

CERTIFIED MAIL

April 9, 1987

Reverend Donn H. Brown, Vicar
The Kohala Episcopal Mission
P. O. Box 220
Kapaau, Hawaii 96755

Dear Reverend Brown:

Variance Application (V87-6)
The Kohala Episcopal Mission
Tax Map Key 5-4-05:12 and 42

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 a grass surface parking area in lieu of the paving requirements for an 11 stall parking lot as required by the Zoning Code. The subject property which consists of 1.603 acres and identified by TMK: 5-4-05:12 and 42, is located on the north side of the Akoni Pule Highway approximately 1,100 feet west of Kamehameha Park entrance road, Honopueo, North Kohala, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

That there are special and unusual circumstances which apply to the subject property which exist to a degree that would otherwise be available and to a degree which obviously interferes with the best use or manner of development of the property. The new parish hall which is being constructed on the property is a replacement of a previous parish hall that was destroyed by a fire which occurred on August 15, 1985. The old parish hall was built prior to the adoption of the County's zoning ordinances and codes and was considered as a

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non-conforming building since there is no paved parking on the property. The size of the new building is approximately the same as the old one.

Section 25-79(b) of the Zoning Code states that "If the portion of the building that is non-conforming should be destroyed to the extent of fifty percent or more of its replacement value, it may not be rebuilt and the remainder of that particular non-conforming portion shall be removed and brought into conformity. If the destruction is less than fifty percent of its replacement value then the destroyed portion may be rebuilt to equal the floor area before destruction. The department of public works shall determine the extent of damage to determine whether the building can be rebuilt to its non-conforming use."

Section 25-79(c) (5) further states that "If a use of building is non-conforming because of a particular requirement of the district within which it is located (e.g., parking, yards, height, distance between buildings), then the use may be enlarged and the building may be changed or added to, provided such enlargement, change or addition is itself in full compliance with the district regulations."

If the building was not destroyed by the fire, the petitioner could have repaired and maintained the building as a non-conforming building without providing the necessary paved parking as required by the Zoning Code. Therefore, the denial of the variance from the minimum parking requirements (paving of all parking stalls) would impose an undue economic hardship on the petitioner.

ALTERNATIVES

The petitioner has no other reasonable alternative in resolving the matter. As noted previously, there presently exists on the property a church which was built prior to any Zoning Codes or Ordinances and is still in use for which no paved parking area is available. The previous parish hall and the new replacement hall is accessory to the church use and is not the primary use on the property. The existing grassed parking area has been in use for many years and no problem have been encountered with its use. The introduction of a paved parking area would alter the physical setting and appearance of the property on which a historic landmark (St. Augustine Episcopal Church) is situated.

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

INTENT AND PURPOSE

The intent and purpose of having a parking area paved with an all-weather, dust free surface is to provide a surface that can withstand vehicular traffic and provide a parking surface free of potholes and mud. The existing grassed parking area has been used for many years and have not created any problems related to traffic hazard, health, welfare and safety of the people who have used this parking area. Further, the continued use of the grassed parking area will implement one of the goals of the Historic Sites element of the General Plan.

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 area's character or to adjoining properties.

This variance request is approved.

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

Sincerely,

ALBERT LONO LYMAN
Planning Director

MO:dh

cc: Building Division (Kona)
Ikueo Hizaoka
bcc: PA 1440