

CERTIFIED MAIL

November 21, 1988

Mr. Edward J. Doty
President
Eagle Distributors, Inc.
99-877 Iwaena Street
Aiea, Hawaii 96701

Dear Mr. Doty:

Variance Application (V88-19)
Eagle Distributors, Inc. Parking Spaces
Tax Map Key: 7-3-51:28

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 19 parking spaces in lieu of the 27 required for your development. The subject property is 43,599 sq. ft. in area, identified by tax map key 7-3-51:28 and is located on the northeast corner of Kanalani and Kauhola Streets, Kaloko Light Industrial Subdivision, Kaloko, North Kona, Hawaii.

The approval is based on the following:

Having reviewed the subject variance request, the Planning Director has concluded that the variance request for 19 in lieu of 27 auto parking spaces be granted.

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the petitioner of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

1. The terrain's slope required the lot to be filled and compacted and necessitates the construction of a 13-ft. high retaining wall along the Kanalani St. axis. There is a sheer 11-ft.

drop from the building pad to the street below which has resulted in a 5000 sq. ft. loss of otherwise buildable land area. This could have translated into another 18 parking spaces but the building must be set back an additional safety distance from the retaining wall.

2. The nature of the business, wholesale liquor delivery, which is strictly regulated by the State and County preclude customer/clientele drive-in business. The number of employees (8) and the requested number of stalls (19) would still more than accommodate the demand for on site parking.

3. The eventually proposed loading area in the middle-front of the building would purportedly interfere with the "direct accessibility" aspect of the parking layout for stalls #17-19, 21-25 for only very short periods of time -- about 30 seconds -- the time needed to drive in or out as they would park inside the building.

4. The building setback imposed by county plan approval in this case is interpretive rather than a numerical standard. In fact the "Development Design Guidelines" which have been incorporated into the code from the original land owner/subdivider does not contain specific measurements or number such as 8 or 10 or 15 ft.

The parking area as presently laid out does contain sufficient concrete/paved area for the required 27 stalls. However, because the topography contains the sudden 11 ft. difference in elevation from Kanalani Street to the building pad, another driveway could not be built utilizing Kanalani. Thus the trucks which are to deliver the merchandise are forced to drive through the same area utilized for parking and unloading, where, had the topography permitted another driveway that would have been the solution. Where a portion of the paved area must now be shared, the "duplication" of use for the delivery trucks (3) and the subject 9 individually accessible parking space for autos would be a very brief span of 30 seconds.

ALTERNATIVES

There are few alternatives. One would have been to reduce the size of the building, but that was already imposed by the plan approval decision to require a 10 ft. setback along the north and east boundaries of the parcel, effectively reducing the applicant's floor area by 3140 sq. ft. already. The 2nd driveway would have been the solution, but the height differential between the road and building pad renders this prospect impossible. Requesting a variance which is buttressed by the fact that this business has a built in lesser than normal need for off street parking, is the other recourse available.

INTENT AND PURPOSE

The intent and purpose of the off street parking standard in the zoning code is to provide off street visitor-customer-employee parking space so that the public thoroughfares and surrounding properties are not used for the parking required by the business involved.

In this case, this business' license precludes retailing and there is no or little customer visitation. Delivery by the applicant's own 3 trucks is 95% or more of the traffic activity. The reduction in parking stalls, even though the paved area suffices for the required number of spaces would therefore not cause on-street parking or use of neighboring properties, as the parking volume does not exist for this use. The reduced number of stalls, 19 in lieu of 27 would suffice even for an increase in employees.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

The variance request is approved, subject to the following conditions:

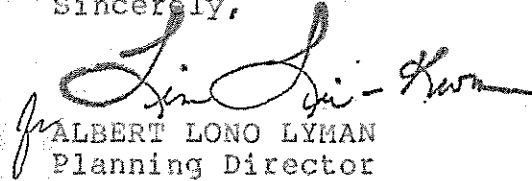
1. The petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The area which would have been designated as parking spaces 17 through 19, 21 through 25 (totalling 9) shall remain as clear, open asphalt/concrete area upon which there shall be no construction or obstruction.
3. Should the use of the building in the future change to one which the director considers will require standard code parking requirements, the building shall cease utilizing the variance-approved vacated parking spaces (17 - 19, 21 - 25) as accesses to the interior of the building and shall cause those areas to revert to standard off street parking spaces. This may require the building to close down any front loading doors leading directly into the building.
4. A building permit for the ^{structure} dwelling must be secured within one year of the effective date of the variance and shall be completed within two years thereafter.

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5. All other applicable State and County rules and regulations shall be complied with.

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

Sincerely,


ALBERT LONO LYMAN
Planning Director

DT:cmd

cc: Walker-Moody Construction Co., Ltd.