

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
GILBERT P. MOTTA, JR.)
from)
MINIMUM SETBACK REQUIRE-)
MENTS)
in)
Ahualoa Homesteads,)
Hamakua, Hawaii)

VARIANCE NO. 547

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on September 28, 1978, considered the application of GILBERT P. MOTTA, JR. for a variance from Chapter 8 (Zoning Code), Article 7, Section 3, Hawaii County Code, as amended, more specifically, to allow the construction of a meat processing room with a minimum setback of 23 feet in lieu of the minimum requirement of 100 feet in Ahualoa Homesteads, Hamakua, Hawaii, Tax Map Key 4-6-8:56.

The Commission has found:

That the granting of the subject request will not be materially detrimental to adjoining improvements or property rights, nor will it be injurious to the public health and welfare. The subject request arose out of the need to comply with the State Department of Health Food and Food Service Sanitation Code. In order to comply with the Department of Health requirements the petitioner has to secure a building permit for work to be done, which in turn generated the subject variance request. The proposed meat processing room is planned to be a 430 square foot addition to the existing dwelling on the subject property. The proposed meat processing room is planned to be added to the west side of the dwelling, thus largely screening the adjacent property to the east from the proposed addition. The plans submitted are intended to comply with the Building and Department of Health codes. In this regard, the Department of Health commented that beyond the required compliance with their regulations no environmental health concerns were found during their field inspection. Due to the relatively small size of the proposed facility, the fact that it will be an addition to an existing dwelling, and further the requirement to comply with the Building and Sanitation Codes, it is anticipated that the impacts to the adjoining property to the east would be minimal. Thus, given this particular set of circumstances it is determined that approval of the

subject request would not be materially detrimental to the adjoining property rights or improvements in the vicinity not be injurious to the public health and welfare.

That the approval of the requested variance will not be inconsistent with the general purpose of the zoned district nor with the intent and purpose of the Zoning Code. The processing of agricultural products produced on the premises is a permitted use in the Agricultural zoned district provided that the processing facility is set back 100 feet from all property lines. The 100-foot minimum setback is intended to minimize the potential adverse noise, odor, sanitation, and visual impacts on surrounding properties. As stated previously, due to the small scale of the proposed facility, the fact that it is to be an addition to the west side of the existing dwelling thus buffering it from the adjoining property to the east, and the subsequent requirements to comply with the Department of Health regulations, impacts to the adjacent property to the east are anticipated to be minimal. Thus, it is determined that approval of the variance request will not circumvent the intent and purpose of the 100-foot setback requirement, nor would it be inconsistent with the general purpose of the Zoning Code.

That the granting of the requested variance will be consistent with the General Plan policy to promote and encourage the development of diversified agriculture. According to the plans submitted by the petitioner, the proposed meat processing room is planned for meat cutting, slicing, grinding, sausage stuffing, bagging, wrapping, and boxing. Should the prepackaging of locally produced livestock promote their sales, economic benefits would accrue to the local livestock industry directly, and indirectly to other segments of the local economy. By replacing or substituting for expenditures that would otherwise immediately flow outside of the local economy, the retention of meat expenditures within the local economy will not only promote the diversified agriculture industry but will also benefit other segments of the economy as well.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a meat processing room with a minimum setback of 23 feet in lieu of the minimum requirement of 100 feet in Ahualoa Homesteads, Hamakua, pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That the petitioner or his authorized representative shall submit plans, including parking and landscaping, for Plan Approval within one (1) year from the effective date of the Variance Permit.
2. That the petitioner/representative secure a building permit for the meat processing room within one (1) year from the date of receipt of Final Plan Approval.
3. That construction shall commence within one (1) year from the date of issuance of the building permit and shall be completed within two (2) years thereafter.

4. That the rules, regulations and requirements of the State Department of Health and Department of Public Works shall be complied with.
5. That all other applicable rules and regulations 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 September 28, 1978.

Dated at Hilo, Hawaii, this 26th day of October, 1978.



William F. Mielcke
Chairman, Planning Commission

