

CERTIFIED MAIL

August 29, 1980

Ms. Sylvia Cabral  
P. O. Box 2087  
Kailua-Kona, HI 96740

Dear Ms. Cabral:

Variance Application  
A Three-Story (3) Dwelling in Lieu of the  
Maximum Requirement of 2 1/2 Stories  
Tax Map Key: 8-2-5:28

We regret to inform you that after reviewing your application and the information presented at the administrative public hearing on August 19, 1980, the Planning Director is hereby denying your variance requests. The reasons for the denial are as follows:

1. That there are no special or unusual conditions applying to the subject property which do not generally apply to the surrounding properties within the same zoned district. There are no topographical or other unusual conditions which particularly differentiate this parcel from others in the area. The reason for requesting the variance is to gain a view of the ocean around the church which is situated makai of the subject property. However, there are viable options available to the petitioner which would achieve the same objective without violating the provisions of the Zoning Code.
2. That the owner of the subject property will not be deprived of substantial property rights should this request be denied. There are no topographical or non-conforming conditions which preclude the use of the subject property. The petitioner could construct a two story dwelling with basement as long as the finished level above the basement did not exceed six feet in height. In other words, there is ample opportunity to construct a desirable dwelling within the limitations imposed by the Zoning Code.
3. That the granting of the variance will constitute a grant of personal or special privilege inconsistent with the limitations upon other properties within under identical district classification. In requesting the variance, the

Ms. Sylvia Cabral  
Page 2  
August 29, 1980

petitioner is seeking to increase the property rights related to the subject property by constructing a 3-story dwelling. The granting of this request will not rectify any existing deprivation of rights. Therefore, should this request be approved, it would constitute a grant of personal or special privilege above and beyond that which is enjoyed by other property owners within the same zoned district.

Please be informed that the final denial order will be forthcoming under separate cover.

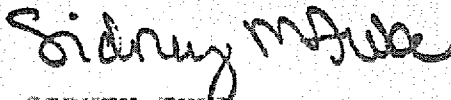
The Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures.

1. Non-refundable filing fee of one hundred dollars (\$100.00);
2. Ten (10) copies of a statement that clearly sets forth the legal and substantive bases for the appeal and that specifies the grounds which would support a finding that the Director's decision was in error; and
3. Any other plans or information required by the Planning Commission.

Upon receipt of the appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) calendar days, unless the time is waived by the appellant. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the action from which the appeal was taken.

Should you have any questions on the matter, please feel free to contact us.

Sincerely,



SIDNEY FURE  
Director

BN:lkt

cc: Department of Public Works - Building  
Planning Commission  
Kona Services (DPW)



## PLANNING DEPARTMENT

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF  
HAWAII

HERBERT T. MATAYOSHI  
Mayor

SIDNEY M. FUKU  
Director

DUANE KANUHA  
Deputy Director

CERTIFIED MAIL

March 13, 1981

Ms. Sylvia Cabral  
P. O. Box 2087  
Kailua-Kona, Hawaii 96740

Dear Ms. Cabral:

Appeal Planning Director's Decision  
on Variance Request  
Tax Map Key 8-2-05:28

After conducting a duly held public hearing on March 11, 1981, the Planning Commission voted to uphold the Planning Director's denial action on your variance application. Since this action constitutes a denial of your petition for appeal, you may file an appeal of the Planning Commission's decision with the Board of Appeals within ten (10) working days from the date of receipt of this letter in accordance with the following procedures:

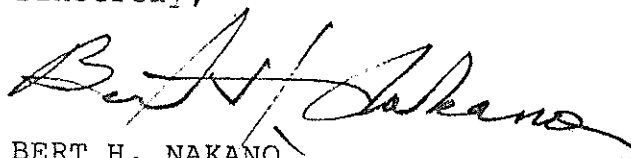
1. A non-refundable filing fee of one hundred dollars (\$100.00).
2. Ten (10) copies of a report clearly setting forth the legal and substantive basis for the appeal and shall specifically detail the manner and/or way in which it is alleged that the Planning Commission erred in making its determination.
3. Any other plans or information required by the Board of Appeals.

It should be pointed out that the members of the Board have not, as yet, been appointed by the Mayor. Therefore, should you file an appeal, it will be held in abeyance pending the appointment of the members of the Board.

Ms. Sylvia Cabral  
March 13, 1981  
Page 2

Should you have any questions, please feel free to contact the  
Planning Department.

Sincerely,



BERT H. NAKANO  
CHAIRMAN, PLANNING COMMISSION

lgv

cc: Department of Public Works  
Kona Services Office

bcc: PD/Var. No. 26