

January 22, 1971

Mr. John E. Noyes
Kona Tradewinds Partnership
P. O. Box 965
Kailua-Kona, HI 96740

Re: Variance Application

The Planning Commission at its duly held public hearing on January 21, 1971 considered your application for a variance to allow a 10-foot front yard building setback in lieu of the required 20-foot setback for the construction of an addition to the Kona Tradewinds Restaurant located at the northeast corner of the Kuakini Highway-Ololi Road intersection, Kailua, North Kona, Hawaii, under Tax Map Key 7-5-4:12 and 7-5-6:6 and 7.

The Commission voted to deny your application because it was found that:

1. The addition to the existing restaurant requires 20 parking stalls. When added to the 33 stalls required for the existing complex, the Commission finds that the proposed site plan does not adequately provide for the required parking. Aisle widths (23+ feet recommended) and space between stalls and buildings are inadequate.
2. The applicant has not shown that a hardship exists if required to comply to the required building setback.

The applicant is also hereby notified that compliance to the conditions of Interim Zoning Permit No. 38 is required. This includes providing 33 off-site parking stalls and the covering of the parking areas by an all-weather, dust-free surface (asphalt or equivalent or oil compacted surface).

You may appeal the decision of the Planning Commission to the Board of Appeals of the Planning Department if you find that the

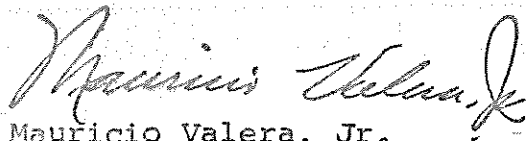
Mr. John E. Noyes

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Commission's action was based on an erroneous finding of a material fact, or that the Commission had acted in an arbitrary or capricious manner or had manifestly abused its discretion.

We will be forwarding the official Order as soon as the document is prepared.



Mauricio Valera, Jr.
Vice Chairman

lat

cc Bob Miller

Enclosure - 2 colored prints (returned)

PLANNING COMMISSION OF THE PLANNING DEPARTMENT
COUNTY OF HAWAII

In the Matter of the Appeal of)
Kona Tradewinds Partnership)
Tax Map Key 7-5-6:6 & 7)
_____)

Variance Application
No. 228

FINDINGS OF FACT
CONCLUSIONS OF LAW
and
DECISION AND ORDER

PLANNING COMMISSION OF THE PLANNING DEPARTMENT

COUNTY OF HAWAII

In the Matter of the Appeal of)
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Tax Map Key: 7-5-6:6 & 7)
_____)

Variance Application
No. 228

FINDINGS OF FACT
CONCLUSIONS OF LAW
and
DECISION AND ORDER

The above-entitled matter was brought on for hearing before the Planning Commission of the Planning Department, County of Hawaii, on the 21st day of January, 1971, in the County Council Room, County Building, Hilo, Hawaii, at which hearing John E. Noyes, appeared on behalf of the Applicant, Kona Tradewinds Partnership, and the Planning Commission having heard the testimony and having examined the exhibits does hereby declare its Findings of Fact, Conclusions of Law, and Decision and Order.

FINDINGS OF FACT

1. The hotel complex sits on a bank overlooking Kuakini Highway with the subject property line situated on the top of the bank.
2. Application requesting variance from required front yard building setback from Ololi Road and Kuakini Highway was received on September 23, 1970.
3. Preliminary hearing concerning the above matter was held on October 22, 1970.
4. Revised application requesting variance from front yard building setback from Kuakini Highway only received on December 4, 1970.

5. Preliminary hearing on the revised application was held on December 18, 1970.

6. Public hearing on the matter was held on January 21, 1971.

7. Revised application requested a ten (10) foot front yard building setback in lieu of a setback of twenty (20) feet as required by the V-1.25 (Resort-Hotel) zoned district.

8. The variance is for a 3836 square foot addition to an existing restaurant and part of the Kona Tradewinds Hotel complex.

9. The existing restaurant has a five (5) foot front yard building setback and was proposed to be renovated with the five (5) foot setback tapering to the requested ten (10) foot setback.

10. The addition to the existing restaurant requires twenty (20) additional parking stalls.

11. The applicant has failed to show that a hardship will exist if it is required to comply with the required building setback.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hear and determine appeals requesting variances from the Subdivision and Zoning Ordinances.

2. All procedural requirements as prescribed by law have been complied with.

3. The requirements for the granting of a variance have not been met.

DECISION AND ORDER

Based upon the testimony and exhibits introduced at the hearing and the foregoing findings of fact and conclusions of law, it is the decision

of the Planning Commission and it is hereby ordered that the application of Kona Tradewinds Partnership for a variance from the requirements of Section 15-E(1) of Zoning Ordinance No. 63, pertaining to front yard building setback, of Tax Map Key 7-5-6:6 and 7 located in Kailua, North Kona, Hawaii, be and is hereby denied on its merits.

Dated at Hilo, Hawaii, this 25th day of March,
1971.

PLANNING COMMISSION

By O. W. Eford Jr.
Chairman