

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
KINOOLE BAPTIST CHURCH) ADMINISTRATIVE
from) VARIANCE NO. 11
Minimum Building Site Area Requirement)
in)
Keonepoko Homestead, Puna, Hawaii)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on April 17, 1980, on the application of KINOOLE BAPTIST CHURCH for a variance from the minimum building site area requirement, more specifically, to allow the construction of a church facility on a 30,000 square foot lot in lieu of the minimum building site area requirement of one acre at Keonepoko Homestead, Puna, Hawaii, Tax Map Key 1-5-117:24 and 25.

After hearing the case, the Planning Director has found:

1. That there are special and unusual circumstances applying to the subject property and the proposed development which do not generally apply to surrounding property or improvements in the same district. Although the subject property is situated in a residential district, it is bounded on three sides by streets which provides an unusual separation from the rest of the residential area. This will allow the petitioner to site the proposed improvements away from the one adjoining residential parcel.

Furthermore, the petitioner's proposal to relocate a 2,000 square foot structure on the property will not overly dominate the 30,000 square foot parcel. While the subject property is deficient by 13,560 square feet from the one acre minimum lot size, it is more than adequate to meet the needs of the project.

2. That the rigid imposition of the one acre minimum lot size requirement would interfere with the manner of development of the subject property. As indicated above, the special and unusual circumstances applying to the subject property results in a situation where the 30,000 square foot parcel is sufficient for the proposed development. Therefore, requiring the applicant to obtain an additional 13,560 square feet to meet the minimum lot size requirement will not serve a useful purpose because the additional land area will not improve the project.

3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Given the particular location of the subject property and the size of the proposed structure in relation to the size of the parcel, this request can be differentiated from other proposals for properties under identical district classification.
4. That the granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Code. Churches are conditionally permitted in the Single Family Residential district. The variance is being required from the minimum lot size requirement. The minimum lot size of one acre is intended to provide the necessary area to buffer impacts to surrounding properties and to meet on-site parking requirements. The 30,000 square foot parcel is more than adequate for handling the proposed structure and the required parking for same. In addition, there is adequate space available for buffering impacts to surrounding properties.
5. That the granting of the variance will not militate against the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. One of the goals in the single family residential section of the General Plan is "to ensure compatible uses within and adjacent to single-family residential zoned area." The proposed use is not a noxious activity inconsistent with a residential community. Furthermore, any anticipated impacts can be mitigated through existing regulations and/or the imposition of conditions of approval.

Therefore, the Planning Director hereby grants to the applicant a variance to allow the construction of a church facility on a 30,000 square foot lot in lieu of the minimum building site area requirement of one acre at Keonepoko Homestead, Puna, Hawaii, Tax Map Key 1-5-117:24 and 25, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

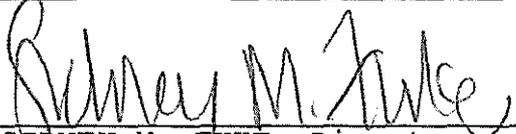
1. That parcels 24 and 25 of Tax Map Key 1-5-117 shall be consolidated prior to the relocation of the 2,000 square foot structure on the subject property.
2. That the entrance to the church be off of La'au Way meeting with the approval of the Chief Engineer.
3. That the 2,000 square foot structure be established on the subject property within one (1) year from the effective date of the Variance Permit.
4. That the proposed structure be situated on the north side of the subject property, away from the adjoining residential parcel.

5. That the Variance Permit is restricted to church use. No future variances from setback requirements or minimum lot size requirements will be granted.
6. That all other applicable rules, regulations and requirements, 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.

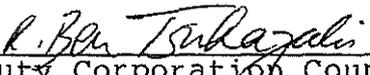
The effective date of this permit shall be from April 25, 1980.

Dated at Hilo, Hawaii, this 19th day of September, 1980.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 2 Sept 80

April 25, 1980

Pastor James Sanbei
Kinoole Baptist Church
1815 Kinoole Street
Hilo, Hawaii 96720

Dear Pastor Sanbei:

Variance Application
Minimum Requirement Building Site Area
TMK: 1-5-117:24 & 25

After review of your application and the information provided at the administrative public hearing on April 17, 1980, the Planning Director is hereby certifying the approval of your variance request to allow the construction of a church facility on a 30,000 square foot lot in lieu of the minimum building site area requirement of one acre.

Approval of this request is based on the following findings:

1. That there are special and unusual circumstances applying to the subject property and the proposed development which do not generally apply to surrounding property or improvements in the same district. Although the subject property is situated in a residential district, it is bounded on three sides by streets which provides an unusual separation from the rest of the residential area. This will allow the petitioner to site the proposed improvements away from the one adjoining residential parcel.

Furthermore, the petitioner's proposal to relocate a 2,000 square foot structure on the property will not overly dominate the 30,000 square foot parcel. While the subject property is deficient by 13,560 square feet from the one acre minimum lot size, it is more than adequate to meet the needs of the project.

2. That the rigid imposition of the one acre minimum lot size requirement would interfere with the manner of development of the subject property. As indicated above, the special and unusual circumstances applying to the subject property results in a situation where the 30,000 square foot parcel

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is sufficient for the proposed development. Therefore, requiring the applicant to obtain an additional 13,560 square feet to meet the minimum lot size requirement will not serve a useful purpose because the additional land area will not improve the project.

3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical district classification. Given the particular location of the subject property and the size of the proposed structure in relation to the size of the parcel, this request can be differentiated from other proposals for properties under identical district classification.
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5. That the granting of the variance will not militate against the County General Plan and will not be materially detrimental to the public welfare or injurious to improvements or property rights related to property in the near vicinity. One of the goals in the single family residential section of the General Plan is "to ensure compatible uses within and adjacent to single-family residential zoned area." The proposed use is not a noxious activity inconsistent with a residential community. Furthermore, any anticipated impacts can be mitigated through existing regulations and/or the imposition of conditions of approval.

The conditions of approval are as follows:

1. That parcels 24 and 25 of Tax Map Key 1-5-117 shall be consolidated prior to the relocation of the 2,000 square foot structure on the subject property.
2. That the entrance to the church be off of La'au Way meeting with the approval of the Chief Engineer.

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3. That the 2,000 square foot structure be established on the subject property within one (1) year from the effective date of the Variance Permit.
4. That the proposed structure be situated on the north side of the subject property, away from the adjoining residential parcel.
5. That the Variance Permit is restricted to church use. No future variances from setback requirements or minimum lot size requirements will be granted.
6. That all other applicable rules, regulations and requirements, 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.

Please be informed that the official Variance Permit will be forthcoming under separate cover.

Should you have any questions in the meantime, please feel free to contact us.

Sincerely,



SIDNEY FURE
Director

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cc: Glenn Taguchi (DLNR)
Planning Commission