

October 8, 1981

Mr. Richard Henderson, President  
Excelsior Dairy  
474 Kekuanaoa Street  
Hilo, Hawaii 96720

Dear Mr. Henderson:

Excelsior Dairy (V 81-25)  
Minimum Front Yard Setback Requirement  
TMK: 2-2-30:06, S. Hilo

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the construction of a milk silo eight (8)-feet from the front property line in lieu of the Zoning Code front yard setback requirement of fifteen (15) feet in a Limited Industrial (ML-20) zone.

The approval is based on the following:

1. Special circumstances exist in this situation which do not generally apply to similarly zoned properties in the area. This property is a rectangular corner lot and consequently has two front yard setbacks. Because of the dairy's siting and functional layout (heating and refrigerating activities), the milk (cold) storage structure can only be situated along the west side of the property which fronts on a private forty (40)-foot roadway lot. The existing dairy is presently twenty (20)-feet from this roadway.

The north portion of the building contains the office through which silo pipes could not feasibly pass. The east side is where the pasteurizing (heating) equipment is located; and the boiling and refrigeration facilities must be kept separate. The south side contains the reefers and is where loading/unloading activities take place, necessarily requiring floor area clear of machinery and pipes.

2. Said special or unusual circumstances exist to a degree which interferes with the best use or manner of development

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of the subject property. Due to limited developmental alternatives, the proposed storage facility can only be situated on the western side of the property. In this area, however, the existing dairy building is only twenty (20) feet from the property line.

3. The granting of this variance could not constitute a grant of special privilege inconsistent with limitations upon other properties under similar district classifications since the site and operational constraints of the existing facility are unusual and foreclose other locational alternatives.
4. Granting the variance would not be inconsistent with the intent and purposes of the Zoning Code and the General Plan nor would it be detrimental to the public welfare. Although this variance request is for relief from front yard setback requirements, the roadway is not a through street and essentially serves industrial users of adjacent properties. Thus, approval would permit optimizing the use of this industrial property in a reasonable manner which would not be inconsistent with the intent and general purpose of industrial zoned lands.

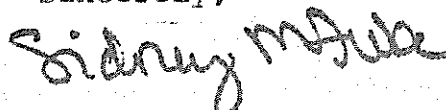
The conditions of approval are:

1. That the applicant submit plans for the proposed construction and secure final plan approval within one (1) year from the date of this letter.
2. Exterior of the silo shall be painted so as to prevent glare and reflections.
3. Obtain Department of Health certification on the construction plans for the milk storage facility.
4. Comply with all other applicable State and County rules, regulations and requirements.

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

If you have any questions on this matter, please feel free to contact us.

Sincerely,



SIDNEY FURE  
Planning Director

cc: Public Works  
Dept. of Health

bcc: Masa Onuma