

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
ERNEST KILBOURNE) ADMINISTRATIVE
from) VARIANCE NO. 43
MINIMUM LOT SIZE REQUIREMENT FOR A CHURCH)
in)
WAIAKEA HOUSE LOTS, SOUTH HILO, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

An administrative public hearing was held by the Planning Director of the County of Hawaii Planning Department on December 10, 1980, on the application of ERNEST KILBOURNE for a variance from minimum lot size requirement for a church, more specifically, to allow the establishment of a church facility on 22,192 square feet of land in lieu of the minimum building site area requirement of one (1) acre as stipulated in the Zoning Code for lands within the Single Family Residential (RS) zoned district at Waiakea House Lots, South Hilo, Hawaii, Tax Map Key 2-2-37:40.

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 use which do not generally apply to surrounding property or improvements in the same district. The petitioner intends to convert the existing single family dwelling on the property for church use. This facility will be used only temporarily for a period of at least one (1) year. The size of the congregation is about ten (10) to fifteen (15) people. Although the subject property is situated in a residential district, it is bounded on two (2) sides by streets which provides an unusual separation from the rest of the residential area. Further, the adjoining property to the east owned by the State of Hawaii is vacant. The existing structure is also situated quite a distance from the dwelling on the adjoining lot to the south.

Based on the above, while the subject property does not meet the one (1)-acre minimum lot size, it is more than adequate to meet the needs of the proposed use.

2. That the rigid imposition of the one-acre minimum lot size requirement in this particular instance 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 22,000+ square foot parcel is sufficient for the proposed development. Therefore, requiring the applicant to obtain the additional land area in order to meet the minimum lot size requirement will not serve a useful purpose because the additional land area in this particular case will not necessarily improve the present situation and proposed use.

3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under identical district classification. Given the particular location of the subject property and the size of the existing 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. In this particular case, the 22,000+ 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 establishment of a church facility on 22,192 square feet of land in lieu of the minimum building site area requirement of one (1) acre as stipulated in the Zoning Code for lands within the Single Family Residential (RS) zoned district at Waiakea House Lots, South Hilo, Hawaii, TMK: 2-2-37:40, pursuant to the authority vested in him by the County Charter, subject to the following conditions:


1. That the petitioner or his authorized representative submit plan for the conversion of the existing building and secure final plan approval within six (6) months from the date of approval of the Variance Permit.
2. That the proposed use shall be terminated within one (1) year from the date of receipt of the occupancy permit.
3. That access to the property shall meet with the approval of the Chief Engineer of the Department of Public Works.
4. That the 10-foot wide road widening strip shall be delineated on the plans submitted for plan approval. No structural improvements, including parking, shall be located within the future road widening area.

5. That all other applicable rules, regulations and requirements, including the prevention of surface water runoff, 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 December 11, 1980.

Dated at Hilo, Hawaii, this 30 day of December, 1980.



SIDNEY M. FUKU, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel
County of Hawaii

Date: 23 Dec 80

December 11, 1980

Mr. Ernest Kilbourne
756 Kekuanaoa Street
Hilo, HI 96720

Dear Mr. Kilbourne:

Variance Application (V80-35)
Minimum Lot Size Requirement for a Church
Tax Map Key: 2-2-37:40

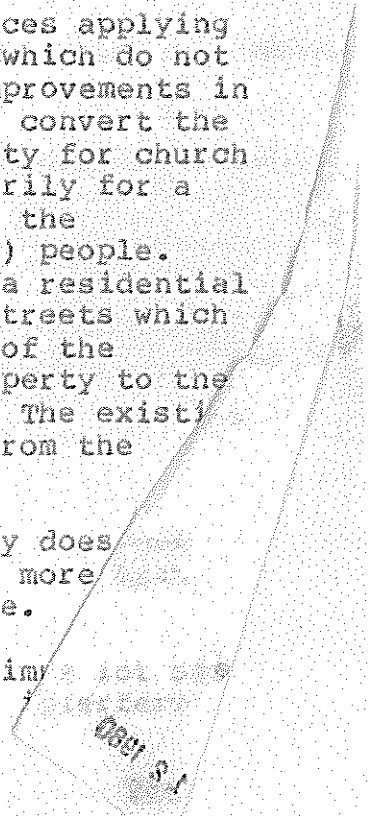
After review of your application and the information presented at the administrative public hearing on December 10, 1980, the Planning Director is hereby certifying the approval of the variance to allow the establishment of a church facility on 22,192 square feet of land in lieu of the minimum building site area requirement of one (1) acre as stipulated in the Zoning Code for lands within the Single Family Residential (RS) zoned district.

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 use which do not generally apply to surrounding property or improvements in the same district. The petitioner intends to convert the existing single family dwelling on the property for church use. This facility will be used only temporarily for a period of at least one (1) year. The size of the congregation is about ten (10) to fifteen (15) people. Although the subject property is situated in a residential district, it is bounded on two (2) sides by streets which provides an unusual separation from the rest of the residential area. Further, the adjoining property to the east owned by the State of Hawaii is vacant. The existing structure is also situated quite a distance from the dwelling on the adjoining lot to the south.

Based on the above, while the subject property does meet the one (1)-acre minimum lot size, it is more adequate to meet the needs of the proposed use.

2. That the rigid imposition of the one-acre minimum requirement in this particular instance would



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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 22,000+ square foot parcel is sufficient for the proposed development. Therefore, requiring the applicant to obtain the additional land area in order to meet the minimum lot size requirement will not serve a useful purpose because the additional land area in this particular case will not necessarily improve the present situation and proposed use.

3. That the granting of the variance will not constitute a grant of personal or special privilege inconsistent with the limitations placed upon other properties under identical district classification. Given the particular location of the subject property and the size of the existing 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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The conditions of approval are as follows:

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1. That the petitioner or his authorized representative submit plan for the conversion of the existing building and secure final plan approval within six (6) months from the date of approval of the Variance Permit.
2. That the proposed use shall be terminated within one (1) year from the date of receipt of the occupancy permit.
3. That access to the property shall meet with the approval of the Chief Engineer of the Department of Public Works.
4. That the 10-foot wide road widening strip shall be delineated on the plans submitted for plan approval. No structural improvements, including parking, shall be located within the future road widening area.
5. That all other applicable rules, regulations and requirements, including the prevention of surface water runoff, 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 M. Duke
Planning Director

NH:gs

cc: Planning Commission

bcc: PA Section (via MO/RN)