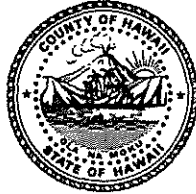


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

VAR 627

CERTIFIED MAIL

February 1, 1995

Mr. Keith Kato  
P.O. Box 111222  
Kamuela, Hawaii 96743

Dear Mr. Kato

VARIANCE APPLICATION (VAR 94-33)  
APPLICANT: NORTH WEST HAWAII HOSPITAL  
& LUCY HENRIQUES MEDICAL CENTER  
REQUEST: VARIANCE FROM MINIMUM SETBACK REQUIREMENTS  
TAX MAP KEY: 6-7-002:13, LOTS 1A & 1B

After reviewing your application and the information submitted in behalf of it, the Planning Director certifies the approval of your variance request to allow the installation of a covered walkway to cross over the property line between Lots 1A & 1B in lieu of the minimum setback requirements as required by Chapter 25 (Zoning Code), Article 1 (General Provisions), Division 10 (Yard and Open Space Regulations), SECTION 25-62 (a) (Supplementary Yard and Open Space), SECTION 25-66 (a) (1) (Projections into required yards and open spaces), SECTION 25-69 (b) (Yards required for accessory building), Article 4 (Single Family Residential District), SECTION 25-124 (a) (1) (Minimum yards).

The subject property is situated on the South side of the Mamalahoa Highway at the site of the existing Lucy Henriques Medical Center in Kamuela, South Kohala, Hawaii.  
TMK: 6-7-002: 013, Lots 1A & 1B.

The Planning Director has concluded that the variance request from the setback requirements should be approved, based on the following findings:

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SPECIAL AND UNUSUAL CIRCUMSTANCES

1. The existing Lucy Henriques Medical Center property has recently been subdivided, SUB 5116, into two lots to allow the continuation of the medical center on one lot and the development of a hospital on the remaining parcel. Although both properties are owned by the Lucy Henriques Trust the two sites have been leased to two separate entities. The Lucy Henriques Medical Center is comprised of physicians who practice in the center while the North Hawaii Community Hospital is a separate body founded to develop a hospital facility.
2. The two resulting facilities, the medical center and the hospital, are inter-related in function. The existing center will continue to house the physicians offices and x-ray facilities. The hospital will encompass the patient beds, pharmacy, laboratory and other related facilities. It is vital to the operation of the hospital that easy, convenient, and safe access be maintained between the two facilities. This mutual need for a covered walkway is a unique circumstance which requires the crossing of the common property line to achieve the best use and manner of development of the subject facilities.

Therefore, considering the foregoing facts, it is determined that there are special or unusual circumstances applying to the subject property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of the subject property.

ALTERNATIVES

1. There is no viable alternative to the proposed walkway since both entities wish to retain their autonomy and to keep their responsibilities distinct.

Based on the above cited considerations, there are no reasonable available solutions without excessive demands placed on the applicant when a more reasonable alternative is available by the granting of this variance application.

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INTENT AND PURPOSE

1. The intent and purpose of requiring buildings setbacks is to assure that adequate air and light circulation is available between structures and property lines.

Therefore, while the Zoning Code requires minimum setbacks and open clear space, in this particular case, the encroachment is such that it will not significantly visually or physically impact or be adverse to any adjacent properties or development with the granting of this variance.

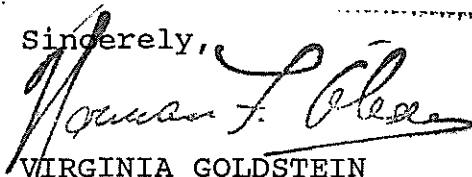
There were no objections from any of the participating government agencies or surrounding property owner, to the proposed variance request.

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

1. The proposed covered walkway shall comply with Section 509 of the Uniform Building Code.
2. The proposed walkway is in the Flood Zone AE and must comply with Chapter 22 of the Hawaii County Code.
3. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
4. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

NO:dmo  
no/wp60/hospital.wpd

cc: West Hawaii Office  
Trustees of the Estate of Lucy K. Henriques  
SUB 5116