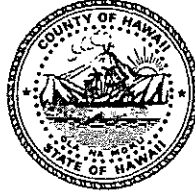


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

#### **CERTIFIED MAIL**

**P 101 317 864**

June 24, 1999

Mr. and Mrs. Gordon A. Ignacio  
P. O. Box 1554  
Hilo, HI 96720

Dear Mr. and Mrs. Ignacio:

Variance Permit No. 1027 (VAR 99-032)  
Applicants: GORDON A. IGNACIO, ET AL.  
Owners: GORDON A. IGNACIO, ET AL.  
Request: Variance From Article 4, Division 5, Section 25-4-51,  
Required number of parking spaces, (a), (18) of the  
Hawaii County Zoning Code, Ratified April 6, 1999  
Tax Map Key: 2-6-003:017

After reviewing your application and the information submitted, the Planning Director certifies the approval of your variance request. Variance Permit No. 1027 allows the interior renovations within the existing basement of the boarding house to be constructed without needing to provide additional off-street parking spaces on the subject TMK, pursuant to the Zoning Code, Chapter 25, Article 4, Division 5, Section 25-4-51, Required number of parking spaces, (a), (18), Ratified April 6, 1999.

#### **FINDINGS AND RECOMMENDATION**

The Planning Director has concluded that the variance request from the minimum number of parking spaces should be approved based on the following findings:

#### **SPECIAL AND UNUSUAL CIRCUMSTANCES**

1. The subject property containing 12,543 square feet is a Portion of Lot 1 and Lot

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2, Puueo Lot Block 1 Grant 23, situated at Puueo, South Hilo, Hawaii. The property's address is 347 Iliahi Street.

2. The existing building, uses, parking spaces, and other site improvements were built and established on the property prior to 1967. Prior to 1967, the required building inspections were conducted by county building inspectors and by representatives from other affected government agencies of all building improvements on the property.
3. The site plan drawing identifies the location of the existing building and detached garage footprints on the subject property. The applicant proposes to build partitions and create additional bedrooms within the existing basement.
4. The "APPLICANT'S "REASONS FOR REQUESTING VARIANCE", dated February 25, 1999, states:

"We are applying for a building permit which will allow us to convert the basement of our Iliahi boarding house into 6 bedrooms. Having served as a boarding house even during the World War II, this house has a history of service to the community. This proposal will increase the number of rooms in this boarding house from 9 to 15.

We have been told we are required to install additional paved parking stalls for tenants, and comply with ADA parking requirements as well. With this application we are requesting a variance to release us from this requirement to install additional paved parking stalls, and an exemption to the ADA parking requirements also. This is due to the special unusual circumstances of this property which make it impractical if not impossible to comply.

First, as the attached property plot plan indicates, the boarding house is fronted by Iliahi Street, with deep sloping hills on both sides, and a river forming the back boundary. The front yard area is too narrow and inadequate. It does not allow for the construction of parking stalls according to standards. The available side and back yards are unusable for parking spaces since a County of Hawaii owned and maintained culvert system runs beneath this land. This culvert system has previously collapsed, creating a hole in the land larger than an automobile. The County repaired the damage. There is no possible way to install paved parking stalls on this land since it will not support the weight of paving materials and/or cars.

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In 1996, the County intended to demolish and backfill this culvert, claiming it is abandoned (sic) However, this culvert system is still actively carrying water. Any work the County would do at this site, therefore, would require much more than simply backfilling the area. It would require the complete renovation and installment of a new culvert system; extremely costly!

Second, the boarding house currently has a three car covered garage, as well as road side parking for 4 cars. The current 7 available parking spaces have always exceeded the demand for parking, due to the nature of our tenants, and would provide for any increased demand required from the additional 6 rooms.

The Puueo neighborhood contains many other boarding houses, apartments, hotels and condominiums. This house, with the present three car covered garaged and roadside parking is consistent with the intent and purposes of the zoning detailed (sic) of the area, does not interfere with adjoining properties, and will not be materially detrimental to the public welfare, or have an adverse impact on the neighborhood. Furthermore, it provides the needed housing for adults who are seeking clean, affordable rooms to rent.

Additionaly (sic), we are requesting an exemption to the ADA parking requirements for this existing boarding house.

Finally, since we have adequate parking available with the current 7 spaces, and there is no usable land on which to place additional stalls, we request release of the requirement to install additional paved parking spaces."

5. The Department of Finance-Real Property Tax memorandum dated May 11, 1999, in the subject variance file states in part:

"There are no comments at this time

Delinquent / Amount \$511.19  
See bill attached for your reference."

On June 23, 1999, the applicant submitted proof that all property taxes due the County of Hawaii up to and including June 30, 1999, have been paid.

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6. The State Department of Health (DOH) memorandum dated May 7, 1999, in the subject variance file states:

"The Department of Health have no objections if the subject project is serviced by the existing sewer system."

On June 23, 1999, the applicant submitted correspondence received from Peter Boucher, P.E., Wastewater Division Chief, Department of Public Works (DPW). The DPW letter dated January 5, 1998 which states in part:

"This letter shall serve as further clarification to our letter dated 9/17/97. The referenced parcel is situated in an area planned to be served by the sewer within the next three years. Funds have been appropriated for the design of this project."

The DPW letter dated September 16, 1997, states in part:

"The referenced property is located along a future collector sewer which the County of Hawaii plans to install. The current summary of departmental requests for the six (6) year capital improvement program projects design work to begin in 1998 and construction to follow in 1999-2000.

Currently, the nearest collector sewer is located in Puueo Street approximately one (1) block east (makai) from the referenced property."

7. The Department of Public Works (DPW) memorandum dated May 6, 1999, states:

"We have reviewed the subject variance application and our comments are as follows:

1. The DPW does not approve of this variance. With the inadequate off-street parking available, and the minimum amount of on-street parking, this area experiences many complaints.
2. The existing Iliahi Street is approximately 19-ft. wide, with on-street parking on the Hilo side. When vehicles are parked, this allows only a single travel lane in one direction.

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3. Adequate off-street parking, and a turnaround shall be provided before entering any County road right-of-way, pursuant to Section 25-4-54, HCC. The existing 3-car garage does not satisfy this section, and therefore will be nonconforming.
4. We have figured out that only three of the applicant's vehicles can safely park along the curb fronting the subject property. This assumes that no other adjacent properties, properties across the street, or any general public vehicle parks there; (existing 105-ft. frontage, less 31-ft driveway, less 4-ft. minimum offset from the driveway to the first parking, and 18-22 feet parking per vehicle).

Should there be any questions concerning this matter, please feel free to contact Casey Yanagihara in our Engineering Division at Ext. 8327."

8. Proof of mailing of a notice to the surrounding property owners was received on May 7, 1999. A letter dated March 11, 1999 from John Alexander, Dolphin Bay Hotel, endorsing the "parking exemption" was received on May 11, 1999. No written objections to the variance application were received.

The present owners/applicants submitted a site plan which identifies the location of the existing building improvements. The site plan identifies the distances between the dwelling and the affected side boundary lines. The applicant proposes to construct partitions within the basement to create additional living spaces.

Therefore, considering the foregoing facts, it is felt there are special or unusual circumstances applying to the subject property which exist either to a degree which deprive the owner/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 owners/applicants. The requirement to provide additional paved off-street parking spaces would displace the existing garage and require extensive backfill to provide a level parking area. Additional drainage improvements may be required and may disrupt the existing building improvements. A paved parking area would change the character of the property and neighborhood. Furthermore, the applicants, on their own volition, are honestly trying to address and meet all codes and statutes relating to building requirements.

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The Planning Department acknowledges there may be other design or building alternatives available to the owner/applicant recited above. However, these design and building alternatives are deemed to be unreasonable at this time and would place excessive demands on the present owners or applicants when a more reasonable alternative is available by the granting of the subject variance request.

#### INTENT AND PURPOSE

The circumstances which permitted the building improvements on the property and allow the existing uses are unique. The existing boarding house was built during an era when dependence on the automobile for work and leisure was an option and not a necessity. Chapter 25, Article 4, Division 5, Section 25-41-51, (a), (18) of the Hawaii County Zoning Code requires that rooming houses provide one off-street parking space for each two beds. The Planning Director has determined that three (3) additional off-street parking spaces are required for the proposed interior building improvements. The proposed building improvements within the existing basement level are not physically and visually obtrusive from the existing right-of-way. It appears the existing boarding house has not depreciated or detracted from the character of the surrounding neighborhood, public uses, and the existing and surrounding land patterns. It appears the existing boarding house and property uses have not visually, physically or adversely affected the rights of the property owners of the adjacent or surrounding properties. Therefore, it is felt the proposed interior alterations and increase of rentable rooms within the existing boarding house, without requiring additional off-street parking spaces, will not detract from the character of the immediate neighborhood or the subdivision.

The subject variance application was acknowledged by certified letter dated April 30, 1999.

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

This variance request is approved subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of Variance Permit No. 1027. The effective date of this permit is June 22, 1999.
2. The existing boarding house location and garage on the property were built and

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established on the property prior to the adoption of the Hawaii County Zoning Code in 1967. The approval of the variance is from the minimum number of required parking spaces required by the Hawaii County Zoning Code for the proposed interior building improvements within the existing basement. The applicant/owner, successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.

3. Future building improvements, permitted uses, and future sewer line requirements shall be subject to State law and County ordinances and regulations pertaining to building construction and building occupancy.
4. In the event that the Planning Director determines that other parking improvements are necessary for the existing and proposed additional rooms, the applicant will provide additional off-street parking spaces as stipulated in Final Plan Approval for the boarding house.

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

RK/VKG:gp

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c: Real Property Tax Office