

CERTIFIED MAIL

December 7, 1984

Ms. K. E. Blake
Chevron U.S.A., Inc.
1001 Bishop Street
Pauahi Tower, Suite 1000
Honolulu, Hawaii 96813

Dear Ms. Blake:

Variance Application (V84-36)
Variance from the Minimum Front Yard Setback Requirement
Tax Map Key 2-2-41:68

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 self service pay booth addition to the existing Chevron Service Station with a front yard setback of 18 feet in lieu of the minimum front yard setback of 20 feet as required by the Zoning Code, in the Waiakea Homestead Lots, Waiakea, South Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The existing Service Station building was constructed in 1968. The layout of the service station has not changed since its original construction. The special circumstances related to the land in this particular application is with respect to the changing operational methods of service stations. In a world market of high oil prices, the industry is trying different methods in its service techniques to better serve the public. The proposed self service pay booth is one of these newer methods. The location of the gas pumps play a critical relationship in the siting of the pay booth. In this situation, the location of the existing buildings, the location of the existing driveways to the gas pumps, the functional requirement for the closeness of the pay booth to the gas pump island, the location of the existing gas storage tanks, and the location of the existing 50 foot wide easement to parcel 1 are limiting factors in planning the proposed pay booth anywhere elsewhere on the property.

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The Transportation element of the Hilo Community Development Plan does address and recommends the improvement of Kinole Street to its proposed 60-foot right-of-way. However, the County's Capital Improvement Program does not include this project in their present schedule. The Department of Public Works also does not foresee the inclusion of this road-widening project in the CIP schedule in the near future.

The Hilo Community Development Plan also does not recommend any immediate additional urbanization of this Planning Area (Planning Area No. 20). In addition, the Hilo CDP states in an analysis made in the form of "Number of Automobiles and expected trips per day by Planning Area," that Planning Area 20 has a automobile "zoning saturation" of 13,350 units. In the high range projection for the period of 1980-1985, it was estimated that a total of 4,880 automobile units would be expected in this planning area as compared to the 3,820 automobile units calculated in 1972. Also for Planning Area 20, the trips per day "zoning saturation" point was projected to be 53,400-trip units. The high range projection for the years 1980-1985 was expected to be 19,500-trip units compared to the 15,920-trip units per day calculated in 1972. In terms of the Planning Area of the Hilo CDP, a total of 20,540 automobile units were calculated in 1972 and a automobile "zoning saturation" point of 89,280 automobile units was projected. The median total projected for the period between 1980-1985 was 26,350 automobile units. In terms of trips per day for the Planning Area of the CDP, a total "zoning saturation" point of 357,100-trip units was projected. The median projected for the period between 1980-85 was 105,400 units. According to the County Treasurer's office, there are approximately 34,400 registered vehicles in the District of South Hilo as of November 1984. So in terms of the high range projections made in 1972, the projected level of automobiles for the Hilo CDP Planning Area is exceeded by 8,050 automobiles. However, relative to the "zoning saturation" point, it is 54,880 units less than what is projected for the entire Planning Area covered by the CDP. Therefore, based on the projections indicated in the CDP, we have determined that Planning Area 20 may still function adequately with the existing streets although the effort to implement the CDP's programs should not be interpreted to be diminished by this single action.

As such, there exists special and unusual circumstances in two respects. First, the existing roadway improvements are adequate to handle the existing demands on this portion of Kinole Street. Secondly, there are no plans to further urbanize this area in the near future and no time commitment from government to implement the proposed road widening of Kinole Street. Furthermore, we have determined that the existing 2-lane Kinole Street will suffice to serve the immediate traffic demands for this area and not warrant the imposition of any road widening at this time.

Based on the foregoing, we have concluded that these are special and unusual circumstances which unreasonably interferes with the best use or manner of development of the property.

ALTERNATIVES

The petitioner does have other design alternatives. Relocation and redesign are two alternatives the petitioner did consider in the site analysis for the development of the proposed pay booth. However, the petitioner's decision to locate the pay booth addition in its proposed location is primarily due to its functional relationship to the existing gas pump island and the inadequacy of its location anywhere else on the property. Additionally, the extent of development on the existing property forces the petitioner to site the pay booth in this area. The redesign alternative for a smaller or open type booth facility would not satisfy the minimum design standards of Chevron U.S.A. Inc.. The location of the pay booth addition to any other portion of the existing building would also have unreasonable design constraints to deal with, in light of the functional relationship of the paybooth to the gas pumps.

The proposed paybooth is a one-story building, approximately 8 feet in height and totaling 48 square feet in size, located 18 feet from the front property line. Therefore, we have determined that the proposed paybooth structure will be a relatively minor and compatible structural development in light of the commercial and residential character of the area.

Therefore, although other alternatives are available, we have determined that the most reasonable alternative is the one proposed by the petitioner.

INTENT AND PURPOSES

The intent and purpose of delineating future road widening lines is to ensure that sub-standard road and street rights-of-way in the County will be provided with the adopted minimum right-of-way standards. This method of anticipatory planning strives to ensure that minimum standards for roadways adopted by the County will be implementable when and if an area is being prepared for development. 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 also used in determining design compatibility and functional solutions. 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 18-foot front yard setback off of Kinoole Street would still employ and afford the air, light, and circulatory functions that is the basis of requiring setbacks. The distances from front property

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lines is compatible with the normal Neighborhood Commercial setback requirements and will ensure that both visual and physical impacts are minimized to the point where it should have a minor rather than a major impact on the area in light of the 18-foot front yard setback being granted for this variance.

Additionally, since the area is relatively a developed area and the County has no plans to prepare the area for any further intensive urbanization, it would be unreasonable and excessive to impose such conditions upon the petitioner at this time.

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:

- A. The petitioner, its successors or assigns, shall be responsible for complying with all stated conditions of approval.
- B. The plans for the proposed pay booth addition shall be submitted for Plan Approval within one year from the effective date of approval of this Variance Permit.
- C. The construction of the proposed improvements shall commence within one year from the effective date of final Plan Approval and be completed within two years thereafter.
- D. All other applicable State and County rules and regulations shall be complied with.

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

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

RHY:wkm
cc: Planning Commission
bcc: William Y.