

CERTIFIED MAIL

July 8, 1988

Mr. and Mrs. Raymond M. Carreira
P.O. Box 61
Honolulu, Hawaii 96728

Dear Mr. and Mrs. Carreira:

Variance Application (V88-5)
Piggery Setback Requirement
Tax Map Key 2-8-15:21

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 piggery with a setback of 750 feet from the Hawaii Belt Highway in lieu of the minimum 1,000 foot requirement as required in the Agricultural zoned district. The subject property is 3.96 acres in area, identified by tax map key 2-8-15:21 and is located on the makai (east) side of the Old Mamalahoa Highway, approximately 1/2 mile Hamakua (north) of the Honouliuli Village, Kula, South Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the applicants of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

The property is irregularly shaped, resembling a right triangle perched on a short post. It is surrounded on all sides by cane or pasture use and homes (1 to the north, 2 on the south) and the terrain is approximately 15% slope down toward the highway. The highway is visible but distant, and would be 750 ft. from the piggery building, a 1-story shed planned to be 50 ft. by 20 ft., to house 250 animals.

JUL 12 1988

Mr. and Mrs. Raymond M. Carreira
Page 2
July 8, 1988

There is no way for the applicants to meet the 1000 ft. setback except to place the building up next to the Old Government Road, due to the parcel's irregular shape, size and location.

The siting of the pen is of necessity slightly upslope because the State Health Department's requirement for piggery sewage disposal is--an open lagoon which logic demands be downslope of the piggery to utilize gravity flow. In the vicinity of the building site (see attached map stamp dated "88 Feb 25") near the center of the lot is a large 10 to 15 ft. crevasse/pit already formed which would be a natural starting point for the lagoon/sewage repository. Presently, a small shed housing geese is on site; it would be relocated or rebuilt to accommodate the piggery.

The primary reason for the Zoning Code's piggery requirement that it be 1000 ft. from a main highway is due to the characteristic odors which a piggery generates. The fact that none of the nearby property owners (even within a 300 ft. radius) has voiced any objections to the proposal adds to the acceptability of the site for this use.

ALTERNATIVES

There is no alternative to the dilemma of the odd shaped lot nor to its location. The need for a lagoon-type sewage disposal area precludes other than a fairly central location for it within the lot to maintain the farthest distance from boundaries. The logical use of gravity flow for the sewage further decreases the building site options as does the proximity of the Old Government Road.

INTENT AND PURPOSE

The intent and purpose of the 1000 ft. setback from a main highway is to help lessen or negate the effects of piggery odors; a close proximity could otherwise bother the users of the main traffic route. The applicants in this case are attempting to accommodate the 1000 ft. distance as best as physically possible within the parameters of their lot. The lack of objections to this application by any neighbors should be considered as partial evidence of acceptability of this piggery siting and concurrence with its use by the surrounding property owners.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

Mr. and Mrs. Raymond M. Carreira
Page 3
July 8, 1988


Therefore, the Planning Director has concluded that this variance request be approved subject to the following conditions:

1. The applicants, their assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The siting of the structure shall be as shown on the site plan date-marked "88 Feb. 25" which was part of the variance application.
3. A building permit for the structure shall be secured within one year of the effective date of this variance and be accompanied or preceeded by a set of plans showing the piggery's integral sewage disposal system as approved by the State Department of Health.
4. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, this variance request shall be deemed null and void.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

DT:lv

cc: State Department of Health