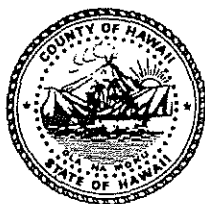


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

November 4, 2010

Mr. Gary K. Kawakami, Principal  
Architecture Plus Inc.  
400 Hobron Lane  
Honolulu, Hawai'i 96815

Dear Mr. Kawakami:

**SUBJECT: VARIANCE-VAR 10-028**  
**Applicant: ARCHITECTURE PLUS INC.**  
**Owner: STATE OF HAWAII,**  
**DEPARTMENT OF EDUCATION**  
**Request: Variance from Chapter 25, Zoning,**  
**Height Limit**  
**Tax Map Key: 1-6-003:059**

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After reviewing your submitted variance application and information, the Planning Director certifies the **approval** of VARIANCE-VAR 10-028 subject to variance conditions. The variance allows the proposed Classroom Building to be permitted upon subject property or project site off of Pahoia Road to be constructed to maximum 47 feet building height in lieu of the property's maximum 35 feet height limit. The variance is from Chapter 25, Zoning, Article 5, Division 1, Section 25-5-4, Height Limit.

### **BACKGROUND AND FINDINGS**

1. **Location.** The subject property (TMK: 1-6-0003:059) contains approximately 10.596 acres and is located on the northern end of the existing campus. The subject property street address is 16-565 Pahoia Road. The property is zoned Single Family Residential-15,000 square feet (RS-15) by the County and designated Urban or "U" by the Land Use Commission (LUC).
2. **Variance Application-Site Plan.** The applicant submitted the variance application, attachments, and filing fee on July 19, 2010. The variance application's site plan map other drawings are drawn to scale and prepared by the

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Architecture Plus Inc. According to the exterior elevation drawings, the proposed Classroom Building will be constructed to a 47 feet building height.

3. **Variance Application (VAR 10-028)-Agency Comments and Requirements:**

- a. The State of Hawaii-Department of Health (DOH) memorandum dated Sept. 30, 2010. (Memorandum in Variance file)
- b. The Department of Public Works (DPW) memorandum dated August 17, 2010. (Memorandum in Variance file)

4. **Notice to Surrounding Property Owners.** The applicant submitted copy of notices sent to surrounding property owners including affidavits stating notices were sent or mailed to surrounding property owners by USPO or U.S.P.S. According to the affidavits, the first and second notice(s) were mailed by the applicant to a list of surrounding property owners on July 15, 2010 and October 5, 2010, respectively. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on October 6, 2010.

4. **Comments from Surrounding Property Owners or Public.** No further written agency comments were received. No written comments or objections from surrounding property owners or the general public were received.

**SPECIAL AND UNUSUAL CIRCUMSTANCES**

The subject property is zoned single Family Residential – 15,000 square feet (RS-15). The maximum height limit for the subject property is 35 feet. The RS-15 zoning was established prior to the development of the Kea'au Middle School Campus, and while the height limitation is appropriate for residential development, design and requirements for public facilities (such as schools, universities, etc.) differ significantly from single family residential requirements. Public school structures are more typical of urban settings where lots and the size of the structures are much larger.

The proposed new classroom building, which will replace four portable classroom buildings, will house a general classroom, 6 science classrooms, a computer resource room, a special education room, a faculty work center and supporting spaces and including technical equipment rooms, storage rooms, offices, and restrooms. The new two-story classroom building is necessary to alleviate a shortage of specialized science and computer technology classrooms and instructional support space presently being experienced by the school.

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Further, the project building was designed to meet an equivalent of LEED (Leadership in Energy and Environmental Design) Silver Certification. The hip roof design, resulting in a taller structure allows for higher ceiling spaces which will enhance natural ventilation and introduction and distribution of natural light to interior spaces.

It is felt that the proposed two-story classroom building, requiring additional building height will not be out of character with other existing structures of two-story or similar height throughout the campus.

### **ALTERNATIVES**

The applicant has cited that "The construction of a new two-story classroom building has been determined to be the best alternative based on input from the school and community and preliminary planning/design studies because of special or unusual circumstances applying to the subject property. The proposed new classroom facility will provide the necessary specialized science and computer technology space and features needed that existing school facilities or a smaller, one-story structure cannot."

A no action alternative would maintain the status quo, thus maintaining and continuing the inconvenience of having the many different functions which are currently spread throughout the various buildings and facilities on and off campus.

### **INTENT AND PURPOSE**

The intent and purpose to limit building height are to assure that adequate air circulation and exposure to light is available between buildings and boundary/property lines.

The proposed classroom building's size and height are appropriate to the site and other large classroom buildings situated on the Kea'au Middle School Campus. It is felt that the proposed new classroom building's design and size requiring additional building height will not be out of character with other core campus buildings and other buildings exceeding the 35 feet height limit located elsewhere on the Kea'au Middle School Campus. Therefore, it will not compromise the overall open space, air, and light flow between the structures and property lines sought by the zoning height regulations.

Based on the foregoing findings, the approval of this application for variance 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 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.

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**PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS**

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 approval.
2. The applicant/owner(s), 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. The State of Hawai'i, Department of Education shall submit an Application for Plan Approval and required submittals to the County of Hawaii Planning Department for review and secure Final Plan Approval before submitting detailed building plans and specification for a County Building Permit.
4. Building improvements on the subject property are subject to State law and County ordinances and regulation pertaining to building construction and building occupancy. The proposed Class Room Building shall be constructed in accordance with approved building plans and building specifications.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare Variance-VAR 10-028 null and void.

Sincerely,



BJ LETIHEAD TODD  
Planning Director

LHN:mad

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xc: Real Property Tax Office- Hilo (Letter Only)