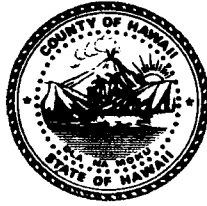


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
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

November 5, 2018

Francis J. Wong, AIA  
Francis Wong and Associates Limited  
700 Richard Street, Suite 2604  
Honolulu, Hawaii 96813-4605

Dear Mr. Wong:

**SUBJECT: Application: Variance - VAR 18-000493**  
**Applicant: FRANKLIN WONG AND ASSOCIATES LIMITED**  
**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: 2-2-020:001**

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The Planning Director certifies the **approval** of Variance VAR-18-000493, subject to conditions. The variance allows for the proposed play court shelter to be permitted on the subject property at the campus of Chiefess Kapiolani 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 14.29 acres and is situated at the corner of Mohouli Street and Kilauea Avenue. The subject property's street address is 966 Kilauea Avenue.
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 September 13, 2018. The variance application's site plan, prepared by Francis Wong and Associates, Ltd., denotes the location and elevation of the proposed play court shelter to be constructed onto the subject property. (See Exhibit A, B & C)
7. **County Building Records.** Hawai'i County Real Property Tax Office records indicate that the Chiefess Kapiolani Elementary School was established in 1955.
8. **Agency Comments and Requirements.**
  - a. The State Department of Health (DOH) memorandum dated September 25, 2018. (See Exhibit D)
  - 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 September 24, 2018 and September 28, 2018, respectively. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on September 26, 2018.
10. **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 and 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 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 to limit building height are to assure that there is no adverse impact to the areas character or to adjoining properties.

In summary, the proposed structure is designed to be architecturally compatible with 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. Also, the subject property is located in a mixed-use neighborhood consisting of commercial and residential uses; therefore, it will not compromise or have any adverse impact on the neighborhood or adjoining properties.

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.

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.

Francis J. Wong, AIA  
Francis Wong and Associates Limited  
Page 5  
November 5, 2018

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-18-000493.

Sincerely,

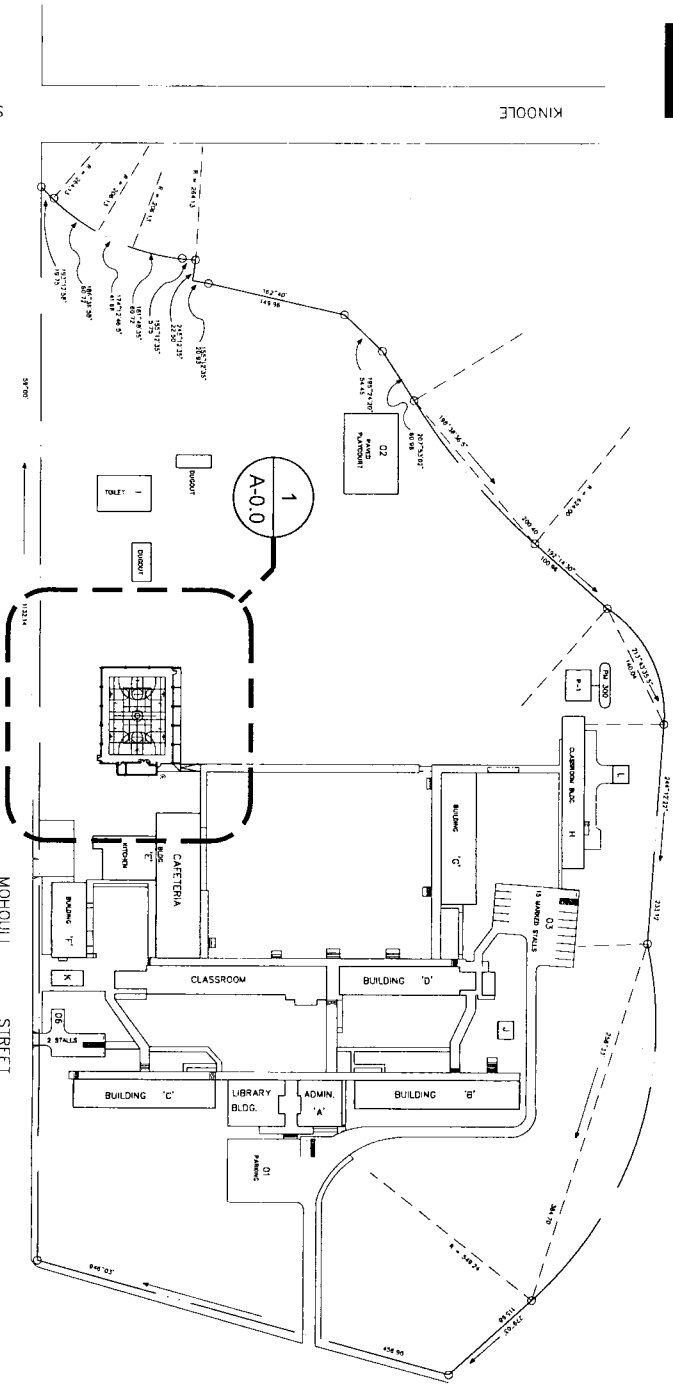


MICHAEL YEE  
Planning Director

LHN:nci

P:\Admin Permits Division\Variances From CoH02\Zone2\VAR18-000493 TMK2-4-020-001 DOE-Chiefess Kapiolani Elementry.doc.rtf

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



KINNOLE STREET

MOROUJI STREET

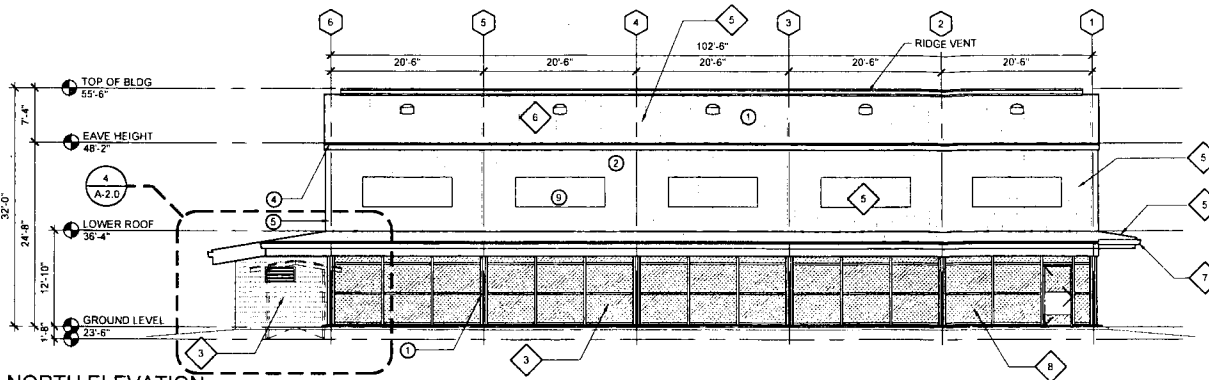
2 PLOT MAP  
T-1.0 SCALE: 1/128" = 1'-0"



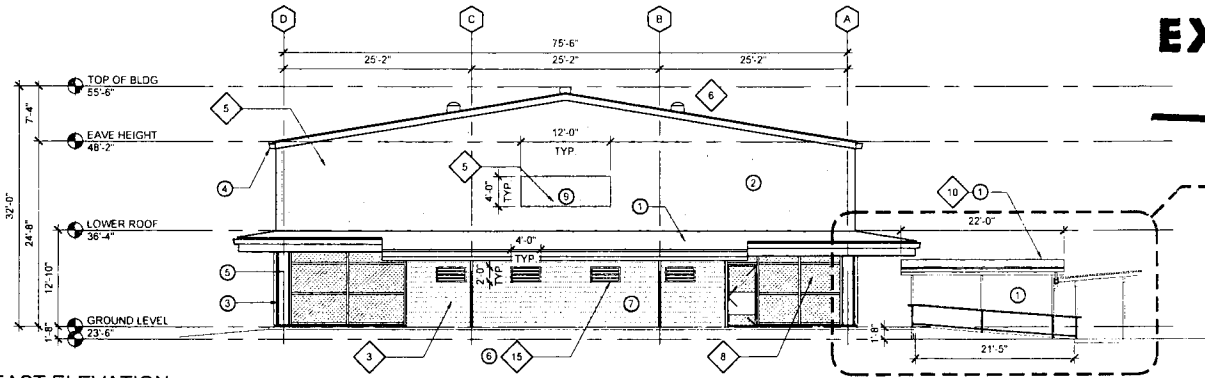
**EXHIBIT**

A

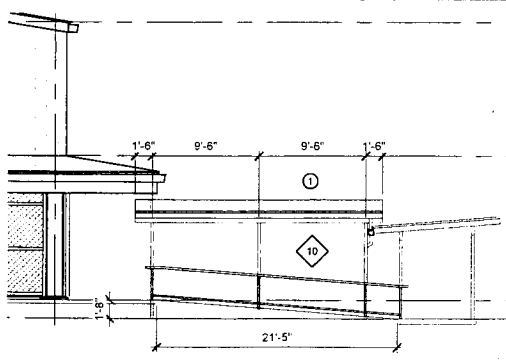




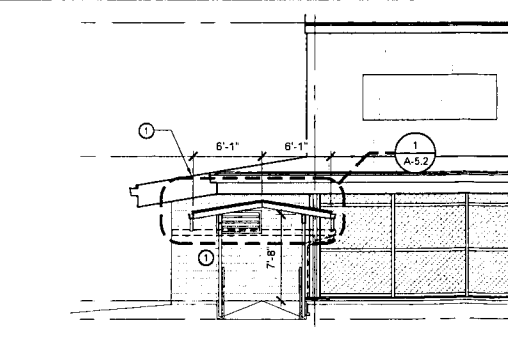
1 NORTH ELEVATION  
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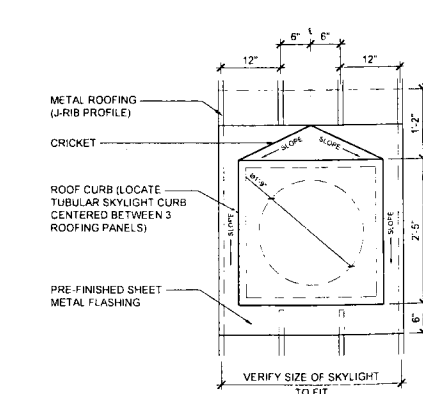
2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



3 RAMP ELEVATION  
SCALE: 3/16" = 1'-0"



4 RAMP SECTION  
SCALE: 3/16" = 1'-0"

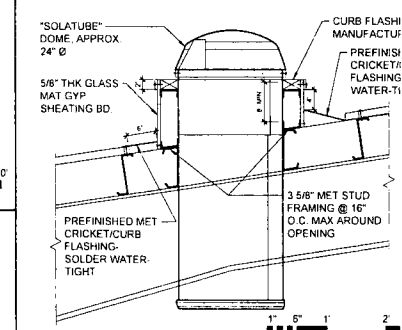


5 "SOLATUBE" FLASHING  
SCALE: 1" = 1'-0"



SCOPE OF WORK KEYNOTES	
NOTE #	REMARKS
1	DEMOLISH LANDSCAPE AS REQUIRED AND GRADE SITE FOR BUILDING PAD & SITE DRAINAGE. SEE ENVIRONMENTAL REPORT FOR SOIL CONDITIONS AND C-3.0 FOR TARGET GROUND ELEVATIONS.
2	SEE CIVIL FOR FIRE DEPARTMENT REQUIREMENTS, WATER SUPPLY, DRAINAGE REQUIREMENTS. SEE CIVIL DRAWINGS.
3	CONSTRUCT NEW CONCRETE FOUNDATIONS, CMU WALLS, AND PRE-ENGINEERED BUILDING. TOOL ALL VERTICAL AND HORIZONTAL CMU JOINTS. SEE ALL STRUCTURAL DRAWINGS.
4	PROVIDE GREEN ASPHALT CONC PLAYCOURT SURFACE. SEE CIVIL STRUCTURAL. SEE SHT A-1.4 FOR PAINTED PLAYCOURT LINE PLANS.
5	PROVIDE BASEBALL AND VOLLEYBALL EQUIPMENT AS SPECIFIED. PROVIDE 74 GA METAL ROOFING AND VERTICAL SIDING WITH INTEGRATED TRANSLUCENT PANELS. SEE ARCHITECTURAL BUILDING SECTIONS AND ELEVATIONS.
6	INTEGRATE DIMMABLE SOLAR TUBE SKYLIGHTS IN ROOFING OVER PLAYCOURT. SEE ELECTRICAL 1E-1.1 FOR CONTROLS.
7	EXCEPT AS OTHERWISE NOTED, PROVIDE 6" WIDE GUTTERS, 4" DOWNSPOUTS, AND CONCRETE SPLASH BLOCKS.
8	PROVIDE CHAINLINK SYSTEM / GATES WITH 2" MESH AROUND LOWER PORTION OF COVERED PLAYCOURT. INSTALL 3/4" BIRD REPELLENT NETTING SYSTEM ON SAME FRAMEWORK ON OPPOSITE SIDE.
9	CONSTRUCT COVERED WALKWAY WITH SIDEWALK DRAINAGE CULVERTS. SEE 4/A-1.0 FOR SIDEWALK CULVERT CONDITION.
10	CONSTRUCT COVERED WALKWAY RAMP CONNECTION TO THE EXISTING COVERED WALKWAY SYSTEM. SEE CIVIL, STRUCTURAL, & ARCHITECTURAL.
11	PROVIDE ADA COMPLIANT DOUBLE DRINKING FOUNTAINS AND HOSE BIBB.
12	ABI #1 - PROVIDE 3" OF K-13 SPRAY-ON BLACK COLORED INSULATION TO THE UNDERSIDE OF METAL ROOFING AT PLAYCOURT. SEE SPECIFICATION.
13	PROVIDE SAFETY PADDING ON ALL INTERIOR EXPOSED STEEL COLUMNS (TYP) AND WALL. SECURE WITH WELCRO OR CLIPS PER MANUFACTURER'S RECOMMENDATIONS. SEE ARCH INTERIOR ELEV.
14	PROVIDE ELECTRICAL AND I.T. REQUIREMENTS INDICATED ON ELECTRICAL SHEETS.
15	PROVIDE ALUMINUM VENTILATION STORM PROOF LOUVERS.

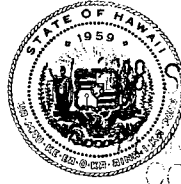
GENERAL SKYLIGHT NOTE  
FOR THE PURPOSES OF THIS PROJECT WE HAVE DESIGNED OUR SKYLIGHT SYSTEM AROUND "SOLATUBE" BUT THIS IS NOT MEANT TO BE PROPRIETARY AND OTHERS MAY BID PROVIDED THEY ARE ABLE TO MEET THE QUALITY PERFORMANCE INDICATED IN THE SPECIFICATIONS AND ARE ABLE TO FULFILL SKYLIGHT UNITS TO THE PROJECT AT NO ADDITIONAL COST.



6 "SOLATUBE" MOUNTING  
SCALE: 1" = 1'-0"

DEPARTMENT OF EDUCATION STATE OF HAWAII <b>KAPIOLANI ELEMENTARY SCHOOL COVERED PLAYCOURT</b> 966 KILAUEA AVENUE HILLO, HAWAII	
EXTERIOR ELEVATIONS	
FRANKLIN WONG & ASSOCIATES ARCHITECTS PW / FW DATE:	4/30/2020 Q11001-17 DATE:
THIS DRAWING WAS PREPARED BY OR FOR:	PW / FW DATE:
AUG 2018	





SEP 26 PM 12 00

PLANNING DEPARTMENT  
COUNTY OF HAWAII

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

MEMORANDUM

DATE: September 25, 2018

TO: Mr. Michael Yee  
Planning Director, County of Hawaii

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

SUBJECT: Application: Variance VAR-18-000493  
Applicant: FRANCIS J. WONG AND ASSOCIATES, LTD.  
Owner: STATE OF HAWAII/ DEPARTMENT OF EDUCATION  
Request: Variance from Chapter 25, Zoning, Article 4, Division 2  
Section 25-5-23  
TMK: 2-2-020:001

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

**EXHIBIT**

D

