

CERTIFIED MAIL

July 19, 1985

Mr. Fredrick J. Frenz
1141 Kawaiiani Street
Hilo, HI 96720

Dear Mr. Frenz:

Variance Application (V85-16)
Frank's Foods, Inc.
Tax Map Key 2-4-03:16

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, specifically for the relocation and construction of a freezer box and related improvements on the Frank's Foods, Inc.'s meat plant site in the Agricultural zoned district. The property is identified by Tax Map Key 2-4-003:16 and is located on the south side of Kawaiiani Street approximately 300 feet from the Kawaiiani Street-Luana Street intersection in Waiakea Homesteads, South Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the present use of the property which do not generally apply to surrounding properties and uses. The original meat plant was established through Variance Permit No. 96 which was granted by the Planning and Traffic Commission on May 2, 1958. Further, Variance Permit No. 96 was amended to allow the expansion of the use and extend the life of the permit to a 30-year period from the original approval by the Planning and Traffic Commission on October 27, 1958. Further additions to the meat plant were allowed through a Special Permit granted by the State Land Use Commission on July 7, 1966. The Special Permit, which superseded the Variance Permit, stipulated that previously imposed conditions, including the time limitation to 1985, were to remain effective. During its 1974 Boundary Review, the State

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Land Use Commission reclassified the subject property from Agricultural to Urban District. Pursuant to Corporation Counsel's Opinion No. 27(72), when lands are reclassified from Agricultural to Urban, uses which had been allowed through Special Permit are deemed non-conforming and fall under the non-conforming provisions of the Zoning Code.

The Planning Commission granted two variances (Var. #483 and Var. #508) to allow the expansion of non-conforming uses. The proposed request is to allow the relocation and construction of an existing freezer box to a location which would be readily accessible from the existing meat plant.

The factors constitute special and unusual circumstances which necessitate the application for a variance and if denied, would create unreasonable hardship on the petitioner that would deprive them of substantial property rights.

ALTERNATIVES

The petitioner has limited alternatives for the property. Since the present use is considered as a non-conforming use, the alternatives available to them would be to continue to use the present freezer box and do repairs to the building housing it or to relocate it to another building.

As such, the proposed expansion would be a reasonable alternative in light of the constraints of the non-conforming use provision of the Zoning Code.

INTENT AND PURPOSE

The purpose of the request is to upgrade the present freezer facility and to relocate it to an area that is closer to the existing meat plant facility.

Consequently, we have determined that the granting of this variance shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the General Plan. The analysis of the above issues also has concurred that the 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.

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

- A. The petitioner, its assigns or successors be responsible for complying with all of the stated conditions of approval.
- B. The plans for the proposed development shall be submitted for Plan Approval within one year from the effective date of approval of this Variance Permit.
- C. The construction of the proposed improvements shall commence within one year of the effective date of Final Plan Approval and be completed within two years thereafter.
- D. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing 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 LOMO LYMAN
Planning Director

RHY:wkm