

PLANNING DEPARTMENT  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE )  
by )  
ATEBARA POTATO CHIPS COMPANY ) ADMINISTRATIVE  
from ) VARIANCE NO. 36  
EXPANSION OF A NON-CONFORMING USE )  
in )  
WAIAKEA HOUSELOTS, SOUTH HILO, HAWAII )

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ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on October 9, 1980, on the application of ATEBARA POTATO CHIPS COMPANY for a variance from the expansion of a non-conforming use, more specifically, to allow the expansion of the existing non-conforming potato chip factory within the Single Family Residential (RS-10) zoned district at Waiakea Houselots, South Hilo, Hawaii, Tax Map Key 2-2-34:83.

After hearing the case, the Planning Director has found:

1. That there are special circumstances applying to the use of the subject property which generally do not apply to surrounding property or improvements in the same district. The potato chip factory has been operating on the subject property since 1940. Much of the equipment used in the operation are of this vintage and will require replacement in the near future. The structural addition which is being proposed is necessary to accommodate the new equipment. If the variance were to be denied, the uses might still remain within the existing structure, but in a less efficient or more hazardous condition than if the new addition were permitted.
2. That the denial of this particular request would interfere with the best manner of development of the subject property given the special circumstances described above. Since the subject use was legally established prior to the existing Zoning Code, the denial of the subject request, which would improve efficiency and safety of the operation, would be unreasonable.
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 will adequately distinguish the subject request from others which may be considered.
4. That the granting of the variance will not be inconsistent with the general purpose of the zoning code and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in

the near vicinity. Aside from the structural addition to be constructed, no other changes in the business is anticipated. The hours of operation will remain the same and no additional employees will be added. Although there will be an increase in production due to the new equipment, there will be no retailing activity at the plant site and no additional traffic congestion will be created.

Operational efficiency and safety will be improved as a result of the proposed addition. All rules and regulations will be adhered to including OSHA, Department of Health, Building and Planning requirements. In addition, impacts to surrounding properties will be minimized. The new addition will reduce the amount of noise generated and will set back sufficient distances from surrounding properties.

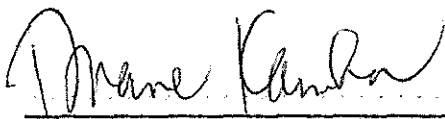
Therefore, the Planning Director hereby grants to the applicant a variance to allow the expansion of the existing non-conforming potato chip factory within the Single Family Residential (RS-10) zoned district at Waiakea Houselots, South Hilo, Hawaii, TMK: 2-2-34:83, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the applicant/authorized representative shall submit plans and receive final plan approval within one (1) year from the effective date of the Variance Permit.
2. That construction of the new additions commence within one (1) year of the effective date of Plan Approval and be completed within two (2) years thereafter. This includes the provision of two (2) paved parking stalls with an all-weather, dust-free surface meeting with the approval of the Planning Department.
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.

The effective date of this permit shall be from October 22, 1980.

Dated at Hilo, Hawaii, this 22nd day of December, 1980.

  
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SIDNEY M. FUKU, Director  
Planning Department

APPROVED AS TO FORM AND LEGALITY:

  
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Deputy Corporation Counsel  
County of Hawaii

Date: 18 Dec 80

October 22, 1980

Mr. Walter Atebara  
717 Manono Street  
Hilo, HI 96720

Dear Mr. Atebara:

Atebara Potato Chips Company, Variance Application (V80-23)  
Expansion of a Non-Conforming Use  
Tax Map Key: 2-2-34:83

After review of your application and the information presented at the administrative public hearing on October 9, 1980, the Planning Director is hereby certifying the approval of the variance to allow the expansion of the existing non-conforming potato chip factory within the Single Family Residential (RS-10) zoned district.

Approval of this request is based on the following findings:

1. That there are special circumstances applying to the use of the subject property which generally do not apply to surrounding property or improvements in the same district. The potato chip factory has been operating on the subject property since 1940. Much of the equipment used in the operation are of this vintage and will require replacement in the near future. The structural addition which is being proposed is necessary to accommodate the new equipment. If the variance were to be denied, the uses might still remain within the existing structure, but in a less efficient or more hazardous condition than if the new addition were permitted.
2. That the denial of this particular request would interfere with the best manner of development of the subject property given the special circumstances described above. Since the subject use was legally established prior to the existing Zoning Code, the denial of the subject request, which would improve efficiency and safety of the operation, would be unreasonable.

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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 will adequately distinguish the subject request from others which may be considered.
4. That the granting of the variance will not be inconsistent with the general purpose of the zoning code and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity. Aside from the structural addition to be constructed, no other changes in the business is anticipated. The hours of operation will remain the same and no additional employees will be added. Although there will be an increase in production due to the new equipment, there will be no retailing activity at the plant site and no additional traffic congestion will be created.

Operational efficiency and safety will be improved as a result of the proposed addition. All rules and regulations will be adhered to including OSHA, Department of Health, Building and Planning requirements. In addition, impacts to surrounding properties will be minimized. The new addition will reduce the amount of noise generated and will set back sufficient distances from surrounding properties.

For the reasons cited above, the Director hereby grants the variance to allow the expansion of the existing non-conforming potato chip factory within the Single Family Residential (RS-10) zoned district subject to the following conditions:

1. That the applicant/authorized representative shall submit plans and receive final plan approval within one (1) year from the effective date of the Variance Permit.
2. That construction of the new additions commence within one (1) year of the effective date of Plan Approval and be completed within two (2) years thereafter. This includes the provision of two (2) paved parking stalls with an all-weather, dust-free surface meeting with the approval of the Planning Department.
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.

Mr. Walter Atebara  
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October 22, 1980

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,



*SF* SIDNEY FUKU  
Director

BN:lkt

cc: Planning Commission

bcc: Masa