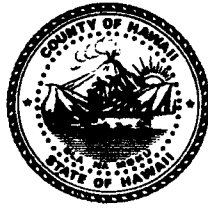


William P. Kenoi  
Mayor



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 31, 2016

Mr. Scott Fleming, AIA  
Fleming and Associates LLC  
557 Manono Street  
Honolulu, Hawaii 96820

Dear Ms. Fleming:

**SUBJECT: Application: Variance - VAR 16-000360**  
**Applicant: SCOTT FLEMING/FLEMING AND ASSOCIATES LLC**  
**Owner: STATE OF HAWAII/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: 4-5-003:020**

---

The Planning Director certifies the **approval** of Variance 16-00360, subject to conditions. The variance allows for the proposed Athletic Grandstand (bleachers) to be permitted on the campus of Honoka'a High School with a height of 38.25 feet in lieu of the property's maximum 20-foot height limit for accessory structures. 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 8.6 acres and situated at Honokaa High School, Honoka'a, Hamakua, Hawai'i. The subject property's street address is 45-515 Pakalana 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 February 9, 2016.

Mr. Scott Fleming, AIA  
Fleming and Associates LLC  
Page 2  
May 31, 2016

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 variance application, attachments, filing fee, and associated materials on March 10, 2016. The variance application's site plan, prepared by Fleming and Associates, LLC, 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:** None.
8. **Agency Comments and Requirements:**
  - a. The State Department of Health (DOH) memorandum dated April 12, 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 April 29, 2016. 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 28, 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 31, 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 spectator covered seating area (bleachers) has a height of 38'7", which exceeds the required 20-foot height limit for accessory structures by 18'7".

The State of Hawai'i – Department of Education is proposing to construct a covered spectator seating area (bleachers) for viewing of athletic events. The applicant has stated that the existing athletic spectator area is small, unsafe and does not comply with current codes.

The proposed spectator bleachers could be designed to comply with the height limit of 20-feet by removing the roofing that covers the spectator seating area. However, the removal of the roofing will deny the students and community to view athletic events in a safe and comfortable Athletic seating facility that is protected from inclement weather.

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 proposed covered spectator seating area is very much needed as a replacement for the existing unsafe and small spectator seating area.

As mentioned earlier, removal of the roofing that covers the spectator seating area (bleachers) would bring athletic grandstand (bleachers) into compliance in regards to the 20-foot height limit for accessory structures. However, the removal of the roofing will deny the students and community to view athletic events in a safe and comfortable seating facility with protection from inclement weather.

A no action alternative or denial of this variance would maintain status quo and not provide a safe and comfortable area for the community during athletic events.

Both of these alternatives are not practical. Therefore, there are no reasonable alternatives to resolve the height 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 athletic facilities. It is felt that the proposed new bleacher facility 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 Athletic Grandstand (bleachers) 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.

Mr. Scott Fleming, AIA  
Fleming and Associates LLC  
Page 5  
May 31, 2016

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.

Should any of the foregoing variance conditions not be complied with, the Planning Director may initiate proceedings to null and void Variance-16-000360.

Sincerely,



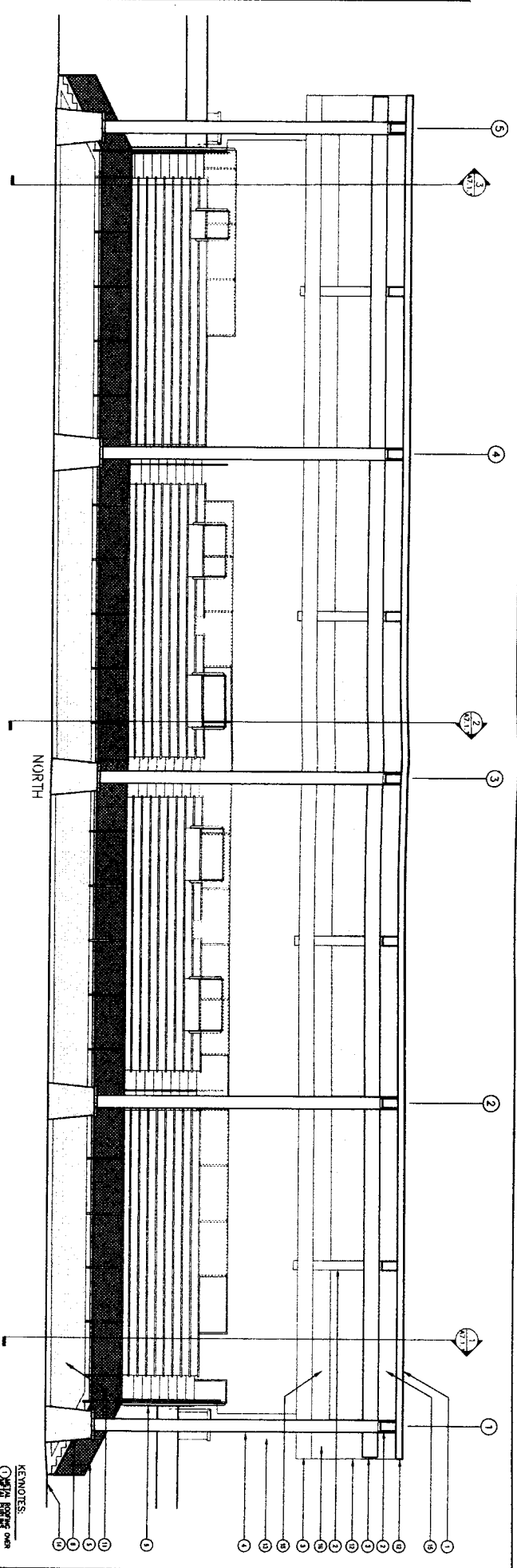
DUANE KANUHA  
Planning Director

LHN/SG:nci

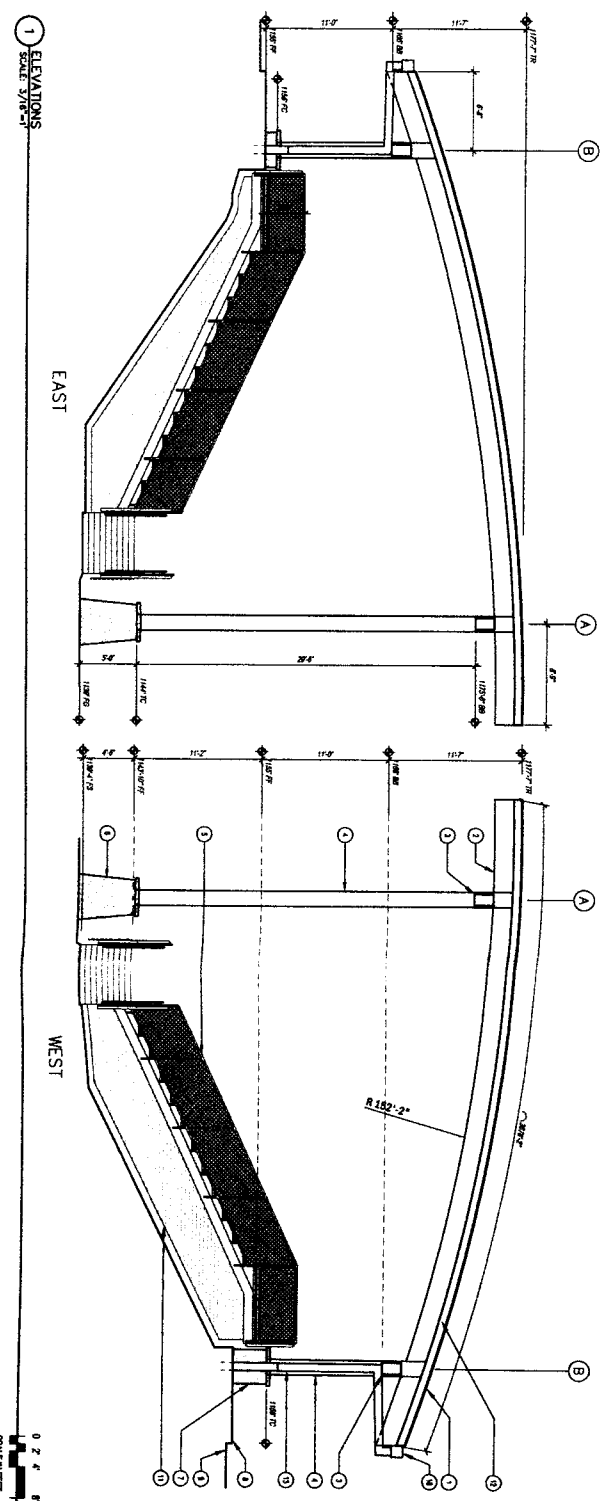
P:\Admin Permits Division\Variances From CoH02\Zone4\VAR16-000360TMK4-5-003-020DOE-Honokaa High doc.rtf

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

# EXHIBIT A



- KEYNOTES:**
- ① MEDIA ROOMING OVER
  - ② MEDIA ROOMING OVER
  - ③ MEDIA ROOMING OVER
  - ④ MEDIA ROOMING OVER
  - ⑤ MEDIA ROOMING OVER
  - ⑥ MEDIA ROOMING OVER
  - ⑦ MEDIA ROOMING OVER
  - ⑧ MEDIA ROOMING OVER
  - ⑨ MEDIA ROOMING OVER
  - ⑩ MEDIA ROOMING OVER
  - ⑪ MEDIA ROOMING OVER
  - ⑫ MEDIA ROOMING OVER
  - ⑬ MEDIA ROOMING OVER
  - ⑭ MEDIA ROOMING OVER
  - ⑮ MEDIA ROOMING OVER
  - ⑯ MEDIA ROOMING OVER
  - ⑰ MEDIA ROOMING OVER
  - ⑱ MEDIA ROOMING OVER
  - ⑲ MEDIA ROOMING OVER
  - ⑳ MEDIA ROOMING OVER
  - ㉑ MEDIA ROOMING OVER
  - ㉒ MEDIA ROOMING OVER
  - ㉓ MEDIA ROOMING OVER
  - ㉔ MEDIA ROOMING OVER
  - ㉕ MEDIA ROOMING OVER
  - ㉖ MEDIA ROOMING OVER
  - ㉗ MEDIA ROOMING OVER
  - ㉘ MEDIA ROOMING OVER
  - ㉙ MEDIA ROOMING OVER
  - ㉚ MEDIA ROOMING OVER
  - ㉛ MEDIA ROOMING OVER
  - ㉜ MEDIA ROOMING OVER
  - ㉝ MEDIA ROOMING OVER
  - ㉞ MEDIA ROOMING OVER
  - ㉟ MEDIA ROOMING OVER
  - ① OPEN PAINT



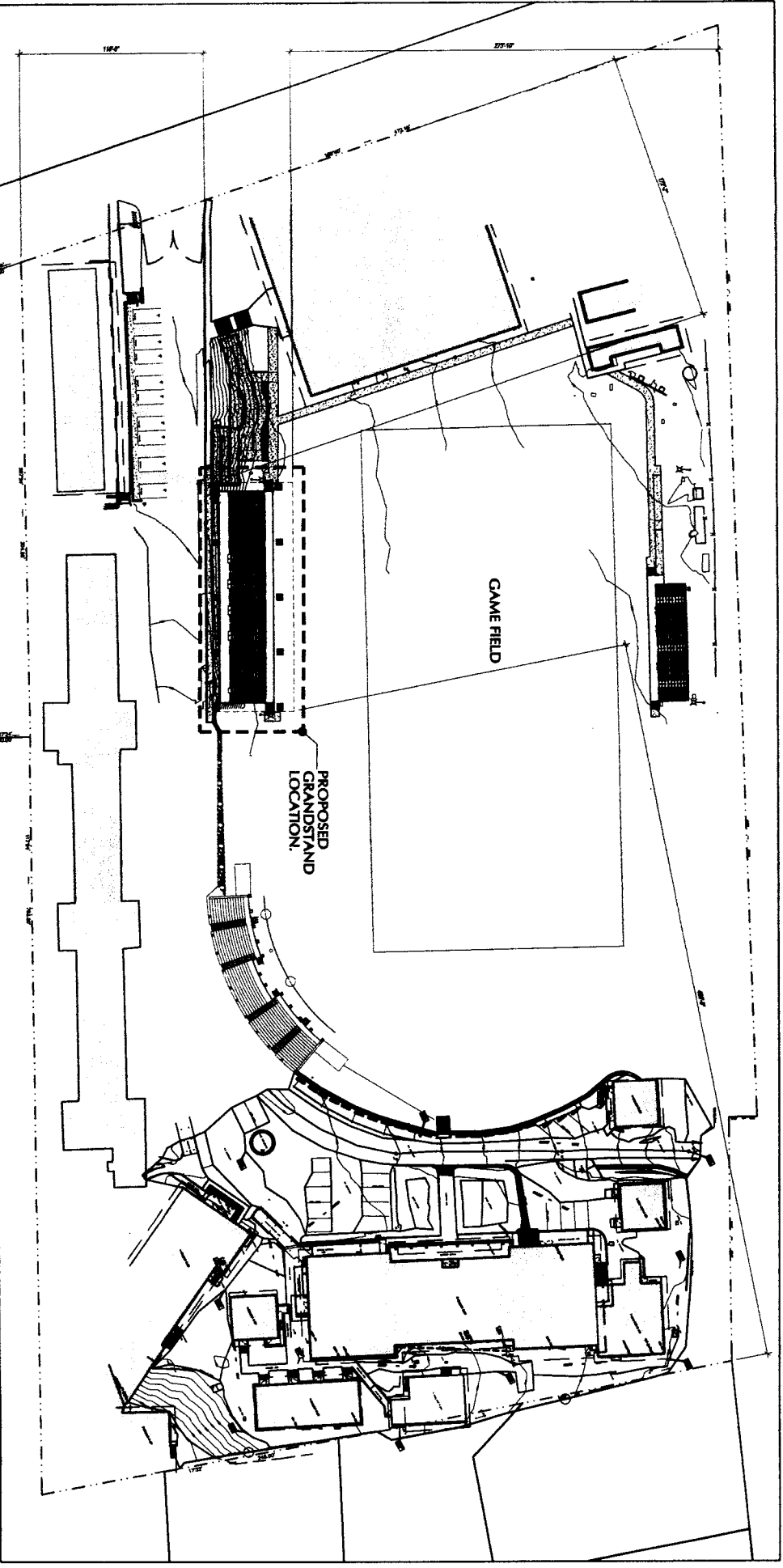
		<b>DEPARTMENT OF EDUCATION</b> STATE OF HAWAII <b>HONOKAA HIGH SCHOOL</b> ATHLETIC FACILITY IMPROVEMENTS TAX MAP KEY 4-5-2008-000	
DATE: 4-30-2018 DRAWN BY: [Signature] CHECKED BY: [Signature]	PROJECT NO.: 012000-15 SHEET NO.: 15 DATE: 2-11-2015	SCALE: AS NOTED SHEET: A6.1.1	DRAWING NO.: [Blank]

1 ELEVATIONS  
SCALE 3/8" = 1'-0"

0 7' 6" = 1" SCALE SHEET

# EXHIBIT

B



1 SITE PLAN  
SCALE: 1/8" = 1'-0"



	<b>FLEWING, J.</b> LICENSE NO. 31441 STATE OF HAWAII
	<b>KENNEDY, S.</b> LICENSE NO. 11411 STATE OF HAWAII
<b>CLIENT:</b> HONOLULU BOARD OF EDUCATION HONOLULU, HAWAII	<b>PROJECT:</b> HONOKA HIGH SCHOOL ADDITIONAL CLASSROOMS HONOKA, HAWAII
<b>DATE:</b> 1-28-2016	<b>SCALE:</b> AS NOTED



2016 APR 15 PM 4 24

PLANNING DEPARTMENT  
COUNTY OF HAWAII

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

MEMORANDUM

DATE: April 12, 2016

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

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

SUBJECT: **Application: Variance – VAR 16-000360**  
**Applicant: SCOTT FLEMING/FLEMING AND ASSOCIATES LLC**  
**Owner: STATE OF HAWAII/DEPARTMENT OF EDUCATION**  
**Request: Variance from Chapter 25-5-23 Accessory Structure Height**  
**Limitations (Height Limit)**  
**Tax Map Key: 4-5-003:020**

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

**EXHIBIT**

C

