

CERTIFIED MAIL

August 14, 1986

Mr. & Mrs. Clyde Coatney
74-5484 Kaiwi Street
Kailua-Kona, HI 96740

Dear Mr. & Mrs. Coatney:

Variance Application (V86-2)
Clyde and Reba Coatney
Tax Map Key 7-5-06:28

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 allow the construction of a four story office building with a front yard setback of 10'-0" and a side yard setback of 0'-0" in lieu of the minimum 20'-0" front yard and 14'-0" side yard setback within the Resort-Hotel zone district, Kailua Village, Lanihau 1st, North Kona, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The property consisting of a land area of 6,029 square feet was created as a remnant lot by the construction of Kuakini Highway in the early 1950's and is considered as a non-conforming parcel. The special circumstances related to the land in this particular application is with respect to the configuration and size of the property. The triangular shape of the property with frontages on both Kuakini Highway and Likana Lane reduces the buildable area of the parcel to 952 square feet or 15.79 percent of the total land area. Under the present Zone Code, the minimum lot size within the Resort-Hotel (V-.75) zone district is 15,000 square feet. As a

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result, in this situation, the siting of the building meeting with the setback requirements would result in a triangular shape building with a dimension of 68' x 28' with 28' being the widest portion of the building.

Based on the foregoing, we have concluded that these are special and unusual circumstances which unreasonably interferes with the best use or manner of development of the property.

ALTERNATIVES

The petitioner does not have other reasonable design alternatives. The petitioner could redesign the building to comply with the front and side yard setback requirements. However, in doing so, the resultant building will be triangular in shape with a length of 68 feet and the widest portion of the building being 28 feet and a gross floor area of approximately 952 square feet. This odd configuration of the property results in a limited or restrictive area for the development of the property which would ordinarily be available for properties under identical zoning. As such, the proposed design scheme would be a reasonable alternative in light of the constraints put on the property. Although it could be argued that other alternatives are available to the petitioner, the reasonableness and practical application of those alternatives have to be evaluated with respect to the land characteristics. In this particular case, the imposition of the other alternatives in this situation is considered to be excessive, when a more reasonable solution is available.

INTENT AND PURPOSE

The intent and purpose of the setback requirements is to ensure that air, light, physical, and visual circulatory functions are available between structural developments and property lines. It is a regulatory tool which is also used in determining design compatibility and functional solutions. In this particular application, the proposed design solution will still provide a reasonable area for these functions, although it would not meet the minimum requirements imposed by the Zoning Code. The proposed 10'-0" front yard setback from Likana Lane and 0'-0" sideyard setback from the existing County parking lot will still employ and afford the air, light, and circulatory functions that is the basis of requiring setback.

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Consequently, we have determined that the granting of the variance shall be consistent with the general purpose of the Zoning Code and the General Plan. The analysis of the above issues also has concurred that the granting of the variance will not be materially detrimental to the public's welfare nor cause any substantial or adverse impact to the area's character or to adjoining properties.

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

1. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions in addition to the conditions stated in SMA Major Use Permit No. 237.
2. Plans, including landscaping and sidewalks, shall be submitted for plan approval review by July 11, 1987.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. As depicted by the petitioner, plans shall reflect a minimum 39 percent landscaping coverage of the subject parcel, which shall include a 10-foot wide landscaping easement fronting Kuakini Highway, and shall be designed to minimize building mass and bulk. Further, the area immediately adjacent to the County parking lot shall be landscaped and maintained in accordance with the Department of Public Works, Parks and Recreation, and Planning. Off-site landscaping shall be completed prior to the issuance of the occupancy permit.
5. Through a lease or rental agreement or by other means, on-site parking shall not be used by tenants or employees of the building during business hours. The applicant shall be responsible for the enforcement of this provision. In addition, the use of the on-site parking stalls shall be available to the general public during non-business hours.
6. The applicant shall comply with the parking requirements as contained in the Zoning Code. No variance from this requirement will be allowed.

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7. Comply with all other applicable rules and regulations.

Should the Planning Director determine that any of the foregoing conditions not be complied with in a timely fashion, the Variance Permit shall be void.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

MO:ds
cc: Building Division

bcc:Plan Approval file