

PLANNING COMMISSION

Planning Department

County of Hawaii

Hilo, Hawaii

Application for VARIANCE)

by)

ERNEST SCHWARTZ)

from)

MAXIMUM HEIGHT LIMIT)

in)

KEAUKAHA, SOUTH HILO, HAWAII)

Variance No. 241

VARIANCE PERMIT

The Planning Commission held a public hearing on July 1, 1971 on the application of ERNEST SCHWARTZ for a variance from Section 28-B(3), Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow the construction of an eight(8) story, eighty-two(82) feet high apartment building in lieu of the maximum height limit of seven(7) stories or ninety(90) feet whichever is less as regulated by the Resort-Hotel zone to be located in Keaukaha, South Hilo, Hawaii, Tax Map Key 2-1-17:19 through 22, 51, 58, 59 & 66.

The Commission finds that:

1. The granting of the variance shall not be inconsistent with the intent and purpose of Ordinance 63, relating to building height limits. The proposed eight(8) story structure is less than that required by ordinance for a seven(7) story structure (90 feet limit).
2. Potential tsunami conditions exist to a degree which deprive the owner or applicant of substantial property rights which would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of the subject property.
3. The granting of the variance shall not constitute a grant of personal or special privilege inconsistent with the limitation upon other properties under identical district classification.

Therefore, the Commission hereby grants to the applicant a variance from the maximum height limit to allow the construction of an eight(8) story, eighty-two(82) feet high apartment building in lieu of the required seven(7) stories or ninety(90) feet pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that:

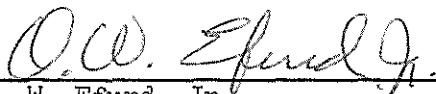
1. The construction shall conform substantially to the drawing as submitted with the variance request.
2. The construction of the building shall begin within one year of date of approval or the variance shall be deemed null and void.
3. The building is not to exceed 8 stories or 90 feet in height.
4. The developer shall provide an easement through his property for the public to get to the beach area which is acceptable by this department.

5. For any future building to be located adjacent to Leleiwi Beach Park, the Planning Director under "Plan Approval" shall stipulate the exact site location, arrangement and exterior design of the same above and beyond the regular requirements so that no buildings shall encroach into the park area. By this condition, the objective of keeping as much open space as possible along the shoreline shall be met.
6. All other applicable regulations shall be complied with.

The effective date of this permit shall be from July 1, 1971.

Dated at Hilo, Hawaii, this 16th day of September, 1971.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII



O. W. Efurd, Jr.
Chairman