

May 18, 1982

Mr. Tony Leeb
P. O. Box 583
Kailua-Kona, HI 96740

Dear Mr. Leeb:

Variance Application (V81-46)
Tax Map Key 7-5-6:9

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to permit a commercial building extension with a sixteen feet front yard setback in lieu of the required minimum twenty (20) feet.

The approval is based on the following:

1. There are special and unusual circumstances applying to the property which exist to a degree which interferes with the best use or development of it.

The existing facade of the "Two Building" is recessed approximately twelve (12) feet back of the facade of the adjacent building to the south. (This latter building has an existing front yard setback of approximately ten (10) feet from Likana Road). The proposed addition would basically be constructed by enclosing an existing covered entryway which presently projects into the front yard setback. The adjacent buildings are non-conforming and thus project into the front yard setback. Due to compliance with the front yard setbacks, the building on the subject property has been deprived of certain developmental alternatives by restrictive construction within the setback.

2. There are no other reasonable alternatives that would resolve the difficulty.

The only other area on the property that improvements could be on would be on the north (Kohala) side of the building. A proposed addition in that area would conflict with the

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driveway and parking area and would require extensive structural renovations to this building.

3. The Variance is not inconsistent with the general purpose of the district, the intent and purpose of the Zoning Code and the County General Plan, nor would it be materially detrimental to the public welfare or affect the area's character and adjoining properties.

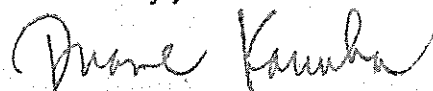
The Kailua Village Design Plan, adopted as Ordinance 217 by the County Council recommends direct access from pathways to buildings/establishments provided that there is landscaping/planting between the sidewalk and the building. This Design Plan also recommended the consideration of commercial uses as being appropriate and necessary to the proper functioning of a resort area. Since there is adequate pedestrian access fronting this structure, approval of the proposed encroachment into the front yard setback would not compromise the public welfare. Further, this section of Kailua Village is generally characterized by pedestrian movement between the subject property and others in the near vicinity; thus the proposed expansion would not be inconsistent with the character or development of existing properties and structures in the vicinity.

The variance request is approved, subject to the following conditions:

1. The applicant, Tony Leeb, shall apply for and receive Final Plan Approval in accordance with Article 22 of Chapter 8, the Zoning Code by May 31, 1983.
2. The applicant, Tony Leeb, shall provide additional landscaping features such as planting/planter boxes between the sidewalk and the building in accordance with the recommendations of the Kailua Village Design Plan. Such landscaping features shall also be maintained by the property owner or current lessee.
3. Should any of these conditions not be met by the applicant, Tony Leeb, the Variance shall be deemed void.

If you have any questions on this matter, please feel free to contact us at 961-8288.

Sincerely,



for SIDNEY M. FUCE
Planning Director

RN:gs
cc: Planning Commission
John Parazette, AIA