

CERTIFIED MAIL

December 21, 1987

Gerell & Associates  
841 Bishop Street, Suite 1625  
Honolulu, Hawaii 96813

Gentlemen:

Variance Application (V87-50)  
Gerell & Associates  
Tax Map Key 7-5-07: 23

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 reconstruction of an existing building within the front yard setback area, the construction of a second floor roof deck, and the construction of a roof (metal fascia) with no front yard clearspace and a 1-foot side yard clearspace in lieu of the minimum 14 foot front yard and 7-foot side yard clearspace requirement as required in the Resort Hotel (V-7.5) zoned district.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the petitioner of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

Request #1 would increase the floor area within the confines of the existing building. The planter boxes and railings would extend into the current code's clearspace requirement as would the additional second floor space. However, the existing walls closest to the Alii Drive-Sarona Road corner would be rebuilt inward one foot and two feet approximately from the original setting to square off the

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corner. This would have the effect of lessening the non-conforming aspect even if only by a relatively small amount. The new stairway would help the total situation by providing an extra measure of safety--another fire escape route/emergency exit. Railings along the upper floor would be an additional safety precaution also.

Request #2, the metal fascia are basically an architectural preference which would protrude only two feet more away from the building's walls.

#### ALTERNATIVES

There are no reasonable alternatives for Request #1 to increasing the interior space within the confines of the existing non-conforming (as to setback) building. The fact that it will be contained within the existing building walls and that additional required parking will be provided keeps the proposal within the bounds of the rules concerning non-conforming buildings' expansion. The stairway from Alii Drive and second floor railings are additional safety measures for which there are no alternatives except to prohibit them.

The architectural option for Request #2 further accommodates the appearance of the building which the Kailua Design Committee concurs with.

#### INTENT AND PURPOSE

The intent and purpose of the setback requirement is to provide light, air, spatial, visual and circulatory functions between buildings and their property lines, and for the adjacent properties as well, within the context of their zoning designation and the expectations and standards of the community.

Request #1 would not intrude any further into the already violated clearspace and in fact would lessen the non-conformity by a few square feet. Also, another function of space is utilizing it to provide a measure of safety. In this case, the railings and stairway do increase the element of safety along the Alii Drive frontage given the layout of the existing building's interior.

Request #2: The proposed increased projection (sloping Fascia) is an architectural preference which is deemed acceptable.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

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

1. The petitioner, its assign or successors, shall be responsible for complying with all stated conditions of approval.
2. The construction within the required clearance shall be limited to the extent shown on the drawings dated August 20, 1987, submitted as part of this variance application-the new building line, new roof line, including fascia planter boxes, railings, and stairs at the Alii Drive side of the building.
3. Prior to the issuance of a building permit for these improvements, the owner shall provide the Director with appropriate legal documentation assuring that Zoning Code standard off-street parking has been permanently provided for the increased floor area of the dining room for the life of this building. The required number of parking stalls shall be determined at the time of Plan Approval.
4. A building permit for this development must be secured within one year of the effective date of this variance and shall be completed within two years thereafter.
5. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the variance shall be deemed null and void.

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



ALBERT LONO LYMAN  
Planning Director