

CERTIFIED MAIL

December 16, 1981

Mr. Harrell McCarty
Oda/McCarty Architects, Ltd.
P. O. Box 4848
Hilo, HI 96720

Dear Mr. McCarty:

Variance Application (V81-30)
Harrell McCarty for Canada-France-Hawaii
Off-Street Parking Stall Size
Tax Map Key 6-5-3:45

After reviewing the above application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of the above variance request to decrease the length of approximately 30 off-street parking stalls pavement area by 2 feet.

The approval is based on the following:

1. Approval of the request would not be inherently contrary to the intent and purpose of the parking provisions of the Zoning Code.

The land itself, as well as the surrounding area would benefit by virtue of having 16 square feet more of landscaped area per parking stall, which, by otherwise rigidly observing the Code requirement would become asphalted surface with no additional benefit such as more usable or easier parking space. Essentially the request would result in apportioning the land allocated for parking in better use than there would be with strict compliance of the Code.

Allowing the pavement area of the parking stalls to be 16 feet of paved length with a 2-foot landscaped length beneath a car's overhang (area extending from the wheels to

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the bumper--which does not touch the ground), would not be contrary to the purpose and intent of the off-street parking provisions of the Zoning Code. The purpose of the particular Code requirement is to ensure adequacy of off-street parking stalls with regard to their pavement dimension. The proposal, which is to eliminate 2 feet of pavement length from the Code requirement of 18 feet of pavement length is found to still result in an actual and effective paved parking stall. It is found that even the smallest of autos (VW bug) have overhangs of 22" front and 34" rear; and that the requested 16 feet length, when coupled with wheel stops as proposed by the applicant, would not inhibit the ease of car movement when parking. These facts are deemed adequate evidence that the variance request would afford the same effective amount of paved area for the wheels of full sized autos to maneuver and park as would the full 18-foot length of pavement.

2. There are unusual circumstances applying to the land and the request in that:
 - a. The proposal would utilize the land in such a manner as to allow more landscaped area which is considered more aesthetically desirable than asphalt pavement.
 - b. The reduced size of the parking stalls would not effectively be decreased; the stalls would functionally be the same full standard size.
 - c. The smaller area of paved parking stalls would result in a savings of a valuable resource-commodity -- oil --; conservation practices, such as this one, are encouraged where other County standards are not compromised.
3. Granting of this request would not be considered an award of special privilege. Previous requests to vary from the allotment ratio of small and full size stalls, i.e., parking stall size, have been permitted where the effective parking area both specifically and overall, is not diminished.
4. Furthermore, based on the unusual circumstances described above, the granting of the Variance will not militate against the Zoning Code provisions for parking, will not be detrimental to the public interest or welfare, nor will it adversely affect surrounding properties and their improvements.

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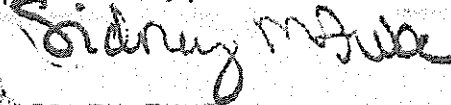
This variance request is approved subject to the following conditions:

1. The final parking layout conform substantially to the proposal submitted with the variance request showing angled single tier parking stalls, and not for any parallel parking stalls.
2. The deleted 2 feet length of paved parking be incorporated into the landscaping plan for the overall development; concrete wheel stops be appropriately enplaced for each parking stall.
3. Submit plans for the proposed development including the parking layout and secure final plan approval within 1 year from the date of this approval.

Should any of the foregoing conditions not be met, the Variance approval shall be deemed void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



SIDNEY FUCE
Planning Director

DT:lgv

cc: Public Works

bcc: M. Onuma