

PLANNING DEPARTMENT
County of Hawaii
Hilo, Hawaii

APPLICATION FOR ADMINISTRATIVE VARIANCE)
by)
MONA MALANI/)
HAWAIIAN EVANGELICAL ASSOCIATION) ADMINISTRATIVE
from) VARIANCE NO. 55
MINIMUM LOT SIZE REQUIREMENT FOR A CHURCH)
in)
LAUPAHOEHOE, MANAOWAIOPAE HOMESTEADS,)
NORTH HILO, HAWAII)
_____)

ADMINISTRATIVE VARIANCE PERMIT

The Planning Director of the County of Hawaii Planning Department on April 3, 1981, reviewed the application of MONA MALANI/HAWAIIAN EVANGELICAL ASSOCIATION for a variance from the minimum lot size requirement for a church, more specifically, to allow the reconstruction of a church building and related uses on a .8-acre lot in lieu of the minimum requirement of one (1) acre at Laupahoehoe, Manaowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key 3-6-9:29.

After reviewing the case, the Planning Director has found:

1. With regard to the request from the minimum lot size requirement of one (1) acre, it is determined that there are special and unusual circumstances applying to the subject property and buildings which do not generally apply to surrounding properties and their improvements in the same zoned district.
2. In reviewing the tax maps, Tax Office records and the State Survey office records, it was noted that prior to 1964, the subject parcel consisting of two grants (Gr. 9051 & 8669) contained a total of 1.10 acres. A thirty (30)-foot road right-of-way was denoted on the map and traverse through Grant 8669. The Tax Office record indicates that in 1964, 0.185 acre was dropped into the roadway and 0.02 acre into TMK: 3-6-09:30. This action reduced the lot to its present size of 0.859 acre or 37,418 square feet. While the subject property is deficient by 6,142 square feet from the one acre minimum lot size, it is more than adequate to meet the needs of the project.
3. The site was formerly occupied by a church which was recently demolished (Building Permit #81-0016). Existing on the parcel is a church hall. The applicant has stated that the church was established over 65 years ago. The Tax Office assessment records of 1944 reflected the existence of the church on the property. The petitioner intends to reconstruct both the church and hall with approximately the same square footage. In light of the above, it is determined that the granting of the variance will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to property in the near vicinity.

4. The rigid imposition of the one acre minimum lot size requirement would interfere with the manner of development of the subject property. As noted in the above two paragraphs, there is adequate land area for the development and that the church use was and is still in existence. Therefore, requiring the petitioner to obtain additional land to meet with the lot size requirement will not serve a useful purpose since it will not improve the development.
5. 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. As noted previously, the church usage of the property was established prior to the Zoning Code and is still in existence.
6. The granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Codes. Churches are conditionally permitted in the Single Family Residential district. The variance is being required from the minimum lot size requirement. As noted previously, the request involves the replacement of buildings of equal area and would not change the character of the existing church usage of the property.
7. The granting of the variance will not militate against the County General Plan. 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 existing use is not a noxious activity inconsistent with the residential community. Furthermore, any anticipated impacts can be mitigated through existing regulations and/or the imposition of conditions of approval.

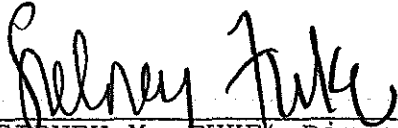
Therefore, the Planning Director hereby grants to the applicant a variance to allow the reconstruction of a church building and related uses on a .8-acre lot in lieu of the minimum requirement of one (1) acre at Laupahoehoe, Manaowaiopae Homesteads, North Hilo, Hawaii, Tax Map Key 3-6-9:29, pursuant to the authority vested in him by the County Charter, subject to the following conditions:

1. That the reconstruction of the church building and related uses have the approximate square footage as the existing structures.
2. That the petitioners or their authorized representative submit plans for the proposed improvement and secure Final Plan Approval for the church building within one (1) year from the date of the permit.
3. That construction commence within one (1) year from the receipt of Final Plan Approval and be completed within one (1) year thereafter.
4. That a parking area paved with all-weather, dust-free surface (oil treated surface is acceptable) meeting with the minimum parking requirements, be provided prior to the issuance of the occupancy permit for the second structure.
5. 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 Administrative Variance Permit may be deemed null and void.

The effective date of this permit shall be from April 3, 1981.

Dated at Hilo, Hawaii, this 21st day of April, 1981.



SIDNEY M. FUCE, Director
Planning Department

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
County of Hawaii

Date: 16 April 81

April 3, 1981

Ms. Mona Malani
P. O. Box 26
Laupahoehoe, HI 96764

Dear Ms. Malani:

Variance Application (V81-6)
Tax Map Key 3-6-9:29

After review of your application, the Planning Director is hereby certifying the approval of the variance to allow the reconstruction of a church building and related uses on a .8-acre lot in lieu of the minimum requirement of one (1) acre.

Approval of the request is based on the following findings:

1. With regard to the request from the minimum lot size requirement of one (1) acre, it is determined that there are special and unusual circumstances applying to the subject property and buildings which do not generally apply to surrounding properties and their improvements in the same zoned district.
2. In reviewing the tax maps, Tax Office records and the State Survey office records, it was noted that prior to 1964, the subject parcel consisting of two grants (Gr. 9051 & 8669) contained a total of 1.10 acres. A thirty (30)-foot road right-of-way was denoted on the map and traverse through Grant 8669. The Tax Office record indicates that in 1964, 0.185 acre was dropped into the roadway and 0.02 acre into TMK: 3-6-09:30. This action reduced the lot to its present size of 0.859 acre or 37,418 square feet. While the subject property is deficient by 6,142 square feet from the one acre minimum lot size, it is more than adequate to meet the needs of the project.
3. The site was formerly occupied by a church which was recently demolished (Building Permit #81-0016). Existing on the parcel is a church hall. The applicant has stated that the church was established over 65 years ago. The Tax Office assessment records of 1944 reflected the existence of the church

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on the property. The petitioner intends to reconstruct both the church and hall with approximately the same square footage. In light of the above, it is determined that the granting of the variance will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to property in the near vicinity.

4. The rigid imposition of the one acre minimum lot size requirement would interfere with the manner of development of the subject property. As noted in the above two paragraphs, there is adequate land area for the development and that the church use was and is still in existence. Therefore, requiring the petitioner to obtain additional land to meet with the lot size requirement will not serve a useful purpose since it will not improve the development.

5. 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. As noted previously, the church usage of the property was established prior to the Zoning Code and is still in existence.

6. The granting of the variance will not be inconsistent with the general purpose of the district or the intent and purpose of the Zoning Codes. Churches are conditionally permitted in the Single Family Residential District. The variance is being required from the minimum lot size requirement. As noted previously, the request involves the replacement of buildings of equal area and would not change the character of the existing church usage of the property.

7. The granting of the variance will not militate against the County General Plan. 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 existing use is not a noxious activity inconsistent with the residential community. Furthermore, any anticipated impacts can be mitigated through existing regulations and/or the imposition of conditions of approval.

With regard to the request to waive the minimum parking requirement, the Planning Director felt that the proposed upgrading of the structures will generate an increase usage of the facilities thereby generating a number of vehicles to the area. The present roadway with narrow shoulder area and the existing grass parking area on site will not adequately handle the traffic. During rainy seasons, the ground would become soggy thereby creating a parking problem.

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Based on the above, the Planning Director felt that some sort of paving should be done to the parking area and driveway and therefore denies the request to waive the parking requirements. However, based on the application and discussion with the petitioner, the lack of funds at the present time is the reason for the request for waiver of the parking requirements. Therefore, it is decided that the petitioner be given additional time to provide the improvements.

The conditions of approval are as follows:

1. That the reconstruction of the church building and related uses have the approximate square footage as the existing structures.
2. That the petitioners or their authorized representative submit plans for the proposed improvement and secure Final Plan Approval for the church building within one (1) year from the date of the permit.
3. That construction commence within one (1) year from the receipt of Final Plan Approval and be completed within one (1) year thereafter.
4. That a parking area paved with all-weather, dust-free surface (oil treated surface is acceptable) meeting with the minimum parking requirements, be provided prior to the issuance of the occupancy permit for the second structure.
5. 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 permit may be nullified by the Planning Director.

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. Fuke
Planning Director

MO:gs

cc: Planning Commission

bcc: Rodney