

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE
by
FIDELITY FEDERAL SAVINGS
& LOAN
from the
MAXIMUM ALLOWABLE HEIGHT
LIMIT REQUIREMENT
at
Kahului 2nd, North Kona,
Hawaii

VARIANCE NO. 606

VARIANCE PERMIT

The County of Hawaii Planning Commission at duly held public hearings on November 29 and December 12, 1979, considered the application of FIDELITY FEDERAL SAVINGS & LOAN for a variance from the maximum allowable height limit for a proposed condominium project. More specifically, the request was to allow the construction of a condominium building at a height of four (4) stories in lieu of the maximum allowable height limit of three (3) stories at Kahului 2nd, North Kona, Hawaii, Tax Map Key 7-5-20:14 and 27 and 7-5-21:1, 2 and 3.

The Commission has found:

The proposed structure represents an attempt to develop the subject property in a manner which causes limited impacts on the community. The design centralizes the structural bulk in the spine of the building while the wings which extend toward the sides are low-rise two (2) story sections. This approach removes the bulk of the structure away from adjoining properties leaving large landscaping areas with suitable depth for creating massed plantings. The resultant design is in keeping with the intent of the Zoning Code and General Plan, and is not materially detrimental to surrounding properties.

While the subject request is to allow four (4) stories where only three (3) are permitted, the proposed structure will not exceed the 45-foot limitation. Thus, the visual impact of the four (4) story structure will be no more adverse than is permissible under the existing regulations.

Further, the design concept of centralizing building bulk reduces the building's impact on adjoining properties. As proposed, the four (4) story sections would be situated 15 feet and 18 feet, from the north and south property lines,

respectively. Four (4) of the six (6) wings which would be closest to these property lines are low-rise two (2) story sections which would have lesser impacts than allowable three (3) story sections. In addition, the angular orientation of the wings with respect to the building spine, and the generally broken lines employed serve for further mitigate the horizontal appearance. At the same time the proposed landscaping will utilize the depth of the space between the wings to create massed planting effectively screening the development from adjoining properties. Based on these considerations it is determined that the approval of the subject request will not be contrary to the intent of the Zoning Code and General Plan, nor materially detrimental to surrounding properties.

Along Ali'i Drive the structure would present an angular facade buffered by heavy landscaping. In this area the structure would be situated from 45 to 130 feet from the Ali'i Drive right-of-way leaving ample room for landscaping with mature trees. The depth of the landscaping area will serve to screen the facade from passing motorists and pedestrians. Further, the building design in this section has a stepped appearance at its corners thus reducing the horizontal element of the design.

Finally, it should be noted that relatively unusual circumstances apply to the subject property which do not generally apply to other properties in the same zoned district. The subject property is zoned as Resort - 1,250 square feet (V-1.25) and is adjacent to a single family residential subdivision zoned RS-15. While this circumstance do not deprive the petitioner of any property rights, any development on the subject property should take measures to mitigate the impact on this adjoining subdivision. As stated above, the proposed development has been planned to reduce the impact on the adjoining property by centralizing the building mass in the spine with low-rise wings extending to the side property lines. However, in doing so the centralization of the mass has resulted in partial four (4) story sections in the central spine. This feature, however, will not adversely affect the adjacent single family residential subdivision. Given the circumstances and the mitigating measures proposed by the petitioner, it is determined that the denial of the subject request would interfere with the best manner of development of the subject property.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a condominium building at a height of four (4) stories in lieu of the maximum allowable height limit of three (3) stories at Kahului 2nd, North Kona, Hawaii, Tax Map Key 7-5-20:14 and 27 and 7-5-21:1, 2 and 3, pursuant to the authority vested in it by Article 1, Section 7 of Chapter 8 (Zoning Code), subject to the following conditions:

1. That the petitioner or its authorized representative shall submit plans for and secure final plan approval

within one (1) year from the effective date of the Variance Permit.

2. That construction shall commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
3. That the development shall conform to the plans submitted by the petitioner, including the type and size of plants shown on the landscaping plan.
4. That all other applicable rules, regulations, and 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 December 12, 1979.

Dated at Hilo, Hawaii, this 21st day of March, 1980.

for: William F. Mielcke Jr.
WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:

Lipen Bukazaki
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 12 Mar 80