

CERTIFIED MAIL

March 29, 1993

Mr. Ron Nagata
280 Ponahawai Street, Suite 203
Hilo, Hawaii 96720

Dear Mr. Nagata:

Variance Application (V92-24)
Petitioner: State Department of Accounting and General Service
VARIANCE FROM MAXIMUM HEIGHT REQUIREMENTS
Tax Map Key: 2-3-15:1 & 26

After reviewing your variance application and the information submitted in behalf of it, the Planning Director hereby certifies the approval of a height variance request to allow the construction of a 6 classroom building with a height of 45 feet in lieu of the maximum allowable height of 35 feet as required in Chapter 25 (Zoning Code), Article 4 (RS, Single Family Residential Districts), Section 25-121.

However, we received a letter from Peter Woollam commenting on the granting of this variance request. In accordance with the provisions of Section 25-27.0 of the Zoning Code, each person who qualifies as an "Interested Party" may request a review of the director's action on the variance application within ten days from the date of receipt of their being notified of the Planning Director's approval of your request.

Therefore, if a request for review is made by an "Interested Party", that request must be evaluated and presented to the County Planning Commission for its disposition. As such, the final approval of the variance has to be deferred until this time period for the appeal process has passed or until the appeal process has been completed by the Planning Commission.

We shall inform you of all proceedings concerning any request for review submittals of the director's action. The section of the Zoning Code relating to this request for review process is as follows:

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Section 25-27.0 (Review of director's action (by non-applicant)).

(a) Request for Review. If the director grants a variance over the timely written objection submitted by an "interested party," which means a person:

- (1) Who has a property interest in the subject property;
- (2) Who owns property within three hundred feet of the subject property; or
- (3) Who can otherwise demonstrate to the satisfaction of the planning commission that such person will be so directly and immediately affected by the proposed variance that its interest in the action is clearly distinguishable from that of the general public, then that interested party may request the planning commission's review of the director's action. Such request must be made within ten working days after notice of the director's decision and shall be in writing, containing a statement of its grounds.

Therefore, if no appeal is submitted by Mr. Peter Woollam within the ten day appeal period, the variance shall have been certified to be approved.

FINDINGS AND RECOMMENDATION

The Planning Director has concluded that the variance request from the maximum height requirements should be approved, based on the following findings:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver from the maximum allowable height limits which do not generally apply to improvements in this same zoned district. The proposed 3 story, 6 classroom building will be an integral part of the Hilo High School Educational complex. Under the Zoning Code, the High School is permitted to expand within the Single Family Residential zone district provided it complies with the requirements established for the Single Family Residential zone District.

As a result of the allowance of educational facilities in the Single Family Residential zone district, it is clear that the physical and design requirements for school facilities is dramatically different from the requirements for Single Family Residential development. In order to fulfill the educational functions of the design of education buildings with a complex with land limitations, taller buildings have to be considered. In this particular circumstance, the design of the proposed 6 classroom building warrants the increase in height because of the size and

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number of classrooms needed in this confined space. The applicant is attempting to continue and maintain the building character of the new classroom building with the existing facilities. Therefore, with these considerations, the design will exceed the maximum height limit by ten feet.

Considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

There are no reasonable alternatives in resolving the difficulty of the applicant. Alternatives available to the applicant include redesigning the roof system, making the building smaller, resiting the building, making two separate buildings, and a range of other alternatives. These resiting or remodeling of the proposed improvements is economically unreasonable and would disrupt the design, function and architecture of the existing improvements. The location of the new 6 classroom building is the site of the old cafetorium building.

Based on the above cited considerations, there is no reasonable available area for resiting and/or redesigning the proposed improvements without excessive cost and undesirable design changes. Therefore while there may be alternatives available to the applicant, they are deemed to be unreasonable and would place excessive demands on the applicant when a more reasonable alternative is available by the granting of this variance application.

INTENT AND PURPOSE

The intent and purpose of requiring buildings heights at a low level within the Single Family Residential zoned district is to ensure that low profile neighborhoods reflective of a residential setting is created. However, the Hilo High School campus was built and established prior to the adoption of the Zoning Code in 1967.

The proposed 3 story classroom will also be adjacent an existing 3 story classroom so the granting of this variance will not create any visual or physical adverse impacts that would be architecturally incompatible with the existing educational complex. As such, there will be no dramatic or significant structural change in the character of the complex of buildings on this educational campus.

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The granting of this variance will not change the area or the neighborhood that will affect or detract from the Single Family Residential character of the area.

There were also no objections from any surrounding property owners to the proposed variance request.

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

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

1. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The building construction plans shall not exceed the maximum 45'-0" foot height limit for the proposed 3 story classroom building.
3. Plans shall be submitted for Final Plan Approval review.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Should you have any questions on any of the above, please feel welcome to contact our office.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

RHY:rld/eti
8390D

xc: West Hawaii Office

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