

March 13, 1978

Mr. Fred C. Peterson, Assistant Vice President
First Hawaiian Bank and FNBC Properties, Inc.
165 South King Street
Honolulu, Hawaii 96813

Dear Mr. Peterson:

Variance Permit No. 522
Tax Map Key 7-5-07:14 and 17

At its meeting of Wednesday, March 8, 1978, the Planning Commission considered your request to nullify a portion of Variance Permit No. 522, which allowed a stairway to be located within the front yard setback area at Kailua Village, Keolu 3rd, North Kona, Hawaii.

The Commission voted to recommend that the petitioners' request be approved in that there is no intent to proceed with the construction of the stairway and that the function which the proposed stairway would serve can be accomplished by a stairway on the northern side of the development and within the required setback. The Commission also amended Condition No. 2 of the Variance Permit to read as follows:

"That restriping of the parking area shall commence within one year from the date of final plan approval and be completed before further occupancy of the building is granted."

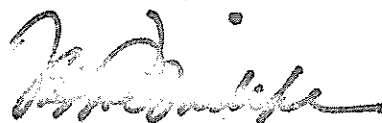
This would eliminate the reference to construction of the stairway. All other conditions shall remain effective.

MAR 22 1978

Mr. Fred C. Peterson
Page 2
March 13, 1978

Should you have any questions, please feel free to contact
the Planning Department at 961-8288.

Sincerely,



William F. Mielcke
Chairman, Planning Commission

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cc Mr. Perry J. White
Building Division, Public Works
Kona Service Office

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
FIRST HAWAIIAN BANK)
AND FNBC PROPERTIES, INC.)
from)
FRONT YARD SETBACK)
& PARKING REQUIREMENTS)
in)
Kailua Village, Keopu 3rd,)
North Kona, Hawaii)
_____)

VARIANCE NO. 522

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 31, 1978, considered the application of FIRST HAWAIIAN BANK & FNBC PROPERTIES, INC. for a variance from Chapter 8 (Zoning Code), Article 26, Section 4-H and Section 6B of the Hawaii County Code, as amended; more specifically, to allow the construction of a stairway with a front yard setback of three (3'-0") feet in lieu of the minimum requirement of 20 feet and to allow 25.15% of the total parking requirement to be compact car stalls in lieu of the maximum allowable percentage of 10%. The subject property is the site of existing Dolphin condominium development in Kailua Village, Keopu 3rd, North Kona, Hawaii, Tax Map Key 7-5-07:14 & 17.

The Commission has found:

That there are unusual circumstances applying to the subject property and improvements which do not generally apply to surrounding properties or improvements in the same zoned district. Located on the subject property is an existing condominium and commercial complex which was constructed between 1972 and 1974 and for which a certificate of occupancy was issued in 1974. The petitioners subsequently became owners of the development through default. In the course of refurbishing the existing development, it was found that certain deficiencies were present. The petitioners' intent is to correct these deficiencies which they did not create.

The petitioners are attempting to provide the required number of parking stalls as stipulated by the Zoning Code. The means by which this can be accomplished is through the reconfiguration of parking stalls so that a greater number of compact car stalls than is allowed by the Zoning Code is provided. The petitioners have submitted a detailed study as evidence to show that an increase in the number of compact car stalls provided would not be detrimental nor

contrary to the provisions of the Zoning Code. The petitioners have in fact shown that the percentage of compact car stalls which they propose to provide is comparable to the proportion of compact cars which are registered.

With regard to the proposed stairway, the petitioners' intent is to provide better pedestrian circulation than now exists. The intrusion of the proposed stairway into the front yard setback area will not adversely affect surrounding improvements in that there are other improvements, including a wall and swimming pool, which are already established within the setback area. The stairway will be built inside of the existing wall. The construction of the stairway will increase the safety factor of the building by providing for more efficient ingress and egress. At the present time, there are basically only two exits from the parking areas to the rest of the structure. Further, the stairway will be open and will not interfere with light or air circulation.

Approval of the variance request will not adversely affect surrounding properties or the Kailua Village core. The existing complex has not been fully utilized since its construction and approval of the subject request will lead to correcting that situation. It is expected that utilization of the complex will actually enhance surrounding improvements and will strengthen Kailua Village, especially in that the number of parking spaces required for the development will be provided. In addition, the proposed stairway will provide a pedestrian connection with existing adjacent development. Approval of the subject request will make the best use of the existing development.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a stairway with a front yard setback of three (3'-0") feet in lieu of the minimum requirement of 20 feet and to allow 25.15% of the total parking requirement to be compact car stalls in lieu of the maximum allowable percentage of 10% pursuant to the authority vested in it by Article 1, Section 7 of the Zoning Code, subject to the following conditions:

1. That the petitioner or their authorized representative shall submit plans for plan approval within one year from the effective date of approval of the Variance Permit.
2. That construction of the stairway and restriping of the parking area shall commence within one year from the date of final plan approval and be completed before further occupancy of the building is granted.
3. That all other applicable rules and regulations, including Fire and Building Codes requirements, shall be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from January 31, 1978.

Dated at Hilo, Hawaii, this _____ day of _____, 1978.



William F. Mielcke
Chairman, Planning Commission

ASSISTANT

APPROVED as to FORM and LEGALITY <i>Roxanna Garcia</i> CORPORATE COUNSEL COUNTY OF HAWAII Date FEB 26 1978
