

CERTIFIED MAIL

March 27, 1984

Kilohana Oka Malamalama Church  
29 Ohuohu Street  
Hilo, Hawaii 96720

Gentlemen:

Variance Application (V84-5)  
Variance from Minimum Lot Size Requirement  
Tax Map Key 2-2-34:30

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 and related improvements on a 20,000 square foot lot in the Single Family Residential zoned district in lieu of the minimum one acre required by the Zoning Code in the Waiakea Houselots Subdivision, South Hilo, Hawaii.

The approval is based on the following:

Special and Unusual Circumstances

There are special or unusual circumstances which apply to this situation. The special or 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 to the rear of the property with a new 18-parking-stall area 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 surrounding areas. The church which was constructed in 1923 has been in use up until recently, when it was demolished, because of the deterioration of the building.

The intent of the minimum one acre for the establishment of churches in the Single Family Residential zoned district was to ensure that there would be adequate landscaping and transition of 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 the Plan Approval section.

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 3 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.

#### Alternatives

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-acre requirement.

The petitioner could have continued 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, we have determined that practical options to implement the proposed development are largely foreclosed, should the variance be denied. As such, the most reasonable alternative is to allow the development of the church on the property which must meet all of the rest of the Zoning Code's requirements, relative to parking, setbacks, landscaping, etc.

#### Intent and Purposes

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 church's function in the Single Family Residential zoned districts in permitting such uses with a condition of a minimum land area of one acre. This one-acre requirement was included:

- a. To ensure that the adequate buffer/transition zones between developments are provided;
- b. To ensure that parking and landscaping opportunities would be possible; and
- c. To facilitate and minimize the impact of traffic circulation, etc.

The proposed church development which is to occur on the rear of the property will include new parking, landscaping, and vehicular circulation; therefore, the intent and purpose of the minimum one-acre requirement of the Zoning Code is being adequately satisfied on the subject property.

The proposed church will have no additional negative physical or visual impact on the adjoining or surrounding properties. The closest dwelling on the west side of the

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subject property will have approximately 55 feet of open space between it and the church building. The closest dwelling on the south side will be approximately 28 feet from the church. This area is to be landscaped to provide a physical buffer as well as for enhancement purposes. 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 proposed improvements, 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.

This 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 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. The detailed landscaping plan shall include heavy forms of landscaping such as trees and shrubbery along the west rear property line and the north and south side property lines.
3. The construction of the proposed church 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.

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

Sincerely,

  
for SIDNEY M. FUKU  
Planning Director

RHY:gs

Enc: Background Report

cc: Planning Commission

bcc: Billy  
Masa