

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
SHIGERU MUKAI)
from)
MINIMUM SETBACK AND)
PARKING REQUIREMENTS)
in)
Punahoa 1st, South Hilo, Hawaii)
_____)

VARIANCE NO. 512

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on October 27, 1977, considered the application of SHIGERU MUKAI for a variance from Chapter 8 (Zoning Code), Article 25, Section 4, and Article 26, Section 4.m. and Section 6, Hawaii County Code, as amended, more specifically, to allow the following requests at Punahoa 1st, South Hilo, Hawaii, Tax Map Key 2-3-11:15:

1. To situate a proposed commercial structure on the existing front property line in lieu of a setback of ten (10) feet consistent with the future right-of-way width line for Keawe Street.
2. To situate the proposed commercial structure within the line-of-sight triangle in lieu of providing for unobstructed vision as required for corner lots.
3. To provide fourteen (14) parking spaces in lieu of the minimum requirement of fifteen (15) stalls.

The Commission has found:

That special and unusual circumstances exist to a degree which obviously interferes with the best use and manner of development of the subject property. The City of Hilo Zone Map shows Keawe Street to be widened and thus requiring the acquisition of ten (10) feet from both sides of Keawe Street. Were it not for the proposed right-of-way widening, the structure could be constructed along the Keawe Street side front property line as planned. The Hilo Downtown Development Plan, which has been adopted as ordinance, calls for the conversion of portions of Keawe Street into a pedestrian mall. Given the proposed conversion to a pedestrian mall, the Hilo Downtown Development Plan finds that the right-of-way increase is unnecessary as the existing right-of-way contains adequate width to accommodate the mall. For the Commissioner's information, the Planning Department is currently reviewing the General Plan transportation map and will recommend the retention of the present 60 foot right-of-way for Keawe Street. With the mall in place there

will be very limited vehicular use of Keawe Street, which will be primarily limited to delivery vehicles. As such there will be no need for the provision of the standard line-of-sight triangle as required for corner lots. Thus, the sight line is for interim period only, since Keawe Street eventually will become a mall.

That the granting of the variance regarding the Keawe Street setback and the line-of-sight triangle will be consistent with the General Plan, Hilo Downtown Development Plan, and the intent of the Zoning Code. The General Plan Land Use Element states the following policy:

"In an effort to assist existing commercial developments urban renewal, rehabilitation, and/or redevelopment programs shall be undertaken in cooperation with communities, businesses and governmental agencies. The key to the success of these programs is active and sustained participation from communities and businesses."

Pursuant to this policy the County has developed and adopted the Hilo Downtown Development Plan. As noted previously, the Keawe Street setback and the line-of-sight portions of the variance requests are consistent with the Hilo Downtown Development Plan. Further, the subject request represents an effort on the part of business to aid the revitalization of the downtown area.

That the granting of the variance to allow the provision of fourteen (14) parking stalls in lieu of the fifteen (15) required parking spaces is consistent with the adopted Hilo Downtown Development Plan which states,

"The area bounded by Kinooole Street, Ponahawai Street, Hilo Bay and the Wailuku River shall be designated on the zoning map as an overlying parking district. A new section needs to be added to the zoning ordinance which states that all underlying district regulations are still applicable with the exception of meeting the off-street parking requirements. In lieu of meeting these requirements, all landowners with parcels in this special district must abide by the rules and regulations of the proposed Downtown Hilo Parking District."

This course of action and the proposed mall conversion is based on the plan's objective of encouraging the redevelopment of the downtown Hilo area, as well as to facilitate pedestrian movement while reducing the prominence of the automobile. Thus, by granting a variance from the full effect of the current parking requirements, the objectives of the Hilo Downtown Development Plan and the General Plan will be promoted.

It is necessary to note that the granting of a variance from the current parking requirement shall not alleviate the applicant's responsibility to participate in the proposed Downtown Hilo Parking District. Such participation is one of the conditions of approval recommended below. The applicant has acknowledged this responsibility.

Therefore, the Commission hereby grants to the applicant a variance to allow the following requests at Punahoa 1st, South Hilo, Hawaii, pursuant to the authority vested in it by Article 1, Section 7 of said Code:

1. To situate a proposed commercial structure on the existing front property line in lieu of a setback of ten (10) feet consistent with the future right-of-way width line for for Keawe Street.
2. To situate the proposed commercial structure within the line-of-sight triangle in lieu of providing for unobstructed vision as required for corner lots.
3. To provide fourteen (14) parking spaces in lieu of the minimum requirement of fifteen (15) stalls.

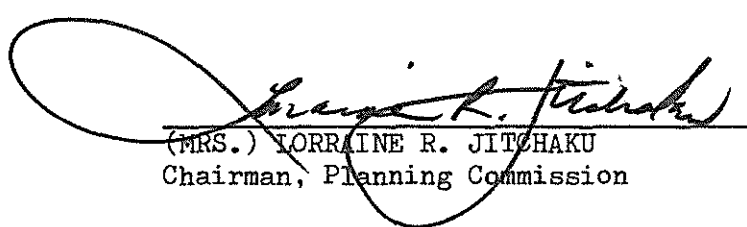
The approval is subject to the following conditions:

1. That construction of the commercial building shall begin within one (1) year of the effective date of the Variance Permit and shall be completed within two (2) years thereafter.
2. That the construction of the structure, including the projection of the awning into the street right-of-way, shall comply with the requirements of the Building Code.
3. That the applicant, or his successor, shall abide by the parking district ordinance which is presently being developed.
4. 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 October 27, 1977.

Dated at Hilo, Hawaii, this 16th day of November, 1977.


(MRS.) LORRAINE R. JITCHAKU
Chairman, Planning Commission

APPROVED as to
FORM and LEGALITY

Roxanna Garcia

ASSISTANT CORPORATE COUNSEL
COUNTY OF HAWAII

Date NOV 7 1977