

PLANNING COMMISSION  
Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
LAGUNA KAI DEVELOPMENT CO. )  
from )  
MAXIMUM ALLOWABLE DENSITY )  
MAXIMUM HEIGHT LIMIT )  
in )  
LALAMILO, SOUTH KOHALA, HAWAII )

Variance No. 273

VARIANCE PERMIT

The Planning Commission held a public hearing on January 20, 1972 on the application of LAGUNA KAI DEVELOPMENT CO. for a variance from Sections 15-C and 15-F(3), Ordinance No. 63 of the Revised Ordinances of the County of Hawaii 1967, as amended, more specifically, to allow the construction of one (1) additional unit or a total of thirty-eight (38) units in lieu of the maximum allowable density of thirty-seven (37) units as determined by the V-1.25 zoned district and to allow said development to be constructed to a height limit of four (4) stories or fifty-five (55) feet in lieu of the three (3) stories or forty-five (45) feet height limit as permitted within the V-1.25 zoned district. Said construction is to be located in the Puako Beach Lots subdivision, Lalamilo, South Kohala, Hawaii, Tax Map Key 6-9-3:19 - 21.

The Commission finds:

1. That the density variance to allow a 38-unit apartment be approved based on the following findings:
  - a. That a deviation of one (1) square foot from the required area needed to construct 38 units would still be substantially consistent with the intent and purpose of the V-1.25 zone and it would not be to a substantial degree injurious to property rights in the vicinity.
  - b. That approval of the density variance for one (1) square foot will not change the character of the use of the land.
2. That the variance from the height limit of three (3) stories or 45 feet be approved based on the following findings:
  - a. That a variance from the number of stories would be basically within the overall height of the ordinance. The added story (building height is 38 feet with the exception of stair well height which is 46 feet) is within the height limitation of 45 feet.

- b. That the requested height would not interfere with the view plane. The adjoining lands are relatively flat and the view limitations would be about the same since the ordinance allows for a maximum height limitation of three (3) stories or 45 feet.

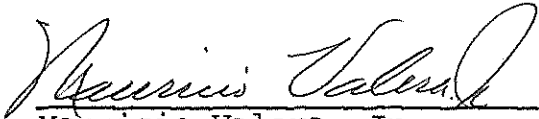
Therefore, the Commission hereby grants to the applicant variances from the maximum allowable density and maximum height limit as prescribed by the V-1.25 zoned district, namely to allow the construction of one (1) additional unit or a total of thirty-eight (38) units in lieu of the maximum allowable density of thirty-seven (37) units as determined by the V-1.25 zoned district and to allow said development to be constructed to a height limit of four (4) stories or fifty-five (55) feet in lieu of the three (3) stories or forty-five (45) feet height limit as permitted within the V-1.25 zoned district pursuant to the authority vested in it by Section 36 of said Ordinance on the condition that:

1. Construction shall begin within one (1) year of date of approval or subject variances shall be deemed null and void.
2. All other applicable ordinances, regulations, etc., shall be complied with and that construction shall conform substantially to the drawings as submitted with the application.

The effective date of this permit shall be from January 20, 1972.

Dated at Hilo, Hawaii, this 9th day of March, 1972.

PLANNING COMMISSION  
OF THE COUNTY OF HAWAII

  
Mauricio Valera, Jr.  
Vice Chairman


February 27, 1973

Mr. Albert Soloff  
Vice President & Treasurer  
Kohala Development Corporation  
1860 Ala Moana Blvd., Suite 1100  
Honolulu, HI 96815

Re: Extension on Variance Permit No. 273  
Tax Map Key 6-9-03:19 through 21

The Planning Commission at its duly held public hearing on February 23, 1973 considered your application for an extension of ninety (90) days for start of construction of a 38-unit condominium for which density and height variances were granted at Puako Beach Lots, Lalamilo, South Kohala, Hawaii.

The Commission voted to grant an extension of one hundred twenty (120) days rather than ninety (90) days (from January 20, 1973 to May 20, 1973) as it was found that circumstances existed which unavoidably resulted in the delay of the project. The applicant was in the process of negotiating a final contract and unexpectedly ran into a bonding problem with the contractor. It was felt that granting an extension of start of construction would not be contrary to the intent of any ordinance or regulation or injurious to improvements or property rights related to property in the near vicinity.

  
Ed C. Watt  
Chairman

lat

cc Vernon Tashima  
Building Department

MAR 1 1973