

CERTIFIED MAIL

April 29, 1982

TSI, Ltd.
P. O. Box 4038
Hilo, HI 96720

Gentlemen:

Variance Application (V82-6)
Building Setback Regulations
Tax Map Key 2-4-49:17

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 establish a retail outlet for farm products grown on the premises, within an existing building thirty (30) feet from the front property line in lieu of the one hundred (100) feet distance required by the Zoning Code in an agricultural (A-10a) zone.

The approval is based on the following:

1. Special and unusual circumstances apply to the property where the intended use is concerned. All but the southwest corner of the 12+-acre parcel is in intensively cultivated agriculture use. The planting area is spotted with caves and lava tubes, but since the plantings involve little weight as compared with a metal building and vehicles, the relatively unstable ground poses no problem for the agricultural products being raised. The terrain containing the existing building site is the only stable ground which is unplanted, having been used, off and on, for storage of equipment and supplies. Furthermore, a steep, linear 6-foot drop is located about 50 feet northwest of the existing building site rendering the replacing or construction of a new building for retailing purposes, a difficult task.
2. The result of these physical terrain constraints is a lack of reasonable alternatives on which to enplace any other building, since reasonable alternatives would place the

APR 30 1982

TSI, Ltd.
Page 2
April 29, 1982

building site on unstable ground as well as requiring the destroying of mature and highly productive agricultural products. Furthermore, for security purposes, a retail outlet completely surrounded by the shade structures as it would otherwise have to be, would pose a security problem which the proposed corner site would not engender.

3. Granting of this variance would be consistent with the intent and purpose of the General Plan and Agricultural zone which are to foster agricultural economic activity in the County; and the variance will not be materially detrimental to the area, its character, nor have any adverse impacts on the surrounding community. Traffic is sparse in this low density area and there is an absence of roadside parking. With the provision of adequate off-street parking by the applicant, vehicular traffic problems should not arise.

This variance request is approved subject to the following conditions:

1. The applicant shall obtain final plan approval including, but not limited to, the providing of off-street paved parking spaces which shall include space for four busses, within six (6) months of the effective date of this variance, and complete construction accordingly, within one (1) year after the receipt of said final plan approval. Driveway access shall utilize Kealakai Street only.
2. Expansion of the existing 1,200 square foot structure is not permitted.
3. Comply with all other applicable State and County rules, regulations and requirements.

Should any of the foregoing conditions not be met, the Variance Permit shall be deemed void.

If you have any questions on this matter, please feel free to contact us at 961-8288.

Sincerely,



SIDNEY M. FUKU
Planning Director

DT:gs

cc: Department of Public Works
Planning Commission

bcc: Masa Onuma