

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
WHITE SANDS VILLAGE, INC.)	
from)	Variance No. 404
MAXIMUM ALLOWABLE HEIGHT LIMIT)	
in)	
Pahoehoe 4th, North Kona, Hawaii)	
)	

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on May 22, 1974 considered the application of WHITE SANDS VILLAGE, INC. 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 108-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 in Pahoehoe 4th, North Kona, Hawaii, Tax Map Key 7-7-08:101.

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 buildings, which contain four (4) stories, do not exceed forty-five (45) feet. In fact, they would be 8 feet 6 inches below the maximum height allowed; therefore, no additional "height" is being requested; 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 flood plain zone and the tsunami inundation area; therefore, it is in the best public interest that as much as possible, 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 108-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 buildings be limited to a maximum height limit of forty-five (45) feet;

2. The development conform substantially to plans submitted in conjunction with this request;
3. Construction of the subject buildings begin within one (1) year of the date of approval of the variance; and
4. 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 22, 1974.

Dated at Hilo, Hawaii, this 12th day of June, 1974.


Arthur W. Martin, Chairman

