

CERTIFIED MAIL

March 4, 1987

- Mrs. Shelley Hanaoka  
Box 161  
Hilo, HI 96721

Dear Mrs. Hanaoka:

Variance Application (V87-1)  
Hanaoka Farms  
Tax Map Key 1-7-08:13

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 fruit processing building with setbacks of 36, 61 and 96.6 feet in lieu of the minimum 100 foot setback requirement for a processing building within the Agricultural zoned district. The subject property which consists of 6.5526 acres and identified by TMK: 1-7-08:13, is located on the southeast side of the Old Volcano Road approximately 1,500 feet southwest of the New Volcano Road/Old Volcano Road/13 mile Road intersection, Olaa Reservation Lots, Puna, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property containing a land area of 6.552 acres was created prior to the Subdivision Ordinance and has an average width of approximately 200 feet. The special circumstances related to the land in this particular application is with respect to dimensions of the property. Due to the narrowness of the property (less than 200 feet wide), the minimum 100 foot setback for the agricultural building (processing) cannot be met under any circumstances. However, the proposed building does meet with the minimum setback requirement of 30'-0" front yard and 20'-0" side yard.

Mrs. Shelley Hanaoka  
Page 2  
March 4, 1987

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.

#### ALTERNATIVES

The petitioner does not have any other reasonable design alternatives. Due to the narrowness of the property (less than 200 feet), under no circumstances can an agricultural building that is used for processing can be constructed to meet with the minimum 100 foot requirement from the side property lines.

Therefore, since there are no alternatives available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

#### INTENT AND PURPOSE

The intent and purpose of the setback requirement is to ensure that air, light, and 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. Although the proposed building does not meet with the 100 foot setback requirements for an agricultural building, it would still meet with the minimum setback requirements of the Agricultural zoned district. And would still employ and afford the air, light, and circulatory functions that is the basis for requiring setbacks.

Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and 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 areas character or to adjoining properties.

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

1. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.

Mrs. Shelley Hanaoka

Page 3

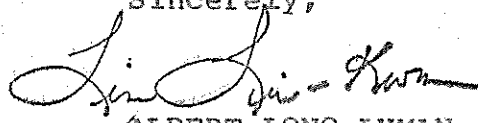
March 4, 1987

2. A building permit for the proposed building shall be secured within one year of the date of approval of this variance and shall be completed within two years thereafter.
3. Adequate buffer screen (trees, etc.) shall be provided between the agricultural building and the property lines.
4. All other applicable rules, regulations, and requirements shall be complied with.

- ~~THE~~ 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,

  
for ALBERT LONO LYMAN  
Planning Director

MO:dh