

March 8, 1993

Mr. James Yagi
Kulana Foods
P. O. Box ~~983~~ 963
Hilo, HI 96721

Dear Mr. Yagi:

Variance Application (V 92-14)
Applicant: Kulana Foods
Request: Expansion of a Non-Conforming Use
Tax Map Key: 2-4-12: 04

The applicant's Kulana Foods slaughterhouse is located on its own 12.6 acre parcel in the midst of the Waiakea Homesteads residential area of Hilo, and is presently zoned RS-10. Having been established in 1948, prior to the city's comprehensive zoning, the slaughterhouse operation preceded by 20 years, the gradual transformation of these tracts of land into residential areas. However, the zoning code now considers the slaughterhouse a non-conforming use in a Residential zone.

It is now the only slaughterhouse serving Hilo - Puna area. Paauilo and North Kona have the only other two viable slaughterhouses on the island. The request is to permit an expansion of the use to comply with the Department of Agriculture's standards for these uses; specifically a new freezer unit, to be attached to the cutting rooms. The new unit will be 2,160 sq. ft. in size, with dimensions of 36' x 60' and 23' high.

After reviewing your variance request, the Director has determined that the subject application should be approved, based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner 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 that property.

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1. The slaughterhouse complex is on its own self-contained 12+ acre parcel, and is virtually invisible from any surrounding residential dwellings. Dense overgrowth of natural vegetation and native trees 125 to 165 ft. in depth screen the slaughterhouse buildings from view.
2. The proposed freezer unit is necessary to meet the new standards of the State Department of Agriculture for slaughterhouses. Without it, the supply of fresh meat to thousands of consumers in East Hawaii would be curtailed or the prices would escalate dramatically to compensate for the difficult task of transporting refrigerated/frozen meat.
3. No significant increase in vehicular traffic or in general volume of cattle and hogs being processed is contemplated.

ALTERNATIVES

There are no reasonable alternatives. Without the improvement, the slaughterhouse would soon cease meeting the Department of Agriculture's standards for the processing of fresh meat, and be forced to close prematurely. A slaughterhouse facility by necessity must have its various rooms (slaughter, cutting, freezing rooms, etc.) contiguous and interconnecting. It would be impractical to have a freezer room away from the facility.

INTENT AND PURPOSE

The section of the zoning code which pertains to non-conforming uses states "a non-conforming use may be enlarged within the building it occupies, but shall not be enlarged or increased to occupy a greater area of land."

The intent and purpose of this provision is to prevent the non-conforming activities, if enlarged, from increasing the degree of incompatibility between it and the surrounding predominant uses.

This case differs however, in that the slaughterhouse complex is self contained and virtually insulated from the surrounding residences, being in the center of a 12+ acre lot, completely hidden by a heavy growth of trees and brush. Usually, non-conforming uses conflict with the ambience of their surroundings, but this situation is such that the freezer building addition would not result in any visible significant increase of incompatible activity. The slaughterhouse facility can not be heard, seen or smelled by surrounding residents. There were inquiries, but no objections to the request from the general public nor the reviewing agencies.

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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 areas character and adjoining properties.

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

1. The petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The building shall not exceed the described dimensions of 36 ft. by ~~48~~ ft. and 23 ft. height. Location of the freezer building shall be as shown on the site plan which accompanied the application.
3. A building permit for the dwelling must be secured within one year of the effective date of the variance and shall be completed within two years thereafter.
4. For as long as this variance is necessitated, the owner shall maintain a heavy screening growth of trees and other plantings between the slaughterhouse facilities and their property boundaries. The intent of this condition is to have the owner continue to obscure the slaughterhouse buildings from groundview of adjacent residential properties.
5. The owner shall not subdivide this 12.6 acre parcel into parcels closer than 150 ft. from any of the buildings used as part of the slaughterhouse activity while that use continues.
6. All other applicable State and County rules and regulations shall be complied with.

Should any foregoing conditions not be met, the Director may proceed to declare the variance null and void.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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