

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for VARIANCE )  
by )  
BILL PHILLIPS AND EARL KISSINGER )  
from ) Variance No. 403  
MAXIMUM ALLOWABLE HEIGHT LIMIT )  
in )  
Holualoa 1st and 2nd, )  
North Kona, Hawaii )  
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on May 2, 1974 considered the application of BILL PHILLIPS AND EARL KISSINGER for a variance from Chapter 8, (Zoning Code), Article 9, Section 4, Hawaii County Code, as amended, more specifically to allow the construction of a 20-unit condominium with a height of four (4) stories in lieu of the maximum height of three (3) stories within a Resort-Hotel zoned district at Holualoa 1st and 2nd, North Kona, Hawaii, Tax Map Key 7-6-14:14.

The Commission has found that:

1. The additional floor would not render the building any more conspicuous than what is already permitted by the Zoning Code. The Code 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, while there is an additional story, the absolute height of the building does not exceed the Zoning Code; and
2. Conditions exist with respect to the land which would result in unnecessary hardship if the Zoning Code were literally enforced. The subject property is located within the tsunami inundation area; therefore, it is in the best public interest that residential units not be permitted on the ground floor of any permitted structure. This would minimize the danger to life and property, and yet, still permit compatible uses.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a 20-unit condominium with a height of four (4) stories in lieu of the maximum height of three (3) stories pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The proposed building be limited to a maximum height limit of forty-five (45) feet;
2. Development conform substantially to revised plans submitted in conjunction with this request, which reflects no residential units on the ground floor;
3. Construction of the subject building begin within one (1) year of the date of approval of the variance;
4. A perpetual easement to the shoreline with a minimum width of ten (10) feet be provided on the northeast side of the property between the side property line and the proposed building. The applicants shall be responsible to improve said easement with materials acceptable by the Planning Department. Upon improving, the easement shall be dedicated to the County of Hawaii; and
5. All other applicable regulations, including the "Plan Approval" process be complied with.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from May 2, 1974.

Dated at Hilo, Hawaii, this 22nd day of May 1974.

*Arthur W. Martin*  
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 Arthur W. Martin, Chairman

**APPROVED as to  
 FORM and LEGALITY**

*Shifford H. F. ...*  
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 CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 6/5/74