

CERTIFIED MAIL

June 3, 1985

Mr. Walter Yamaguchi
P. O. Box 398
Pahoa, HI 96778

--Dear Mr. Yamaguchi:

Variance Application (V85-9)
Variance for Expansion of Non-conforming Use
Tax Map Key 1-2-03:35

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 the existing Kalapana Store with the construction of a 384 square foot enclosed addition in lieu of the non-expansion requirement of a non-conforming use as specified by the Zoning Code. The subject property is located on the mauka side of Kalapana Road approximately one mile southwest of Kaimu Beach and four hundred (400) feet mauka of the shoreline at Kalapana, Makai Portion, Puna, Hawaii.

The approval is based on the following:

The granting of the variance for the expansion of the existing building and the non-conforming store and drive-in use will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity. The purpose of the variance request is to allow a 384 square foot enclosed building addition to the existing building. This area created by the building improvement will be used to house and protect the reefers from adverse weather conditions and will not significantly increase the intensity of use of the existing store area. The proposed addition is not significantly large and is not expected to be detrimental or interfere with property rights of existing residents and other uses in the near vicinity.

Further, the existing store and contiguous drive-in building was constructed and completed in 1974 and is allowed to continue to exist under the non-conforming provisions of the Zoning Code. The use of the facility may be impaired since the present design of the store does not have adequate storage area for food stuff and other provisions to supply the needs of a growing community and visitors to the area. There are two paved

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accesses and paved driveway/parking area to accommodate the existing store and drive-in use. The proposed building improvement will not impact upon nor subtract from the existing paved access and parking lot. Although the present use may continue even if the subject request is denied, the existing facility may not function in the most efficient manner. Plans submitted show the proposed building improvement will be integrated and harmonize with the existing building geometry.

In view of the above, it is felt the granting of the variance would not be considered to be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or adjoining properties.

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

1. The petitioner, its assigns or its successors be responsible for complying with all of the stated conditions of approval.
2. The petitioner secure Final Plan Approval from this department within one year of the effective date of the variance approval date and be completed within two years thereafter.
3. The Department of Public Works requirements shall be complied with.
4. All other applicable State and County rules, regulations, and requirements shall be complied with.

Should the petitioner, its assigns or its successors fail to comply with the above conditions, 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

WRY:wkm

cc: Mr. Richard Hahn

bcc: PA 776

SMA Minor 85-16