

CERTIFIED MAIL

July 26, 1990

Stephen Menezes For
Association of Apartment Owners of
Kona Plaza Inc.
100 Pauahi Street, Ste. 204
Hilo, HI 96720

Dear Mr. Menezes:

Variance Application (V90-2)
Parking Requirements
Tax Map Key: 7-5-7:17

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 permit 7 parking stalls to remain as designated with 21 ft. and 23 ft. back up spaces in lieu of the required 24 ft.

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 special and unusual circumstances are:

1. The lower level parking area is the basement of the building and is consequently restricted in size by the building's walls. Also, approximately half of the upper level parking is likewise physically limited by the building. The building met the requirements for parking spaces specified in the zoning code when it was built in 1978.

2. Directly related to the building's space for parking are the different standards which were in place at the building's inception:
 - A. Compact car parking spaces had 7' x 14' dimensions where the current Plan Approval requirement is today's standards, 8' x 16'.
 - B. There was no handicapped parking stall requirement at the time the building was constructed and thus none was provided. Even today's zoning code standards require these stalls for non residential use only.
 - C. There were no specific aisle or backup space measurement requirements as there are today.
 - D. The parking stall ratio for apartment units then was 1 for 1.

In the Plan Approval requirement which is the basis for this variance application and the resolvment by the court of this aspect of the lawsuit, today's standards are being used for most of the parking requirements even though the building was predicated and planned and built properly in accordance with the standards then in effect in 1978, which were less or non-existent.

Based on the foregoing, it has been determined that there are special and unusual circumstances applying to the subject property which exist to a degree which deprive the owner of substantial property rights that would otherwise be available or which unreasonably interfere with the best use or manner of development of the property.

ALTERNATIVES

There are no complete alternatives to resolving the back up space (24 ft. requirement) inadequacy. The applicant has stated that his clients have tried dozens of parking arrangements in consultation with the tenants and have narrowed the optimum layout to the case where only 7 stalls out of 161 are slightly deficient, not in their own size, but rather in their backing up space. Five of them have 21 ft. instead of 24 ft. backup space, and two of them have 23 ft. instead of 24 ft..

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It should be noted that the compact size parking stalls are imposed with today's larger (8' x 16') compact dimensions even though the building was geared to the previous smaller (7' x 14') size for compacts. And, the backup space standards being imposed under this Plan Approval were not in existence when the building with its parking and aisles layout, was developed some twelve years ago.

INTENT AND PURPOSE

The intent and purpose of the back up/aisle space in the development of parking is to provide adequate maneuvering room for vehicles to "back up" (or head out, in the case of reverse parking) out of a parking stall and proceed to exit the premises through the aisle.

As an aisle, a practical width would be that of a one-lane driveway sufficient to accommodate the typical 6 ft. wide full size auto. Even for two-way traffic on a county dedicable roadway pavement, the width is 20 ft.; parking aisles on the other hand, are required to be 24 ft. wide which are generally more than adequate given also the slower speeds used in parking.

As for back up space, the 24 ft. requirement is already more than adequate for small cars since the space is designed for full size autos which are generally 17.5 to 18 ft. long. Small cars with their 14 to 15 ft. lengths therefore have at least 2 ft. more of back up space, being that much shorter. If cars on both sides of an aisle are compacts at 90 degree parking angle the back up space, bumper to bumper, becomes 28 ft..

According to a recent car survey conducted by the department, compact size cars (less than 3000 lbs., up to 15 ft. long) comprise about 50% of the car population on the island. The zoning code permits 33% of parking stalls to be the compact car size (8 ft. x 16 ft.). Thus, the likelihood of compact cars being in greater abundance than full sized ones indicates that smaller back up/aisles space might not be detrimental to the public in this case given the other circumstances involved. While this rationale should not be the principal reason for allowing a shorter back up space, it, combined with the other circumstances in this situation presents sufficient cause for granting the requested variance.

The protests against granting a variance from the requirement of

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providing handicapped parking stalls have been rendered moot by the applicant's amendment which rearranged the parking layout to include the required 3 handicapped stalls. Although 3 letters were received opposing the handicapped stalls being placed on the upper level for the commercial use requirement (they wanted the handicapped stalls on the lower, residential use level), the zoning code only requires such stalls for non-residential use.

Based on these 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:

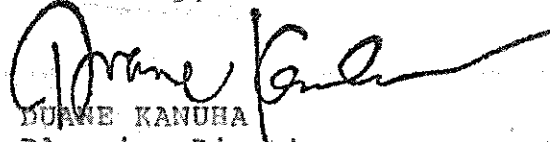
1. The petitioner, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The parking stalls and aisles shall be painted as depicted on the parking layouts (submitted with the application) dated for the lower level on June 4, 1989 and dated for the upper level March 12, 1990.
3. It is recommended that the parking stalls on the lower level whose backup spaces are granted this variance permit (stalls numbered 8, 9, 10, 11, 12, 55 and 56) and the stalls directly opposite them (numbered 72, 95 and 57) shall be assigned to compact size cars in order that they retain proportionally equal back up space as the standard back up space allows for full size autos.
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.

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

Sincerely,


DUANE KANUHA
Planning Director

D.T.

MO:mra

cc: Gerald Larson-Kona Plaza Assn. of Apt. Owner