

CERTIFIED MAIL

November 3, 1983

Mr. Terence Yoshioka
80 Pauahi Street, Room 203
Hilo, HI 96720

Dear Mr. Yoshioka:

Variance Application (V83-34)
Variance From Minimum Building Site Area Requirement
Tax Map Key 2-3-12:12

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, a multi-purpose building, and related improvements on a 41,359 square foot lot in the Multiple Family Residential zoned district in lieu of the minimum 1 acre required by the Zoning Code, in South Hilo, Hawaii.

The approval is based on the following:

Special and Unusual Circumstances

The subject property was created from a partitioning action which took place prior to January of 1944, although the County Tax Office nor the County Planning Department files indicate the exact date of the subdivision action. As such, the subject property is considered to be a "pre-existing" parcel.

Although the petitioner indicates in their report that they have been utilizing the property for church uses since their purchase of the land in 1950, the existing church was built in 1935, according to the County Planning Department's Land Use Inventory. Thus, according to the Planning Department and the

NOV 4 1983

Mr. Terence Yoshioka
Page 2
November 3, 1983

County Tax Office records, the religious use on the property has existed for a period of at least 48 years. The Multiple Residential zoning for the property and the Zoning Code land area requirements were adopted in December of 1968, a period of approximately 33 years after the establishment of the church use on the subject property.

The Hilo Community Development Plan and the Hilo Downtown Plan recognize the subject church as "A site associated with a major group or organization in the history of the community," and recommends the retention of the subject building either through preservation or restoration. However, since both the preservation or restoration programs have not been adopted nor will not be implemented by the County, it would be unfair to impose these requirements on the petitioner. Nonetheless though, the petitioner is still intending to preserve the historical religious use on the property with the proposed new church.

These factors constitute special and unusual circumstances which necessitated the application for a variance and if denied would create unreasonable hardship on the petitioner that would deprive them of substantial property rights and interfere with the best manner of development of the subject property.

Alternatives

The petitioner has other alternatives. They could relocate the proposed church to another site with the minimum land area requirement or acquire additional lands to meet this requirement. However, they have already attempted to purchase the additional property without success. Additionally, since the petitioner does not have any power of eminent domain, they have no practical means of pursuing the acquisition option.

Therefore, the relocation alternative would be disruptive and be an inconvenience for their congregation members, as well as remove an endured and stable function of the community as identified by the Hilo Community Development Plan and the Downtown Development Plan. Thus, although other alternatives may be available, they have been exhausted to the point that the only reasonable alternative is for the approval of the variance request.

We have also determined that the denial of the variance would subject unnecessary and excessive hardships on the petitioner when a more reasonable solution is available.

Mr. Terence Yoshioka
Page 3
November 3, 1983

Intent and Purposes

The intent and purpose of the minimum land area requirement is to ensure that air, light, physical and visual circulatory functions are available to minimize any adverse impacts this conditionally permitted use may have within the Residentially zoned districts. It is a regulatory tool which is used to require that adequate area is allowed for setbacks, parking, landscaping, pedestrian access, etc. The proposed church will still provide a reasonable area for these functions, although it would not meet the minimum land area requirement. The 101 square foot deviation from the one-acre requirement is considered to be minor under the circumstances and the attendant impact of allowing the continuance of the church use on the property should not have any major or significant adverse physical, visual or social impact to the surrounding properties.

The subject property's historical use as a religious complex is also recognized as an important feature in the Hilo Community Development Plan and the Hilo Downtown Plan. Although these plans indicate that the existing structure should be preserved or restored, the County has not adopted any legislative vehicles to implement the preservation program for the retention of the recommended historic sites in the South Hilo district.

The lack of an adopted historical program and the fact that the existing structure is being structurally deteriorated because of the termite infestation requires the petitioner to seek an alternative to maintain the existing religious use on the subject property. Although the requested property would not be meeting the minimum land area requirement, in this particular situation, the nature and historical use of the site and the character of the area would provide for the setbacks, parking, landscaping and other circulatory functions that is the basis of requiring the minimum one acre requirement.

Additionally, since the church use is a conditionally permitted use in the Residential district, it is also consistent with the district's intent and purpose. The granting of this variance along with the "Plan Approval" requirement will ensure that the visual, physical and social impacts to the surrounding properties are minimized to the point where it should have a minor rather than a major impact on the area.

Mr. Terence Yoshioka

Page 4

November 3, 1983

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 proposed church and multi-purpose building along with a detailed landscaping plan be submitted for "Plan Approval" within one year from the effective date of approval of the variance permit. In conjunction with Plan Approval, review by the Hawaii Redevelopment Agency shall also be required. Additionally, should the Downtown Hilo Redevelopment Plan be in effect before plans for this project are submitted for plan approval review, the plans shall be subject to the requirements of the Downtown Hilo Redevelopment Plan.
3. The construction of the proposed church and multi-purpose building shall commence within one year from the effective date of final "Plan Approval" and be completed within two years thereafter.
4. The requirements of the Department of Public Works relative to grading, drainage, driveway approval, etc., shall also be complied with.
5. The requirements of the Department of Health shall be complied with.
6. All other applicable State and County rules and regulations be complied with.

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

Mr. Terence Yoshioka
Page 5
November 3, 1983

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

Sincerely,



SIDNEY M. EIKE
Planning Director

RHY:gs
Enc: Background Report

cc: Planning Commission
Noboru Ikeda