

May 16, 1977

Mr. David Lee
Hilo Korean Christian Church,
Korean Mission
213 Ululani Street
Hilo, HI 96720

Dear Mr. Lee:

Variance Application
Tax Map Key 2-3-12:33

The Planning Commission at its preliminary hearing on May 12, 1977 considered your application for a variance to waive the on-site parking requirement for a proposed Sunday school classroom building in the City of Hilo, South Hilo, Hawaii.

This is to inform you that the Commission voted to deny your request based on the following findings:

That the granting of the variance will constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties and improvements in similarly zoned districts. Other property owners with the intent of establishing similar uses and with lands having similar characteristics are obliged to comply with the Zoning Code requirements. Approval of this request could create a situation wherein other lands in the area with similar characteristics would become potential candidates for similar concessions. Throughout the downtown area are other small properties which could seek similar variances if they were to be developed or redeveloped.

The creation of such a situation would greatly aggravate the existing downtown parking problem. It is a recognized fact that the parking situation in this general area is critical, especially since there are no parking stalls presently being provided on the subject property, even for the existing church use. The congregation of the church presently park their vehicles along Ululani Street, which is limited to only one side of the roadway. It is therefore felt that the granting of this request

MAY 18 1977

May 16, 1977

would only serve to worsen the parking situation, especially since the necessity for off-street parking will become even more acute.

Furthermore, the purpose of the off-street parking requirements of the Zoning Code is to assure that adequate space is provided the users of any proposed building so that traffic movement on the public highway can flow easily. By providing the three (3) parking stalls on the subject property, at least a part of the present parking problems may be alleviated.

In light of the foregoing, therefore, it is determined that the granting of this particular variance will be inconsistent with the general purpose of the zoned district and with the intent and purpose of the Zoning Code. The granting of this variance request would also be materially detrimental to the public welfare and would be injurious to improvements and/or property rights related to property in the vicinity.

It is recognized that the size of the lot as well as the placement of the existing buildings on the subject property do impose some limitations on their full development and use. Other properties in Downtown Hilo, however, have similar constraints. The Hilo Downtown Development Plan (DDP) points out that the lack of adequate and convenient parking is a major problem in the development of the area. To resolve this, the DDP recommends the construction of public parking facilities throughout Downtown Hilo. The implementation of this recommendation, however, will not be forthcoming in the very near future for this part of Downtown Hilo. Until such time as the recommendations in the DDP for providing parking are implemented, it is imperative that other means of resolving this problem be sought. With the approval of the Planning Director and the consent of the owners, parking may be provided on properties within five hundred (500) feet of the site being developed. This alternative should be sought by the petitioner.

As your request has been denied, you may appeal the decision of the Planning Commission if you feel that the action of the Planning Commission was based on an erroneous finding of a material fact, or that the Commission has acted in an arbitrary or capricious manner, or had manifestly abused its discretion.

Should you decide to appeal the decision of the Commission in the denial of your variance request, a petition setting forth the following shall be submitted to the Board of Appeals within thirty (30) days from the date of action and accompanied by a filing fee of ten dollars (\$10.00):

Mr. David Lee
Page 3

May 16, 1977

1. Name, mailing address and telephone number;
2. Identification of the property and interest therein;
3. The particular provision of the Zoning Ordinance or Subdivision Ordinance or regulation in question;
4. All pertinent facts;
5. The action of the Commission; and
6. Reasons for the appeal, including a statement as to why the appellant believes that the Commission's action was based on an erroneous finding of a material fact, or that the Commission has acted in an arbitrary or capricious manner, or had manifestly abused its discretion.

Inasmuch as no public hearing will be held on this matter, we will be returning your filing fee as soon as the refund is processed.

We will be forwarding you a certified copy of the Order as soon as the document is prepared. Should you have any questions regarding the above, please feel free to contact the Planning Department at 961-8288.

Sincerely,



(Mrs.) Lorraine R. Jitchaku
Chairman, Planning Commission

lgv

cc Corporation Counsel
Chief Engineer, Public Works

COUNTY OF HAWAII

In the Matter of the Appeal)
of)
HILO KOREAN CHRISTIAN CHURCH,)
KOREAN MISSIONS)
)
)
Tax Map Key 2-3-12:33)
)

VARIANCE APPLICATION

NO. 495

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND
DECISION AND ORDER

4. The petitioner proposed to construct a 600 square foot (30' x 20') classroom building. According to Zoning Code, three (3) on-site parking stalls are required for the proposed building (600 square feet/200 square feet = 3 stalls).

5. A church building and a single-family dwelling exist on the subject property. No parking stalls are available on the property. The congregation of the church presently park their vehicles on Ululani Street. Parking is permitted only on one (1) side of the street. This roadway has a right-of-way width of forty (40) feet with a 28-foot pavement. There also are sidewalks along both sides of the street.

6. There is a drop of about seven (7) feet between Ululani Street and the subject property. There also is a chain-linked fence on all three (3) sides of the lot.

7. The Yamada Furniture Store property borders the affected lot on three (3) sides. Other uses include single family dwellings, apartment buildings, other churches, and commercial establishments. The Farmers' Exchange building formerly used as a supermarket is also situated in the area along Kinoole Street.

8. The subject property is within the Hilo Downtown Study Area.

9. All essential utilities are available to the area under consideration.

10. Upon review of the request, the State of Hawaii Department of Health commented that they "Found no environmental health concern providing the use concept is strictly for Sunday School class without any projected use as Nursery or Day Care type of operation."

11. All other cooperating agencies had no comments on or objections to the subject request.

12. In support of the request, the petitioner stated the following:

- a. The church land drops off from the street (Ululani Street) approximately 5 feet to 9 feet and it is impossible to construct any parking stalls within the church budget.
- b. The proposed improvements would not increase demand for additional parking spaces. That is more like a warehouse of the church and will accommodate the children who are now playing on the grounds during Sunday service.

13. At a preliminary hearing on May 12, 1977, the Planning Department staff recommended denial of the application based on the following findings:

"That the granting of the variance will constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties and improvements in similarly zoned districts. Other property owners with the intent of establishing similar uses and with lands having similar characteristics are obliged to comply with the Zoning Code requirements. Approval of this request could create a situation wherein other lands in the area with similar characteristics would become potential candidates for similar concessions. Throughout the downtown area are other small properties which could seek similar variances if they were to be developed or redeveloped.

"The creation of such a situation would greatly aggravate the existing downtown parking problem. It is a recognized fact that the parking situation in this general area is critical, especially since there are no parking stalls presently being provided on the subject property, even for the existing church use. The congregation of the church presently park their vehicles along Ululani Street, which is limited to only one side of the roadway. It is therefore felt that the granting of this request would only serve to worsen the parking

situation, especially since the necessity for off-street parking will become even more acute.

"Furthermore, the purpose of the off-street parking requirements of the Zoning Code is to assure that adequate space is provided the users of any proposed building so that traffic movement on the public highway can flow easily. By providing the three (3) parking stalls on the subject property, at least a part of the present parking problems may be alleviated.

"In light of the foregoing, therefore, it is determined that the granting of this particular variance will be inconsistent with the general purpose of the zoned district and with the intent and purpose of the Zoning Code. The granting of this variance request would also be materially detrimental to the public welfare and would be injurious to improvements and/or property rights related to property in the vicinity.

"It is recognized that the size of the lot as well as the placement of the existing buildings on the subject property do impose some limitations on their full development and use. Other properties in Downtown Hilo, however, have similar constraints. The Hilo Downtown Development Plan (DDP) points out that the lack of adequate and convenient parking is a major problem in the development of the area. To resolve this, the DDP recommends the construction of public parking facilities throughout Downtown Hilo. The implementation of this recommendation, however, will not be forthcoming in the very near future for this part of Downtown Hilo. Until such time as the recommendations in the DDP for providing parking are implemented, it is imperative that other means of resolving this problem be sought. With the approval of the Planning Director and the consent of the owners, parking may be provided on properties within five hundred (500) feet of the site being developed. This alternative should be sought by the petitioner."

14. At that meeting, the Planning Commission voted to deny the variance request for the reasons as outlined by the staff. The vote to deny was recorded as eight (8) ayes and zero (0) no.

CONCLUSIONS OF LAW

1. Pursuant to Section 5-4.3 (g) of the Hawaii County Charter, the Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Codes.

2. All procedural requirements as prescribed by law have been complied with.

3. Under Section 5-4.3 (g) of the Hawaii County Charter, a variance may not be granted unless there are special or unusual circumstances applying to the subject property which would result in unnecessary hardship if the ordinance were literally enforced, and the granting of the variance would not be contrary to the public interest.

DECISION AND ORDER

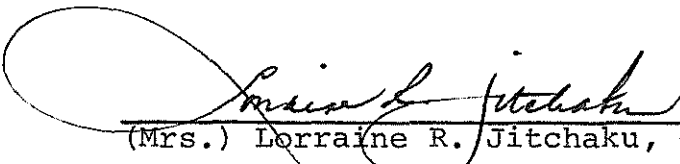
Based upon the testimony and exhibits introduced at the preliminary hearing and the foregoing Findings of Fact and Conclusions of Law, it is the decision of the Planning Commission and it is hereby ordered that the variance from the requirements of Article 26, Section 6.D.4 of Chapter 8 (Zoning Code) pertaining to the minimum parking requirement of Tax Map Key 2-3-12:33 located at Ponahawai, South Hilo, Hawaii, be and is hereby denied.

Dated at Hilo, Hawaii, this 3rd day of June, 1977.

APPROVED AS TO FORM
AND LEGALITY:



Corporation Counsel
County of Hawaii



(Mrs.) Lorraine R. Jitchaku, Chairman

Date: June 1, 1977