

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
KULANA FOODS)	VARIANCE NO. 597
from)	
PROHIBITION OF EXPANDING A)	
NON-CONFORMING USE)	
in)	
Waiakea Homesteads, South Hilo)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 30, 1979, considered the application of KULANA FOODS for a variance from Article 1, Section 9-B-1, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, more specifically, to allow the relocation of a covered loading dock and the construction of a freezer and chill room addition to an existing non-conforming use within the Single-Family Residential (RS-15) zoned district as stipulated in Non-Conforming Buildings and Uses Regulations at Waiakea Homesteads, South Hilo, Hawaii, Tax Map Key 2-4-12:4 and 41.

The Commission has found:

That the granting of the variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity. The purpose of the subject request is to allow a 1,332-square foot addition to the existing meat plant facility. The proposed freezer addition will be 720 square feet in area, while the proposed chill room will consist of 612 square feet. Both of the proposed additions are intended to improve the storage facility of the meat products at the current plant. Both the proposed freezer and chill room additions will be prefabricated units which will be structurally attached to the existing building. In reviewing the floor plan of the existing meat plant, it is evident that considerable hardship would arise if the petitioner were to locate the proposed units within the existing structure. The petitioner would be required to undertake major renovation which would result in decreasing the size of other functional units of the meat plant. Inasmuch as the proposed improvements are for the purpose of providing additional area to the existing facility, it is determined that there will be no substantial change in uses of the property should the request be granted.

Further, since the current use is already in existence and allowed, the denial of this particular request would somewhat interfere with the best manner of development of the subject property. If the variance were to be denied, the uses might still remain within the existing structure, but in a condition which may not upgrade the existing operation or which would require substantial renovation. In either of these instances, the efficiency of the operation may be considerably impaired. In addition, the subject use was legally established prior to the existing Zoning Code and in this particular case, the denial, due to present standards, of the subject request which would allow minor improvements, would be unreasonable.

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. The structure housing the meat plant operation is located at a sufficient distance from surrounding properties so as not to have an adverse impact upon them. The proposed additions which the petitioner is seeking to make would not significantly increase the existing operation and thus potential adverse impacts are minimized.

Therefore, the Commission hereby grants to the applicant a variance to allow the relocation of a covered loading dock and the construction of a freezer and chill room addition to an existing non-conforming use within the Single-Family Residential (RS-15) zoned district as stipulated in Non-Conforming Buildings and Use Regulations, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That construction of the new additions 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 State Department of Health shall be complied with.
3. That all other 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 30, 1979.

Dated at Hilo, Hawaii, this 28th day of February,
19 80.

WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:

Ruben Tsukazaki
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 22 1980