

CERTIFIED MAIL

July 23, 1990

Mr. Thomas Bowhay, M.D.
P. O. Box 1397
Honokaa, HI 96727

Dear Mr. Bowhay:

Variance Application (V90-1)
Parking Requirements
Tax Map Key: 4-5-5:5

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 establishment of a doctor's office with 3 compact and 1 standard size parking spaces in lieu of the total 5 (2 compacts and 3 standard) as required in the Zoning Code.

The approval is based on the following:

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.

The existence of the two dwellings and carport compress the already small lot's "usable" area for parking into a long and narrow configuration which does not allow adequate backup or turnaround space for vehicles to head out the driveway onto the street. Vehicles on the property must therefore back out, which is a traffic hazard. Requiring the applicant to extend the parking area would obliterate the carport, and thus increase the need for 1 1/2 more spaces in addition to the one it already lacks. It would

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also cause the destruction of the vegetable garden and small lawn space utilized by the elderly tenant couple.

The present limited usable land restricts the full complement of off-street parking spaces for the medical office and only allows three small car spaces in the carport and one full size space in the paved parking area.

However, the traffic safety issue cannot be ignored and a turnaround or backup space will be required on the premises, as described in the conditions set forth in this permit and in the alternatives described below.

ALTERNATIVES

There is the public, no-charge, no-meter parking lot directly across the street from the doctor's office which can readily accommodate patients' vehicles, and the public street does not prohibit curbside parking, but the code requirement also includes backup or turnaround space availability for accessibility and safety reasons.

Since there is an approximately 11 ft. by 26 ft. space currently containing hupu stumps planted with orchids in the front of the dwelling between the stairway and the front property line, utilizing this space for a backup/turnaround will be a condition of this permit.

INTENT AND PURPOSE

The intent and purpose of the off-street parking requirement is to have the developer or property owner provide the users of the establishment adequate, safe off-street parking spaces in sufficient quantity. Applicant states there is to be just one doctor, one nurse/assistant and a part time (10 hours/week) bookkeeper working 5 1/2 days per week. With the patients scheduled by time and, with the limited staff and rural character of the practice; the existence of the public parking lot; and the small area available for on-site parking, there is sufficient rationale for acceding to the applicant's request. However, because situations change and since a medical practice can grow, the variance permit will be effective for a limited term to allow further assessment and evaluation of the parking needs/requirements.

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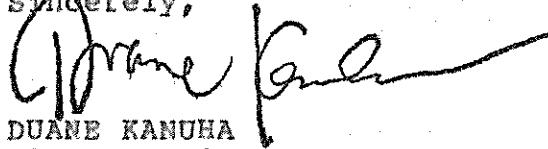
The variance request is approved, subject to the following conditions:

1. The applicant, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The applicant shall construct a fully paved 9' x 18' backup space, between the front steps of the 2-story structure and the sidewalk. The backup space shall be completed within 4 months of receipt of this permit. Plan approval is required and shall be applied for within 30 days of receipt of this permit.
3. The permit shall be effective for a term of four (4) years from the receipt of this variance or until the staff for the doctor's office shall have increased in number, or the medical office use has ceased, whichever occurs first. Six months prior to the expiration of the 4-year permit, the applicant may apply to the Director for a time extension of the permit, whereupon a review of the circumstances will be conducted.
4. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Director may proceed to declare the variance null and void.

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

Sincerely,



DUANE KANUHA
Planning Director

DT:mra

cc: Plan Approval 4-5-5:5
Building Inspector (Honokaa)
Building Division