of 5.

The Commission has found:

That there are special and unusual circumstances applying to the subject building and use which do not generally apply to surrounding properties or improvements in the same district. The proposed structure for which the variance is requested would be an integral part of Puna Sugar Company's mill complex. The purpose of the requested height for the control tower is to enable operators to observe the overall operations of the cane cleaning plant. Under the Zoning Code, the mill complex is allowed within the Agricultural zone. Such a use, however, may be deemed unusual in that it is essentially quasi-industrial. In addition, the regulations of the Agricultural zone were basically derived for the more usual agricultural activities and do not accommodate structures such as towers and smokestacks. It should also be noted that under the General Industrial (MG) zone structures up to a height of one hundred (100) feet may be allowed without a variance when such height is necessary. Based on the above, it is determined that there are special circumstances applying to both the proposed structure and the existing use of the subject property.

Further, approval of the additional height will not be inconsistent with the general purpose of the zoned district or the intent and purpose of the Zoning Code. The purpose of the zoned district is to provide for agricultural uses. The sugar mill complex is an essential factor in agricultural activities in that the processing of the cane directly complements the growing of it. The control tower is proposed at the requested height so that operations of the cane cleaning system can be improved and more efficiently coordinated with other aspects of the processing system.

The additional height of the control tower will not have a detrimental effect on improvements or rights related to property in the near vicinity. The proposed structure will not be higher than other existing buildings within the complex and will not be conspicuous in relation to its surroundings. The tallest structure within the complex is the steam generator building which has a height of 112+ feet. In terms of both bulk and height, this existing building is larger than the proposed structure, which will reduce the visual prominence of the control tower to an insignificant degree.


Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a 79+-foot high control tower in lieu of the maximum allowable height of 55'-0" as stipulated within the County's Agricultural zoned district at Keaau, Puna, Hawaii, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions:

1. That construction of the control tower shall commence within one (1) year of the effective date of approval of the Variance Permit and be completed within one (1) year thereafter.
2. That all other applicable rules and regulations, including plan approval, shall be complied with.

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

The effective date of this permit shall be from December 16, 1976.

Dated at Hilo, Hawaii, this 14th day of January, 1977.

  
Chairman, Planning Commission

