

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
FRANK'S FOODS, INC.)
for)
EXPANSION OF A)
NON-CONFORMING USE)
in)
Waiakea Homesteads,)
South Hilo, Hawaii)
_____)

VARIANCE NO. 508

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 27, 1977, considered the application of FRANK'S FOODS, INC. for a variance from Chapter 8 (Zoning Code), Article 1, Section 9, Hawaii County Code, as amended. The request was to allow the expansion of a non-conforming use, specifically for the construction of a water equipment shed at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-03:portion of 16.

The Commission has found:

That there are special and unusual circumstances applying to the present use of the property which do not generally apply to surrounding properties and uses in the same zoned district. The purpose of the subject request is merely to allow a 140 square foot (10' x 14') water equipment shed addition to the existing meat plant facility. The proposed improvements are intended to house water equipment facilities for the operation of the stuffer and cleaning equipment of the meat plant. The reason for the improvements is a direct result of the Department of Water Supply's action to decrease the water pressure to the meat plant. The petitioner was advised by the Department to provide its own water pump, water holding tank and air compressor to boost its water pressure for the meat plant. In light of this, it is felt that the action of government to decrease the water pressure has somewhat created an unusual circumstance which, to a large degree, deprives the petitioner of substantial property rights which would otherwise have been available. Therefore, it is quite evident that considerable hardship would arise if the petitioner is not able to provide the required improvements.

Further, since the meat plant operation already exists and was previously allowed through a zoning variance, the denial of this particular request may somewhat interfere with the best use or manner of development of the subject property. Although the present use may continue even if the subject request is denied, the facilities may not be operable to its fullest capacity. It would seem quite obvious that the efficiency of the operation

may be considerable impaired. Also, if the proposed improvements were forced to be constructed within the existing building, the petitioner would then be required to undertake major renovations. Further, the provision of the improvements within the existing building may result in decreasing the functional aspects of the other activities. The proposed structure will be located at a sufficient distance from surrounding properties so as not to have an adverse impact upon them. The building will be situated approximately 135 feet from the closest property line. Therefore, it is further determined that approval of the subject request will not be injurious to improvements or property rights related to properties in the near vicinity.

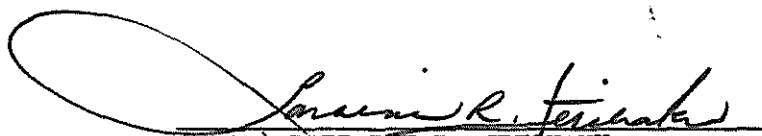
Therefore, the Commission hereby grants to the applicant a variance to allow the expansion of a non-conforming use, specifically for the construction of a water equipment shed at Waiakea Homesteads, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code, subject to the following conditions:

1. That construction of the new addition commence within one (1) year of the effective date of the Variance Permit and be completed within two (2) years thereafter.
2. That the rules, regulations and requirements of the County Department of Water Supply and the State Department of Health shall be complied with.
3. That all other applicable rules and regulations, including the plan approval process, 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 October 27, 1977.

Dated at Hilo, Hawaii, this 16th day of November, 1977.


(MRS.) LORRAINE R. JITCHAKU
Chairman, Planning Commission

SISTANT

APPROVED as to FORM and LEGALITY <i>Roxanna Garcia</i> CORPORATION COUNCIL COUNTY OF HAWAII Date NOV 9 1977
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