

CERTIFIED MAIL

July 18, 1985

Diamond Head Papaya
911 Kanoelehua Avenue
Hilo, HI 96720

Gentlemen:

Variance Application (V85-17)
Diamond Head Papaya
Tax Map Key 1-6-141:3

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 papaya packing plant and related improvements with setbacks of 50+ and 70+ feet in lieu of the minimum 100 feet as required by the Zoning Code. The property, which is 2.778 acres in size, is located at the southeast corner of the Volcano Highway-Slaughter House Road intersection, Keaau, Puna, TMK: 1-6-141:3.

The approval is based on the following:

Special and Unusual Circumstances

The property of 2.778 acres was created prior to 1944 and is considered a non-conforming parcel. The special circumstances related to the land in this particular application is with respect to the configuration and size of the property. The trapezoidal shape of the property results from the converging of the side property lines towards the rear of the property. This converging shape also narrows the width of the property. This along with the non-conforming 2.778 acre lot size of the property are circumstances which are beyond the control of the petitioner. As a result, in this situation, the siting of the buildings with a 100 foot setback cannot be satisfied. The requirement of driveways, parking and landscaping areas also contributes to the circumstances in the petitioners inability to meet the minimum 100 foot setback requirement.

Based on the foregoing, we have concluded that these are special and unusual circumstances which unreasonably interferes with the best use or manner of development of the property.

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ALTERNATIVES

The petitioner does not have other reasonable design alternatives. Relocation and redesign are two alternatives the petitioner did consider in the site analysis for the development of the proposed packing plant. However, the petitioner's decision to locate the packing plant in its proposed location is primarily due to the size and shape of the subject property. To provide for as much setback as possible, the petitioners have utilized a central design concept with the building development being located in approximately the center of the property with driveways, parking and landscaping areas as transitional elements and buffers. The location of the packing plant to any other portion of the property could not accomplish these goals and would create unreasonable design constraints to deal with, in light of the size and shape of the property.

The proposed packing plant is a one-story building, approximately 25 feet in height and totaling 18,500 square feet in size, located approximately 50 and 70 feet respectively from the front and side property lines. Therefore, we have determined that the proposed packing plant structure will be a relatively minor and compatible structural development in light of the agricultural and light industrial character of the area.

Therefore, although other alternatives are available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

INTENT AND PURPOSES

The intent and purpose of the setback requirements is to ensure that air, light, physical and visual circulatory functions are available between structural developments and property lines. It is a regulatory tool which is also used in determining design compatibility and functional solutions. In this particular application, the proposed centralized design solution with a totally enclosed structure, will still provide a reasonable area for these functions, although it would not meet the minimum requirements imposed by the Zoning Code. The proposed 50 and 70 foot setbacks from the property lines with the driveways, parking and landscaping areas between the property lines and the proposed structure would still employ and afford the air, light, and circulatory functions that is the basis of requiring setbacks. The distances from the property lines is compatible with the normal Light Industrial setback requirements and with the required landscaping elements will ensure that both visual and physical impacts are minimized to the point where it should have a minor rather than a major impact on the area in light of the 50 and 70 foot yard setbacks being granted for this variance.

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Additionally, since the area is relatively undeveloped area and the County has no plans to prepare the area for any further intensive urbanization, it would be unreasonable and excessive to impose such conditions upon the petitioner at this time.

Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purposes of the Zoning Code and the General Plan. The analysis of the above issues also has concurred that granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.

The variance request is approved, subject to the following conditions:

- A. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
- B. The petitioner shall comply with the condition as stipulated in the approved Special Permit.

Should any of the above conditions not be complied with, the variance shall automatically be deemed void.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

RHY:wkm

cc: Hiroshi Kasamoto
Okahara and Associates