

August 31, 1983

CERTIFIED MAIL

Kilohana Oka Malamalama Church
c/o Mr. John Ushijima
P. O. Box 964
Hilo, Hawaii 96720

Gentlemen:

Administrative Variance Permit No. 102
Tax Map Key: 2-2-34:30

As you are aware, the subject variance permit was approved by the Planning Director effective July 23, 1982 to allow the construction of a new church on a 20,000 square foot parcel in lieu of the minimum one-acre lot size requirement.

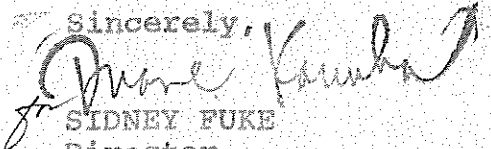
Condition No. 2 of the permit states, in part, "That the petitioner shall submit plans, including a detailed landscaping plan for final 'plan approval' within one (1) year from the date of receipt of the Variance Permit . . ." As of this date, no plans have been submitted to this office and the July 23, 1983 expiration date has lapsed.

The final phase of the permit further states, "Should any of the foregoing conditions not be met, the Variance Permit shall be deemed void."

Please be advised that this is to notify you that Administrative Variance Permit No. 102 is hereby deemed void for failure to comply with Condition No. 2 of said permit.

Should you have any questions on this matter, please feel free to contact our office at 961-8288.

Sincerely,


SIDNEY PUKE
Director

AK:y
cc: Dept. of Water Supply
Dennis Shigeoka
bcc: PA 1856 (via Masa)

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CERTIFIED MAIL

July 23, 1982

Kilohana Oka Malamalama Church
c/o Mr. John Ushijima
P.O. Box 964
Hilo, Hawaii 96720

Gentlemen:

Variance Application (V 82-25)
Tax Map Key 2-2-34:30, RS-10

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the construction of a new church on a 20,000 square foot parcel in lieu of the minimum one (1) acre required for churches in the Single Family Residential zone district.

The approval is based on the following:

1. That there are special and unusual circumstances which apply to this situation. The special and unusual circumstances applying to the subject property are in reference to:
 - a. Its term of existence;
 - b. The time of establishment of the church;
 - c. The use which is permitted on a conditional basis in this zone district by the Zoning Code;
 - d. The lack of any delineated parking area; and

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- e. The new church will be constructed on approximately the same building site with the twenty-six (26) parking stalls as required by the Zoning Code with complementary landscaping.

The subject parcel which was subdivided prior to 1920 is considered a "grandfathered" subdivision. The land area of 20,000 square feet for each parcel is common in the surrounding area. The church which was constructed in 1923 has been in use up to the present time. The dwelling on the parcel to the north of the subject property will have approximately a twenty-one (21) feet plus open space area between the new church and it. This area is to be heavily landscaped to provide a physical buffer as well as for enhancing purposes.

The intent of the minimum one (1) acre for the establishment of churches in the Single Family Residential zone district was to ensure that there would be adequate landscaping and transition or buffer zones between the church and the surrounding properties as well as for providing the minimum required parking areas.

The constraints mentioned previously also are considered special and unusual circumstances which exist to a degree whereby the applicants would be deprived of substantial property rights as well as interfere with the best use or manner of development of the property for church purposes. The subject property is in a well established and developed subdivision whereby acquisition of adjoining properties is difficult if not impossible for the applicant. This difficulty, though self-imposed, still must be evaluated against the Zoning Code's allowance of "churches" in the Residential zone and the considerations as outlined in Article 22 (Plan Approval).

In this case, although the land area is not being complied with, the proposed church development will improve and enhance what is presently on the site, in terms of more open space, landscaping and an improved vehicular circulation pattern for this particular area. This not only implements the parameters of review under the Plan Approval procedure, but also the minimum parking and landscaping requirements of the Zoning Code. It should also be noted that the applicant is providing six (6)

additional stalls beyond the minimum required by the Zoning Code. Therefore the denial of the variance would be interfering with the best manner and use for development of the church on this parcel.

2. There are no other reasonable alternatives to resolve the difficulty. This 20,000 square foot lot was created before 1920 and the existing church was constructed shortly thereafter. Further, the surrounding lands are developed with single family dwellings which realistically inhibit the applicant from purchasing any adjoining lands to meet the one (1) acre requirement.

The petitioner could also continue to maintain and use the existing structures; however, due to the age of these facilities, piecemeal alterations, repairs or improvements would need to comply with current structural code requirements and thus would not be a reasonable long term alternative for the congregation.

Based on these considerations and the fact that all other requirements of the Zoning Code are being complied with, it is determined that practical options to implement the proposed development are largely foreclosed.

3. The granting of the variance shall be consistent with the general purpose of the Zoning District, the intent and purpose of the Zoning Code and the General Plan. The Zoning Code acknowledges the role of the churches function in the Single Family Residential zone districts in permitting such uses with a condition of a minimum land area of one (1) acre. This one (1) acre requirement was included:
 - a. To ensure that the adequate buffering/transition zones between developments would be provided;
 - b. To ensure that parking and landscaping opportunities would be possible; and
 - c. To facilitate and minimize the impact of traffic circulation, etc.

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The proposed church development which is to occur on approximately the same building site, will include new parking, landscaping and vehicular circulation; therefore, the intent and purpose of the minimum one (1) acre requirement of the Zoning Code is being adequately satisfied on the subject 20,000 square foot property.

The proposed church on the existing building site will have no additional negative physical or visual impact on the adjoining or surrounding properties. The closest dwelling on the parcel to the north will have approximately 21 feet between the wall of the new church. This is determined to be an adequate open space buffer between the two properties and uses. In addition, the new church with its new parking area, additional landscaping and new vehicular circulation patterns will serve to enhance the area. With the improvements proposed, it is further determined that there will be no detrimental impact on the public's welfare nor will any substantial adverse impacts to the surrounding or adjoining properties be incurred.

The variance request is approved, subject to the following conditions:

1. That the petitioner or its authorized representative shall be responsible for complying with all the conditions of approval.
2. That the petitioner shall submit plans, including a detailed landscaping plan for final "Plan Approval" within one (1) year from the date of receipt of the Variance Permit. The detailed landscaping plan shall include heavy forms of landscaping such as trees and shrubbery along the north side property line.
3. That construction of the improvements shall commence within one (1) year from the date of receipt of final "Plan Approval" and be completed within two (2) years thereafter.
4. That the Department of Public Works, Department of Water Supply, and the Department of Health requirements be complied with.
5. That all other applicable rules, regulations and requirements of the State and County shall be complied with.

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

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

Sincerely,


SIDNEY M. FUCE
Planning Director

RHY:lgv

cc: Planning Commission