

CERTIFIED MAIL

May 13, 1982

Sanford's Service Center, Inc.
P. O. Box 1321
Pahoa, HI 96778

Gentlemen:

Sanford's Service Center Variance Application (V82-6)
Expansion of A Non-Conforming Use
TMK: 1-5-14:23, Puna

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 expansion of a non-conforming use by adding a storage room to an existing auto service station situated in a single family residential zone.

The approval is based on the following:

1. There are special and unusual circumstances applying to the subject real property which obviously interfere with the best use of that property. The subject property, as far as can reasonably be deducted and concluded, was erroneously given residential zoning. This becomes apparent when comparing the existing use of the land with the zoning and tax maps. The service station site, parcel 23, has an actual paved side road on its Keaau or north side. The tax and zone maps, however, show the side road on the Keaau side of parcel 9, to be the site of Mr. Yamaguchi's residence. The transposing of the actual commercial use (the service station) onto a map obviously used the visible and actual side road along the service station as the reference point and the commercial zoning was enplaced on the lot which had only a mapped roadway shown, which did not physically exist.
2. There are no reasonable alternatives to increasing and moving the storage room closer to the office except by

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addition to the building. The present service station is a non-conforming use on the residential zoned lot, but the present facilities are already strained to capacity and insufficient to operate efficiently, thus compelling an addition to the building. Such an addition would be an increase in building area or space permitted according to Section 9-B-1 of the zoning code. Although the alternative to rezone the property for commercial uses exists, due to the unusual circumstances described in item No. 1, it is determined that to require that rezoning be approved prior to the granting of this variance would be an unreasonable burden to the applicant.

3. The variance will be consistent with the General Plan which "encourages rehabilitation of existing commercial development in appropriate locations." The site is unquestionably a suitable commercial area having prominently and successfully fulfilled that role for some 35 years. The General Plan also states that "appropriately zoned lands shall be allocated as the need arises." While changing the zoning classification would ultimately be the soundest solution to this dilemma, it is a fact that rezoning is a lengthy process. The vehicle of a variance procedure to accommodate the imminent need is thereby being utilized to permit the expansion immediately.

This variance request is hereby approved subject to the following conditions:


1. Submit plans for final plan approval in accordance with Chapter 8, Article 22 of the Zoning Code for the proposed addition which shall be substantially similar to the variance application drawings within six (6) months of the effective date of this variance;
2. Complete construction within one (1) year of the date of final approval;
3. Comply with all other applicable State and County rules, regulations and requirements.

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

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

Sincerely,

for 
SIDNEY FUCE
Planning Director

DT:lrp

cc: Planning Commission

bcc: Masa/Norman