

CERTIFIED MAIL

July 16, 1986

Mr. Stuart H. Oda
100 Pauahi Street, Suite 204
Hilo, HI 96720

Dear Mr. Oda:

Variance Application (V86-27)
Minimum Parking Requirement
Tax Map Key 2-3-12:18

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 conversion of an existing single family dwelling into an office with 3 parking stalls (1 theater type stall) having direct access from the street which is prohibited by Article 1, Division 11, Section 25-72 of the Zoning Code. The subject property which consists of 3,137 square feet and identified by TMK: 2-3-12:18, is located on the western corner of the Ponahawai Street-Ululani Street intersection in the vicinity of the Central Fire Station, Ponahawai, South Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which exists to a degree which obviously interferes with the best use or manner of development of the property. The existing dwelling on the property was constructed in 1939 and is considered as a non-conforming building since it does not meet with the minimum requirements of the Zoning Code. Further, the lot which was created prior to the Subdivision Ordinances is considered as a non-conforming lot since it does not meet with the minimum lot size requirement of 7,500 square feet. Presently located on the property are two (2) parking stalls which have direct access from Ululani Street. For a dwelling, direct access from the street to the

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parking stalls is permitted. However, the Zoning Code does not permit this type of parking (direct access) for commercial uses. Due to the present location and size of the building and the size of the property, there is not enough area left on the property to construct a parking lot with adequate turn around area within the property.

The proposed use of the building is a law office. The practice consists of two permanent staff (Mr. Oda & his secretary). During the normal course of the day, there may be 2 to 3 clients a day who may come to the office for consultation. The amount of traffic that is generated from this activity is no more than that which was generated by the single family dwelling use.

As such, these foregoing factors are considered to be special or unusual circumstances applying to the subject real property which exists either to a degree which interferes with the best use or manner of development of the property. Moreover, we have determined that there is conclusive evidence to show a deprivation of property rights which curtail or reduces existing property development rights.

ALTERNATIVES

The petitioner has no other reasonable alternatives in resolving this matter. In order to provide off-street parking with adequate turn around on the property, almost the entire lower level of the building would have to be converted to parking. This would reduce to usable floor area on the lower level by 2/3 or 648 square feet. Extensive structural alternatives would be required to provide for the necessary clearspace required for the parking stalls.

Another alternative the applicant has would be to lease parking stalls from other developments within 500 feet of the subject property. However, this alternative is not available since the surrounding developments do not have excess parking stalls that can be used for other developments.

Based on these circumstances, to deny this variance could foreclose the most reasonable and functional alternative available to the petitioner.

INTENT AND PURPOSE

The intent and purpose of not allowing direct access parking for commercial uses is to minimize traffic hazards created by car movements which affects the general welfare, health and safety concerns. As noted previously, the existing parking stalls are provided with direct access from the street and the requested variance is to legitimize it for the proposed office use. The

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proposed office use will not substantially increase traffic to and from the property than is presently existing. As such, there will be no increase in creating a traffic hazard.

Based on the foregoing factors, we have determined that 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 analysis of the above issues also has concurred that the granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the areas character or to adjoining properties.

This 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 parking area shall be paved and striped prior to the issuance of the occupancy permit for the office use.
- C. All other applicable State and County rules and regulations be complied with.

Should any of the foregoing 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

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