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Lorraine R. Inouye  
Mayor

Norman K. Hayashi  
Director

Tad Nagasako  
Deputy Director



## Planning Department

County of Hawaii • 25 Aupuni Street, Room 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

July 1, 1992

Wilbert & Fukue Shiraki  
Shiraki Dry Cleaners, Inc.  
P. O. Box 345  
Capt. Cook, HI 96704

Dear Mr. & Mrs. Shiraki:

Variance Application (WHV92-4)  
Petitioner: Shiraki Dry Cleaners, Inc.  
Variance for Expansion of Non-Conforming Use  
Tax Map Key: 8-1-06:74

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 use. More specifically, the request is to allow the expansion of the existing non-conforming Shiraki Dry Cleaners laundry business within the Single Family Residential (RS-10) zoned district in Capt. Cook, South Kona, Hawaii, Tax Map Key: 8-1-06:74. The subject property is located on the mauka side of Hawaii Belt Road, approximately 500 feet north of the Napoopoo Road, Hawaii Belt Road junction.

The Planning Director has concluded that the variance request for the expansion of a non-conforming use should be approved, based on the following findings:

### SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver for the expansion of the existing non-conforming use (laundry business). The laundry and dry cleaning business was established in 1957 and has been in operation for the last 35 years. A legal building permit for a residence and establishment of a laundry business was approved by the County and issued in November of 1956. The County Tax Office has been assessing the subject business for commercial purposes since 1965. Because of the non-conforming status of the business, much of the equipment is old and need to be replaced with new equipment. The upgrading of the equipment of

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the existing space will require additional storage facilities. The proposed structural addition will provide for a new mechanical storage system as well as office space for the business. If the variance were to be denied, the non-conforming use will still remain within the existing structure, but in a less efficient or more hazardous condition than if the upgrading of the equipment and the new structural addition were permitted.

The denial of this particular request would interfere with the best manner of development of the subject property given the special circumstances described above. Since the subject use was legally established prior to the existing Zoning Code, the denial of the subject request, which would improve efficiency and safety of the laundry and dry cleaning operation, would be unreasonable.

Therefore, considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the 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 in resolving the difficulty of the petitioner. The only alternative available to the petitioner is to relocate the business to a commercial zone. The petitioners have invested a substantial portion of their lives in conducting their business at this particular location. The closing of their business on the subject property would severely impact their livelihoods and would not be considered as a reasonable and fair alternative. The substantial investment which has been made by the petitioner for the last 35 years cannot be ignored. It has to be recognized that their business has provided the Shiraki family to serve its community as well as provided for their families. Therefore, the relocation and closing alternatives are considered to be an excessive demand on the petitioner when a more reasonable alternative is available.

#### INTENT AND PURPOSE

The granting of the variance will not be inconsistent with the general purpose of the Zoning Code and will not be

materially detrimental to the public welfare or cause substantial, adverse impact to the area's character or to adjoining properties. Aside from the new storage addition to be constructed, no other changes in the business is anticipated. The hours of operation will remain the same and no additional employees will be added. The business operation will still be family operated. Although there will be an increase in processing due to the new equipment, there will be no additional retailing activity and no additional traffic to be created.

The operational efficiency and safety will be improved as a result of the proposed addition and upgrading of the business. All rules and regulations will be adhered to including, OSHA, Department of Health, and Department of Public Works Building Division and Planning Department. In addition, the proposed addition and upgrading should not produce any adverse noise or smell impacts to adjacent properties as the minimum setbacks requirements for the proposed storage addition will be provided for. The proposed storage building addition will have no associated odor impacts from its operation.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes 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 to adjoining properties.

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

1. The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The plans for the proposed storage addition shall be submitted Plan Approval within one (1) year from the effective date of approval of the Variance. The plans for Final Plan Approval shall show the proposed storage building to comply with all minimum zoning code setback requirements for this zone district. The minimum off-street parking requirements for the proposed addition shall be provided for and no variance from the minimum off-street parking requirements shall be allowed.

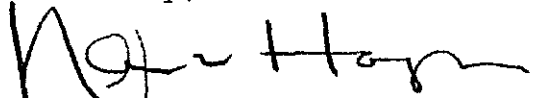
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3. The construction of the new storage addition and equipment upgrading shall commence within one (1) year from the effective date of Final Plan Approval and be completed within two (2) years thereafter.
4. The petitioner shall comply with all other rules, regulations and requirements, including those of the Department of Health, OSHA and the Department of Public Works.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

If you have any questions on any of the above, please feel free to contact Royden Yamasato of our West Hawaii Office at 329-4878.

Sincerely,



NORMAN K. HAYASHI  
Planning Director

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5714D  
Enclosure

cc: West Hawaii Office