

CERTIFIED MAIL

September 30, 1981

Reverend John Vaughn  
Waimea Kohala Baptist Church  
P. O. Box 1257  
Kamuela, HI 96743

Dear Reverend Vaughn:

Variance Application (V81-20)  
Tax Map Key 6-6-09:07

We regret to inform you that, after reviewing your application and the information presented in its behalf, the Planning Director is hereby denying your variance request. The reasons for the denial are:

- 1. There are no special or unusual circumstances applying to the subject property and the proposed use which do not generally apply to surrounding properties or improvements in similarly zoned districts. The petitioner intends to convert an existing single family dwelling on the property for church use. Because the proposed use will occupy an existing structure which was not constructed expressly for church or religious functions, it is conceded that special circumstances may exist to some degree. The intent, however, of conditionally permitting church facilities on properties of not less than one acre in size is to insure that adequate mitigation measures can be implemented to reduce potential adverse impacts to surrounding properties.

Surrounding properties are characterized by residential uses on lots ranging in size from 10,000 to 20,000 square feet. There is no particular constraint on this property with regard to topography, accessibility, or configuration which distinguishes it from adjacent properties in the same zoned district.

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Based on the above, no special or unusual circumstances can be identified which would differentiate this property from other properties or uses in the surrounding area.

2. That the rigid imposition of the one-acre minimum lot size requirement would not interfere with the best use or manner of development of this property. As indicated above, an existing single family dwelling already exists on the subject property. This property and other parcels in the surrounding area are designated for low density single family uses on the County zoning maps. Therefore, the property has been developed in accordance with its use designation and no developable rights would be foreclosed by the denial action.
3. That the granting of the variance will constitute a grant of personal or special privilege inconsistent with limitations upon other properties in similar zoned districts. Given the size, location, and existing improvements on this parcel, this request cannot be differentiated from other properties under similar district classifications.
4. That the granting of the variance request will be inconsistent with the intent and purpose of the Zoning Code, and will be materially detrimental to the public welfare. This property was purchased by the petitioner in 1977 and the requested church use was established shortly thereafter in violation of the Zoning Code. At the present time, the use of the facility has increased to the extent that structural expansion is necessary. Since the structure was originally constructed as a single family dwelling, site orientation alternatives are foreclosed; thus, mitigation measures with respect to setbacks and vehicular access are unfeasible. The building was constructed across the width of the northern end of this property. Thus, the side yard setbacks are four (4) feet on the north and south, respectively. The building is setback three (3) feet from the front property line and the Kohala Mountain Road. The setback requirements for structures in this zoned district are twenty (20) feet for the front and rear, and ten (10) feet on the sides. Although the building is non-conforming with respect to the setback requirements, its expanded use for the church facility would not be in the best interest of the community and surrounding properties.

The driveway access to the subject property is situated along the Kohala Mountain Road, approximately thirty (30) feet north of the Kohala Mountain Road/Kawaihae-Waimea Road

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intersection. It is eighteen (18) feet wide and leads to an existing 1,000 square foot concrete parking pad on the property. Inasmuch as the driveway location was functionally intended for residential use, the increased traffic generated by the proposed use will adversely affect vehicular circulation at the nearby intersection and would be materially detrimental to the public welfare.

For these reasons, it is determined that the variance request to permit the establishment of a church on this 18,280 square foot parcel in this Residential Single Family zone in lieu of the minimum building site area requirement of one (1) acre; and to allow the construction of a building addition encroaching four (4) feet into the front yard setback area, should be denied.

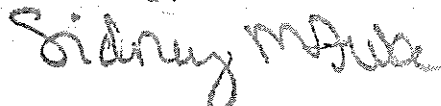
The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission by submitting the following:

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

Should you have any questions on the matter, please feel free to contact us.

Sincerely,



SIDNEY FUKÉ  
Planning Director

DT:gs

cc: Planning Commission  
DPW - Building Division

bcc: Masa's Section