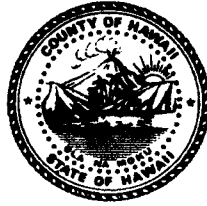


William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

May 16, 2016

Kanako Suzuki Furchi, Architect
Design Partners, Inc.
1580 Makaloa Street, Suite 1100
Honolulu, Hawaii 96814

Dear Ms. Furchi:

SUBJECT: Application: Variance - VAR 16-000354
Applicant: KANAKO SUZUKI FURCHI/DESIGN PARTNERS, INC.
Owner: STATE OF HAWAI'I/DEPARTMENT OF EDUCATION
Request: Variance from Chapter 25, Zoning, Article 4 Division 2,
Section 25-4-23 Accessory Structure Height Limitations
(Height Limit)
Tax Map Key: 2-4-001:015

The Planning Director certifies the **approval** of Variance 15-00354, subject to conditions. The variance allows for the proposed play court shelter to be permitted on the subject property at the campus of Waiākea Elementary School with a height of 32 feet in lieu of the property's maximum 20 feet height limit. The variance is from Chapter 25, Zoning, Article 5, Division 1, Section 25-4-23, Accessory Structure Height Limitations.

BACKGROUND AND FINDINGS

1. **Location.** The subject property contains approximately 92.713 acres and is situated at Waiākea, South Hilo, Hawai'i. The subject property's street address is 180 Puainako Street.
2. **County Zoning.** Single-Family Residential – 10,000 square feet (RS-10).
3. **State Land Use Designation.** Urban.
4. **HRS Chapter 343.** Declaration of Exemption, dated June 12, 2015.
5. **Height Requirements. Section 15-4-23. Accessory structure height limitations.** An

accessory structure shall not exceed twenty feet in height, unless otherwise specified in this chapter.

6. **Variance Application.** The applicant/owner submitted the variance application, attachments, filing fee, and associated materials on March 10, 2016. The variance application's site plan, prepared by Design Partners, Inc., denotes the location and elevation of the proposed play court shelter to be constructed onto the subject property. **(See Exhibit A & B)**
7. **County Building Records.** Hawai'i County Real Property Tax Office records indicate that the Waiakea Elementary School was established in 1963.
8. **Agency Comments and Requirements.**
 - a. The State Department of Health (DOH) memorandum dated March 29, 2016. **(See Exhibit C)**
 - b. No comments received from the Department of Public Works Building Division.
9. **Public Notice.** The applicant filed a transmittal letter with copy of the notices sent to surrounding property owners via USPS. According to USPS certificate of mailing receipts and affixed postal receipts, the first and second notices were mailed on March 7, 2016 and April 14, 2016, respectively. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on March 29, 2016.
10. **Time Extension.** The applicant's variance application was acknowledged by letter dated March 14, 2016 and additional time to review the application was required. The applicant granted the Planning Director an extension of time for decision on the Variance Application to May 17, 2016.
11. **Comments from Surrounding Property Owners or Public.** None.

GROUNDS FOR APPROVING VARIANCE

Special and Unusual Circumstances

- (a) *There are special or unusual circumstances applying to the subject real 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 property.*

The Variance application meets criterion (a) for the following reasons:

The subject property is zoned single-family residential -10,000 square feet (RS-10). The current height limit for accessory structures in the residential zoned district is 20 feet.

The elevation plan shows that the proposed play court shelter has a height of 32 feet, which exceeds the required 20-foot height limit for accessory structures by 12 feet.

The State of Hawai'i – Department of Education is proposing to construct a single-story shelter to house a basketball court, volley ball court and two (2) cross basketball courts. The play court shelter will provide shelter for the students from the rain during the school's multiple physical educational classes. It is estimated that the City of Hilo receives approximately 126 inches of rain annually.

Therefore, based on the information stated above special and unusual circumstances do exist on the subject property which would interfere with the overall functionality of the school and its curriculum.

Alternatives

(b) There are no other reasonable alternatives that would resolve the difficulty.

The Variance application meets criterion (b) for the following reasons:

The applicant has stated that the proposed shelter for the existing play court is very much necessary for the daily activities of the school. Not only will it provide shelter for the students during rainy days, but it will also provide shade for the students during the hot months.

The proposed play court shelter could be designed to comply with the height limit of 20-feet. However, the proposed shelter requires a ceiling height to be high enough for basketball shots or volleyball volleys, therefore requires a building height much higher than the maximum height limit of 20 feet for accessory structures.

A no action alternative or denial of this variance would maintain status quo and not provide adequate shelter for students during intramural activities and physical educational classes.

Both of these alternatives are not practical. Therefore, there are no reasonable alternatives to resolve the encroachment issue.

Intent and Purpose

(c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

The Variance application meets criterion (c) for the following reasons:

The intent and purpose of requiring building setbacks for a lot are to assure that adequate air

circulation and exposure to light are available between permitted structure(s)/uses and boundary/property lines.

In summary the proposed structure is designed to be architecturally compatible to the school and existing campus. The height of the building will not obstruct any view planes toward the mountains nor obstruct any existing views of the ocean. It is felt that the proposed new shelter design and size requiring additional building height will not be out of character with the other core campus buildings. Therefore, it will not compromise the overall open space, air, and light flow between the structure and property lines sought by the zoning height requirements.

Based on the foregoing findings and unusual circumstances, the applicant's request 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 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.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

Based on the variance application's site plan, the proposed Play Court Shelter to be constructed on the subject property will not meet the maximum height requirements pursuant to Hawai'i County Code, Chapter 25, (Zoning Code).

This variance application is **approved** subject to the following variance 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 Hawai'i 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 applicant/owner(s), shall submit an Application for Plan Approval to the County of Hawaii Planning Department for review. Plan Approval and other required entitlements shall be secured prior to submitting detailed building plans and specification for a County Building Permit.
4. Future or new building improvements and permitted uses shall be subject to State law and County Ordinances and Regulations pertaining to building construction and building occupancy.

Kanako Suzuki Furchi, Architect
Design Partners, Inc.
Page 5
May 16, 2016

Should any of the foregoing variance conditions not be complied with, the Planning Director may initiate proceedings to null and void Variance-16-000354.

Sincerely,

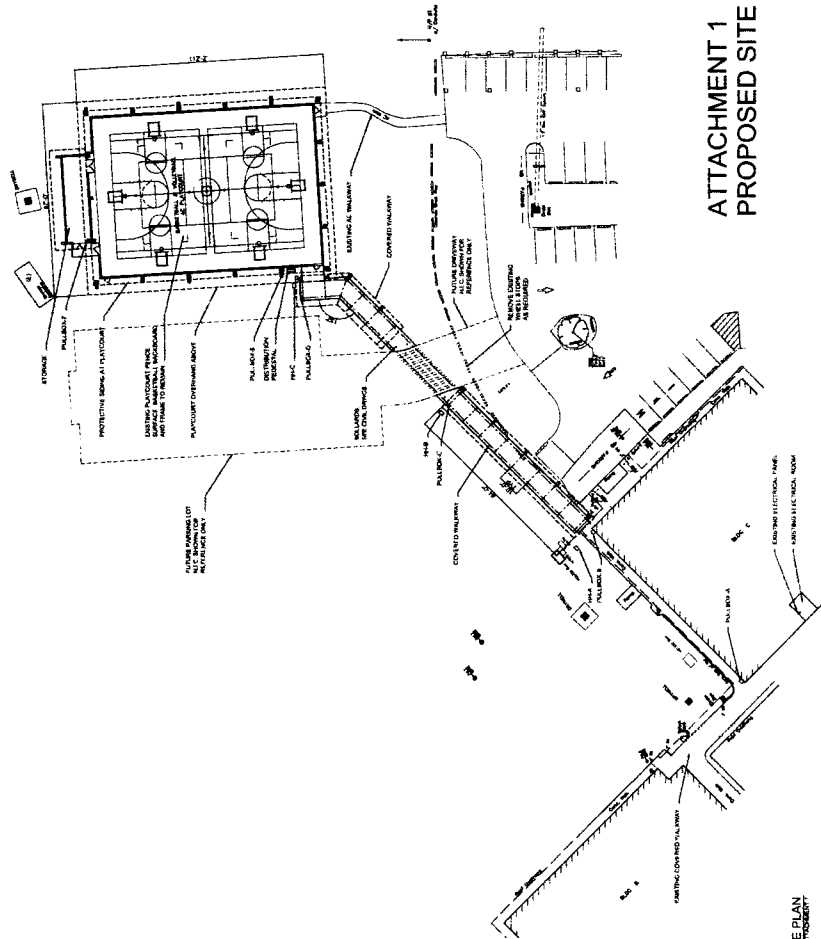
A handwritten signature in black ink, appearing to read "Duane Kanuha". The signature is fluid and cursive, with a vertical line separating the first and last names.

DUANE KANUHA
Planning Director

LHN/SG:nci

P:\Admin Permits Division\Variances From CoH02\Zone2\VAR16-000354TMK2-4-001-015DOE-Waiakea Elementary.doc.rtf

xc: Real Property Tax Office (Hilo)
Gilbert Bailado, GIS

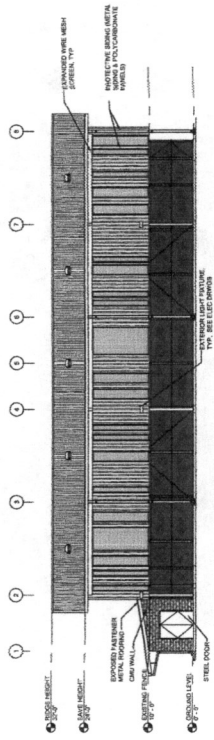


**ATTACHMENT 1
PROPOSED SITE PLAN**

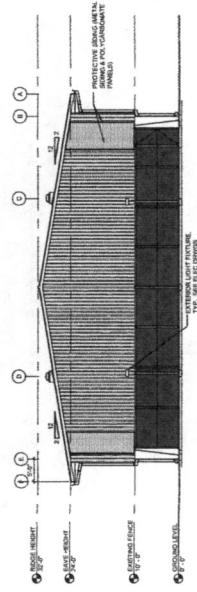
① PROPOSED SITE PLAN
SENT TO CITY
1/10/2007

EXHIBIT

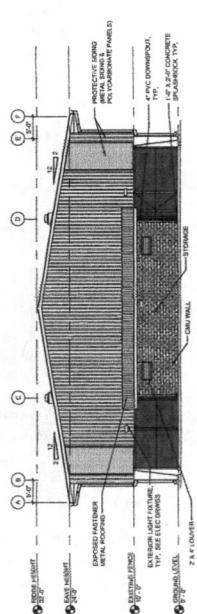
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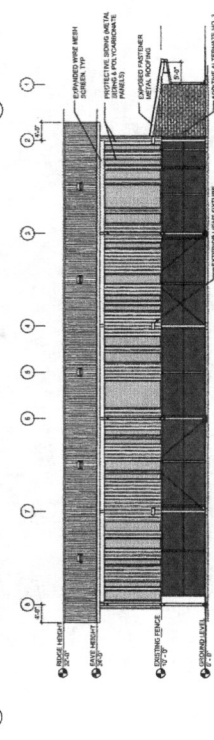
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

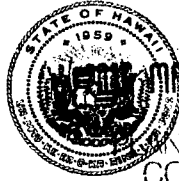


4 EAST ELEVATION
SCALE: 1/8" = 1'-0"

ATTACHMENT 3
PROPOSED ELEVATIONS

DATE: 07/12/20

EXHIBIT
B



MAR 30 PM 3 44
PLANNING DEPARTMENT
COUNTY OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: March 29, 2016

TO: Mr. Duane Kanuha
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: **Application: Variance – VAR 16-000354**
Applicant: KANAKO SUZUKI FURCHI/DESIGN PARTNERS, INC.
Owner: STATE OF HAWAII/DEPARTMENT OF EDUCATION
Request: Variance from Chapter 25, Zoning, Article 4 Division 2,
Section 25-5-23 Accessory Structure Height Limitations.
(Height Limit)
Tax Map Key: 2-4-001:015

The Health Department found no environmental health concerns with regulatory implications in the submittals.

EXHIBIT

C

