

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
RONALD YODER) ADMINISTRATIVE
from) VARIANCE NO. 14
Minimum front yard setback requirement)
for agricultural packing shed)
in)
Puua, Puna, Hawaii)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on May 16, 1980, on the application of RONALD YODER for a variance from the minimum front yard setback requirement for agricultural packing shed, more specifically, to allow the construction of an agricultural packing shed with a setback of 46 feet from the front property line in lieu of the minimum requirement of 100 feet at Puua, Puna, Hawaii, Tax Map Key 1-4-22:2.

After hearing the case, the Planning Director has found:

1. That there are special circumstances applying to the use of the proposed building which do not generally apply to surrounding property or improvements in the same district. The Zoning Code provision which requires a 100' setback from all property lines is intended to protect surrounding properties from any noxious activity which may result from the packing activity. In this particular case no noxious noise, odor, or dust is anticipated as a result of the proposed activity. Therefore, the petitioner's proposal is an exception to the general rule of thumb for this type of activity.
2. That the strict interpretation of the setback requirements for agricultural packing sheds will interfere with the best manner of development of the subject property. The special circumstances described above eliminate the practical need for a 100' setback. Furthermore, the imposition of a 100' front yard setback will require the removal of existing banana plantings in order to make room for a longer access road.
3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. The special circumstances described above adequately differentiate this particular proposal from others which may be submitted.

4. That the granting of the variance will not be inconsistent with the general purpose of the Agricultural district or the intent and purpose of the Zoning Code. Agricultural packing sheds are permitted within the County's Agricultural district provided the structure is at least one hundred feet from any property line. As stated in Item No. 1 above, the 100' setback provision in the Zoning Code is intended to protect surrounding properties from noxious activity. None of the activities to be conducted in the proposed structure are anticipated to cause adverse impacts to surrounding properties. Therefore, the proposed project will not militate against the County General Plan or be materially detrimental to the public welfare or be injurious to improvements or property rights.

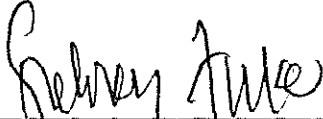
Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of an agricultural packing shed with a setback of 46 feet from the front property line in lieu of the minimum requirement of 100 feet at Puua, Puna, Hawaii, Tax Map Key 1-4-22:2, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the petitioner or his authorized representative shall submit plans to the Planning Department and secure final plan approval within one (1) year from the effective date of the Variance Permit.
2. That the construction of the proposed facility shall commence within one (1) year from the receipt of final plan approval and be completed within two (2) years thereafter.
3. That the packing shed be set back a minimum of 46 feet from the front property line as represented by the petitioner.
4. 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.


The effective date of this permit shall be from May 16, 1980.

Dated at Hilo, Hawaii, this 1th day of October, 1980.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 1 Oct 80

May 16, 1980

Mr. and Mrs. Ronald C. Yoder
88 Makakai Place
Hilo, Hawaii 96720

Dear Mr. and Mrs. Yoder:

Variance Application
Minimum Front Yard Setback Requirement for
Agricultural Packing Shed
TMK: 1-4-22:2

After review of your application and the information presented at the administrative public hearing on May 16, 1980, the Planning Director is hereby certifying the approval of the variance to allow the construction of an agricultural packing shed with a setback of 46 feet from the front property line in lieu of the minimum requirement of 100 feet.

Approval of this request is based on the following findings:

1. That there are special circumstances applying to the use of the proposed building which do not generally apply to surrounding property or improvements in the same district. The Zoning Code provision which requires a 100' setback from all property lines is intended to protect surrounding properties from any noxious activity which may result from the packing activity. In this particular case no noxious noise, odor, or dust is anticipated as a result of the proposed activity. Therefore, the petitioner's proposal is an exception to the general rule of thumb for this type of activity.
2. That the strict interpretation of the setback requirements for agricultural packing sheds will interfere with the best manner of development of the subject property. The special circumstances described above eliminate the practical need for a 100' setback. Furthermore, the imposition of a 100' front yard setback will require the removal of existing banana plantings in order to make room for a longer access road.

Mr. and Mrs. Ronald C. Yoder

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3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. The special circumstances described above adequately differentiate this particular proposal from others which may be submitted.
4. That the granting of the variance will not be inconsistent with the general purpose of the Agricultural district or the intent and purpose of the Zoning Code. Agricultural packing sheds are permitted within the County's Agricultural district provided the structure is at least one hundred feet from any property line. As stated in Item No. 1 above, the 100' setback provision in the Zoning Code is intended to protect surrounding properties from noxious activity. None of the activities to be conducted in the proposed structure are anticipated to cause adverse impacts to surrounding properties. Therefore, the proposed project will not militate against the County General Plan or be materially detrimental to the public welfare or be injurious to improvements or property rights.

The conditions of approval are as follows:

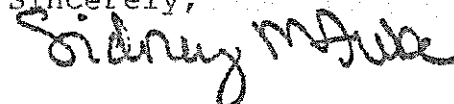
1. That the petitioner or his authorized representative shall submit plans to the Planning Department and secure final plan approval within one (1) year from the effective date of the Variance Permit.
2. That the construction of the proposed facility shall commence within one (1) year from the receipt of final plan approval and be completed within two (2) years thereafter.
3. That the packing shed be set back a minimum of 46 feet from the front property line as represented by the petitioner.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void.

Please be informed that the official Variance Permit will be forthcoming under separate cover.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



SIDNEY FUKÉ
Director

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cc: Planning Commission