

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
W & C, LTD.)	
from)	Variance No. 300
REQUIRED MAXIMUM HEIGHT)	
in)	
<u>Holualoa 1 & 3, N. Kona, Hawaii)</u>)	

VARIANCE PERMIT

The County Planning Commission at its duly held public hearing on August 24, 1972, considered the application of W & C, LTD., for a variance from Section 15-C, Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended. More specifically, the request was to allow the construction of a four (4) story, forty-five (45) foot structure in lieu of the required three (3) story or forty-five (45) foot structure as permitted within a resort-hotel (V-1.25) zoned district, located in Holualoa 1 and 2, North Kona, Hawaii, tax map key: 7-6-15:23.

The Commission has found:

1. That the additional floor would not render the building any more conspicuous than what is permitted by said Ordinance. The ordinance states that no building shall exceed a height of forty-five (45) feet or contain more than three (3) stories. The proposed building, which contains four (4) stories, does not exceed forty-five (45) feet; therefore, no additional "height" is being requested; and,
2. That conditions exist with respect to the land which would result in unnecessary hardship if the ordinance were literally enforced. The subject property is located within a flood inundation area and within the tsunami potential limit; therefore, it is in the best public interest that residential units not be allowed on the ground floor of any permitted structure so as to minimize the danger to life and property yet still permit compatible uses.

Pursuant to the authority vested in it by Section 36 of said ordinance, the Commission hereby grants to the applicant a variance to construct a four (4) story, forty-five (45) foot structure in lieu of the required three (3) story or forty-five (45) foot structure, subject to the following conditions:

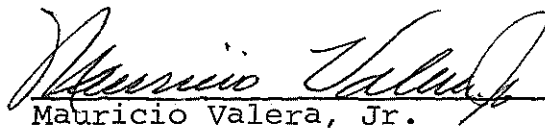
1. That the building be limited to a maximum height of forty-five (45) feet;

2. That the development conform substantially to the plans submitted in conjunction with this request;
3. That construction of the subject building begin within one (1) year of the effective date of the variance or the variance shall be deemed null and void;
4. That a perpetual easement with a minimum width of ten (10) feet be provided on the extreme south end of the property between the side property line and the banyan tree. Said easement shall be improved with concrete by the developer and then dedicated to the County; and,
5. That all other applicable regulations be complied with.

The effective date of this permit shall be from August 24, 1972.

Dated at Hilo, Hawaii, this 13th day of November, 1972.

PLANNING COMMISSION
OF THE COUNTY OF HAWAII


Mauricio Valera, Jr.
Chairman