

CERTIFIED MAIL

August 11, 1983

Mr. Byron M. Fox, Vice President  
W. F. Dillingham Medical Center  
P. O. Box 147  
Captain Cook, HI 96704

Dear Mr. Fox:

Variance Application (V 83-26)  
Variance From Front Yard Setback Requirements  
Tax Map Key 7-6-13:35

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 medical office building for the W. F. Dillingham Medical Center with a front yard setback of 10 feet from Walua Road in lieu of the minimum 15 feet required in the Village Commercial zoned district in Holualoa 1st and 2nd, North Kona, Hawaii.

The approval is based on the following:

Variance Criteria No. 1

There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of that property.

The unusual circumstances consist of the topographical and locational conditions of the specific site with respect to its intended use as a medical office facility. The subject property has a mauka-makai orientation with an approximate slope of 15 percent. There also is approximately 40 feet difference in elevation from the front to the rear of the property. The

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subject property is also trapezoidal in shape and has three boundaries fronting roadways. Walua Road is a substandard roadway and presently has a very limited function. The County does not intend to improve Walua Road in the near future.

These physical limitations of the property require a special design solution. In this instance, the petitioner has concluded that a terracing design concept would be the most reasonable and appropriate design approach to undertake for the proposed development. In the terracing design concept, the petitioner has designed a vertical element to resolve the parking issue, as opposed to the typical horizontal-surface type of design. The vertical decision is primarily based on the topography, the slope conditions, the possible drainage impacts and the reduced land area for development of the site. If this were a level piece of land, these considerations would not have to be given extra design evaluation.

In addition, the petitioner's decision to utilize the terracing design solution is also related to the amount of area which can be developed for the facility. Because of the area which will be required to handle the terraced areas, the normal building envelope of the property is also being reduced. With this in mind, the petitioner has decided to design a tri-modal system, with the two office nodes on either side of the parking structure, in a makai to mauka orientation. This system along with the detached architectural design has been determined to be the best most reasonable concept for this site.

In light of the circumstances, the petitioner will to some degree be deprived of property rights which would otherwise be available and also to a degree which would inhibit the best manner of development of the subject property for the medical office facility.

#### Variance Criteria No. 2

There are no other reasonable alternatives that would resolve the difficulty.

The alternative of denying the variance is not a reasonable one in that the aesthetical qualities of the structures would be compromised from its original architectural design concept.

The intent of the original design was a detached scheme. It also allowed open spaces between the office buildings and the parking structure. Although there is no specific requirement that the proposed mauka office buildings be located 30 feet away

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from the parking structure, its location less than 30 feet, would affect the architectural design and construction considerably. If located closer than 30 feet to the parking structure, the Building Code would require that no openings be allowed and a fire wall to be constructed. This alternative would serve to negate the aesthetical qualities of the original design concept for this mauka portion of the development.

Therefore, the petitioner, in an attempt to not relinquish or compromise on the overall architectural design issue, decided to move the mauka office development 5 feet further mauka. As such, although there are other design alternatives, these alternatives have to be addressed against to the property's constraints and the design considerations which are affected by the property. The parking structure's design is centrally designed to serve the mauka and makai nodes of the development. The terrace effect with the detached building design reflects a design which does not clutter the landscape and provides a reasonably compatible relationship with the landscape of the area.

Additionally this design solution does provide for a smoother visual and less hazardous transition between the rear and the front of the subject property. The front portion of the property along Kuakini Highway is elevated above the existing road. Thus, the total development cannot be seen in its entirety from the northern visual corridor along Kuakini Highway. The development is clearly visible from the south corridor.

However, with the detached design of the structural element and the landscaping that will be a condition of approval, we have determined that the visual and physical impact of the development will not be obtrusive to the point where it would be visually or physically overwhelming in its presentation. Consequently, there are no major or significant physical and visual impacts to the surrounding properties and developments if the proposed mauka office building is permitted to be constructed with a 10 foot front yard setback.

The re-siting of the mauka office building with a 10-foot rather than a 15-foot setback would also not emphasize its height and make the structure more prominent and thus physically overwhelm, dominate and negatively change the development character of this area. The development scheme is designed to follow the natural topography and the flow of the mauka-makai building mass follows this concept. As such, the requested 10-foot setback will ensure the integrity of the

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original design of the medical facility. Based on these considerations, we have determined that this is the most reasonable alternative subject to the constraints of the property.

Since this design solution seems to be the most appropriate to make the development fit into the landscape, any other design alternatives in resolving this issue would not only be putting excessive demands upon the applicant, when another more reasonable solution is available.

### Variance Criteria No. 3

The variance shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes, and the County General Plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

The intent and purpose of the setback requirements is to ensure that air, light, physical and visual circulatory functions are available between structural developments and property lines. It is a regulatory tool which is used in determining design compatibility of developments. In this particular application, the proposed design solution will still provide a reasonable area for these functions, although it would not meet the minimum requirements imposed by the Zoning Code. The proposed 10 foot front yard setback off of Walua Road would still employ and afford the air, light, and circulatory functions that is the basis of requiring setbacks. The proposed office structure must also be reviewed in terms of its visual and physical impact in the area to ensure that the spirit and intent of the setback requirements are not violated.

The proposed structures will encroach only 5 additional feet into the minimum 15-foot front yard setback requirement. Based on the evaluation of the issues, we have determined that the proposed deviation, in light of the overall designs considerations is not excessive.

As such, the granting of the variance will not compromise the physical and visual issues for this area. The distances from the visual corridors and the imposition of landscaping along the south boundary will ensure that both the visual and physical impacts will be minimized to the point where it should have a minor rather than a major impact on the area in light of the 10 feet front yard setback being granted for this variance.

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Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the zoning district, the intent and purposes of the Zoning Code and the General Plan. The analysis of the above issues also has concurred that granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.

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

1. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
2. The plans for the revised portion of the mauka development, be submitted for final "Plan Approval" review within one year from the date of receipt of this Variance Permit.
3. The conditions of Change of Zone Ordinance No. 760 shall also be complied with.
4. The Department of Public Works, relative to access, and other requirements shall also be complied with.
5. All other applicable State and County rules and regulations be complied.

Should any of the above conditions not be complied with, the variance shall be automatically be deemed void.

If you have any questions on this matter, please feel free to contact us at 961-8288.

Sincerely,



SIDNEY M. FUKU  
Planning Director

RHY:gs

cc: Planning Commission