

July 5, 1990

CERTIFIED MAIL

Mr. Jeffrey Citron  
Captain Cook Coffee Co., Ltd.  
P. O. Box 818  
Captain Cook, HI 96704

Dear Mr. Citron:

Variance Application (V90-10)  
Captain Cook Coffee Co., Ltd.  
Tax Map Key 7-9-9:05

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 coffee mill operation within the Village Commercial (CV) zone. The property is identified by Tax Map Key: 7-9-9:05 which is comprised of 0.468 acres of land situated south of Kainaliu Village and along the mauka side of the Mamalahoa Highway in Honuaino 1st, North Kona, Hawaii.

The approval is based on the following:

**SPECIAL AND UNUSUAL CIRCUMSTANCES**

There are special and unusual circumstances applying to the subject real property which exist to a degree which interferes with the best use or manner of development of the property.

The existing coffee mill has been in continuous operation since 1928, and therefore its use and structure are considered non-conforming relative to the Zoning Code requirements. As a non-conforming use and structure, however, neither the building nor the use may be expanded without meeting all present requirements. Although the equipment used in the mill is functional, it is very old and requires constant maintenance.

It presently takes up only a small percentage of the entire property, yet the entire property is classified as Urban and designated for Village-Commercial uses.

JUL 5 1990

Mr. Jeffrey Citron  
July 5, 1990  
Page 2

Among the permitted uses within the Village-Commercial zoned district applicable to this particular situation are retail uses, the manufacturing and distribution of products to retail outlets in the immediate community served by the Village-Commercial district, other uses similar to these permitted uses, and accessory uses subordinate to all permitted uses. Under the present Zoning Code, coffee mills would only be considered a permitted use within the Industrial zoned district.

Given the existing land use entitlements and fact that the petitioner does not intend to change the nature of the existing coffee mill operation, but merely proposes to expand and improve upon it by the application of newer, improved processing equipment within an upgraded structure directly attached to the existing facility, it is determined that these circumstances do not interfere with the best use and manner of development of the subject property.

#### ALTERNATIVES

In terms of other reasonable alternatives available which would resolve the difficulty, the petitioner could apply for a change of zone from Village Commercial to Industrial to accomplish the objective of expanding the existing coffee mill operation as proposed. The change of zone request, however, could result in the creation of an unfavorable land use pattern, given the rural village atmosphere of Kainaliu Village from the standpoint that an industrial zoning, if granted, would not limit the use of the structures to the uses as proposed.

Therefore, while a change of zone request is available and could be considered as a reasonable alternative, the variance procedure in this instance does much more to protect and preserve the specific ongoing coffee operation.

#### INTENT AND PURPOSE

The granting of the variance request would be consistent with the general purpose of the zoned district, the intent and purpose of the zoning code and the General Plan, and will not be materially detrimental to the public welfare or cause substantial adverse impact to the area's character or to adjoining properties.

Mr. Jeffrey Citron  
July 5, 1990  
Page 3

The purpose and applicability of the Village Commercial zoned district is to allow a broad range or variety of commercial and related uses that are necessary to serve a more remote community where the support of general business uses are not readily available. Since the purpose of this variance request is to perpetuate an existing economic activity which is clearly identified with this particular segment of the Kona community, it is concluded that the granting of the requested variance to allow the expansion and upgrading of an existing coffee mill operation within this zoned district would be consistent with the purposes and intent of this district.

Furthermore, because the variance procedure will effectively limit the use potential of the proposed improvements to those operations and activities directly related to the coffee industry or as permitted within the zoned district, this approval should not be materially detrimental to the public welfare nor result in substantial adverse impact to the area's character or adjoining properties.

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

1. The petitioner, successors, or assigns shall be responsible for compliance with all of the stated conditions of approval.
2. Plans for the proposed expansion and any other changes in use for the existing mill facility shall be submitted to the Planning Department for Plan Approval within one (1) year from the effective date of approval of this variance. Plans shall show the location, size and use of all structures; all yards and open spaces; parking, loading, and circulation; and landscaping and planting details. Parking shall comply with the requirements of Chapter 25 (Zoning Code) and no parking variance from the Code shall be applied for or granted. No uses may be established until Plan Approval has been secured.
3. Construction of the proposed improvements shall commence within one (1) year from the effective date of Final Plan Approval and be completed within two (2) years thereafter.

Mr. Jeffrey Citron  
July 5, 1990  
Page 4

4. All applicable requirements of the State Department of Health and the County Department of Public Works shall be complied with prior to the receipt of occupancy for the expansion area.
5. Access and/or related improvements to Mamalahoa Highway fronting the subject property shall be constructed as required by the State Department of Transportation, Highways Division, or the County Department of Public Works prior to the receipt of occupancy for the expansion area.
6. No pulping or similar operations shall be permitted within any of the structures covered by the variance approval.
7. All other applicable State and County laws, rules, regulations, and requirements shall be complied with. If you have any questions on this matter, please feel free to contact us.

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

Sincerely,



DUANE KANUHA  
Planning Director

DK:aeb

cc: DPW  
DOH