

CERTIFIED MAIL

October 27, 1986

Mr. William Koepke
Kona Farmers Cooperative
P. O. Box 309
Capt. Cook, HI 96704-0309

Dear Mr. Koepke:

Variance Application (V86-36)
Kona Farmers Cooperative
Tax Map Key ~~8-2-08:4~~ 8-2-008:046

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 protective structure to a height of 65'-0" over the existing coffee dryers and storage bin that would replace the non-conforming (height) protective structure in lieu of the maximum height limitations of 45 feet within the Unplanned zoned district, Kahauloa 2nd, South Kona, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances which apply to the subject property. The existing coffee dryers and storage bins were constructed prior to the adoption of the Zoning Ordinance (May 24, 1967) and are considered as non-conforming buildings since it exceeds the height limitation of the Unplanned zoned district. Due to the deteriorated condition of the existing wood frame protective structure, the petitioner is requesting to replace the existing structure with a tubular steel structure which would be slightly higher than the existing structure to cover the entire storage bins and dryers. The additional height is necessary to protect the coffee bins and dryers from the elements.

Therefore, based on the above considerations, we have determined that there are special and unusual circumstances applying to the subject property which exist either to a degree which deprives the

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owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

There are no reasonable alternatives to resolve the difficulty. The petitioner could construct a protective roof structure to a height of 45'-0" as allowed within the Unplanned zoned district. However, this alternative is not viable since the structure would not cover the existing coffee dryers which are approximately 58 feet in height. As such, the proposed design scheme would be a reasonable alternative in light that the existing structure is non-conforming relative to height. Although it could be argued that other alternatives are available to the petitioner, the reasonableness and practical application of those alternatives have to be evaluated with respect to the present land uses and the non-conforming situation that presently exists. In this particular case, the imposition of the other alternatives is considered to be useless, since it would not solve to protect the existing coffee dryers from the elements.

INTENT AND PURPOSE

In assessing the request of height variances, the three basic elements that are primarily evaluated are the visual impact, the physical impact and the need for the additional height. The proposed structure is to replace an existing non-conforming structure which presently exceeds the height limitation of the Unplanned zoned district. Since the structure already exists, the visual and physical impact of the new structure will be negligible. The additional height is needed to protect and cover the existing non-conforming (height) drying bins. As such, the granting of the variance will not compromise the physical and visual issues for this area.

Based on the foregoing, we have determined that the granting of the variances is 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 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.

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

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1. That the petitioner or authorized representative be responsible for complying with all the stated conditions of approval.
2. Plans for the proposed improvements be submitted to the Planning Director for Plan Approval within one (1) year from the effective date of approval of the Variance Permit.
3. Construction shall commence within one year of the date of Final Plan Approval and be completed within two years thereafter.
4. The petitioner shall comply with all other applicable Federal, State and County rules, regulations and requirements.

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 LONO LYMAN
Planning Director

MO:lkt

bcc: PA file