

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
HAWAII BUKKYO KAIKAN aka)
HILO HIGASHI HONGWANJI MISSION)
from)
NONCONFORMING PROVISION)
in)
Waiakea, South Hilo, Hawaii)
_____)

Variance No. 489

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on April 14, 1977, considered the application of HAWAII BUKKYO KAIKAN aka HILO HIGASHI HONGWANJI MISSION for a variance from Chapter 8, Article 1, Section 9, Hawaii County Code, as amended, more specifically, to allow the relocation of a nonconforming use (urns) from the central church building to another auxiliary building within the existing church site, Waiakea, South Hilo, Hawaii, Tax Map Key 2-4-28:13 and 14.

The Commission has found:

That the granting of the variance will not be materially detrimental to the public welfare or injurious to improvements or property rights related to properties in the near vicinity. The request is merely to transfer urns containing remains of deceased church members from the interior of the main church building to another existing building on the church site. The urns are presently kept in an area of only about 120 square feet (12' x 10'). The building to which the urns are proposed to be relocated is over 400 square feet in size; thus, providing more efficient space for the storage of the urns. Since the use already exists on the subject site it is determined that there will be no substantial change in the use of the property should the request be granted. Also, the building in which the urns will be relocated already exists; thus, the use of the property will not be intensified.

Furthermore, the granting of this particular variance request will not have any adverse effects upon the public welfare or property rights of adjacent properties since the mere relocation of the urns from one building to another would not cause any activity of an unusual or hazardous nature.

There also are special or unusual circumstances applying to the subject situation and use which do not generally apply to surrounding properties or their improvements. One of the traditional functions of the Buddhist religion is the storage and safekeeping of the cremated remains of its church and family members. This practice affords the decedent's surviving family members a convenient and safe place for the storage of the urns. Over the years, as is to be expected, the number of urns kept by the church

increased; thus, more space is required for storage. As stated earlier, the present storage area within the main church building is already inadequate to handle the present as well as future increase of urns. The present 120 square foot area is not only used for the storage of urns, but also serve as a shrine room, which includes a small altar for praying and offering purposes. It is therefore, determined that by relocating the urns within a large area or room would be a more practical and feasible solution to accommodate the increase in the number of urns to be stored by the church. If, however, the variance request is denied, the petitioner would be forced to deny future storage privileges to its members; and thus, disrupt a traditional and essential part of the Buddhist religion.

Finally, the Zoning Code does allow churches, temples and other institutions of a religious, cultural, philanthropic or charitable nature within the Single Family (RS) zoned district. Since the storage of urns is determined to be an accessory use and an integral part of the Buddhist religion, it is felt that the granting of this particular variance request will not be inconsistent with the general intent and purpose of the Single Family zoned district or the intent and purpose of the Zoning Code.

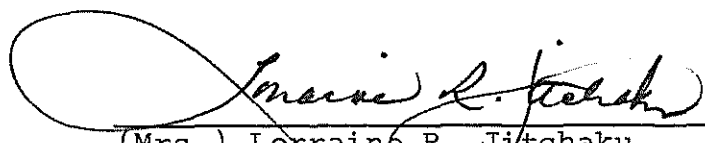
Therefore, the Commission hereby grants to the applicant a variance to allow the relocation of a nonconforming use (urns) from the central church building to another auxiliary building within the existing church site, Waiakea, South Hilo, Hawaii, pursuant to the authority vested in it by Section 7 of Zoning Code, subject to the following conditions:

1. That the urns shall be relocated to the 400+ square foot building within six (6) months from the effective date of approval of the Variance Permit.
2. That the rules, regulations, and requirements of the State Department of Health shall be complied with.
3. That all other applicable rules and regulations, including the Plan Approval process, shall be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from April 14, 1977.

Dated at Hilo, Hawaii, this 4th day of May, 1977.


(Mrs.) Lorraine R. Jitchaku
Chairman

