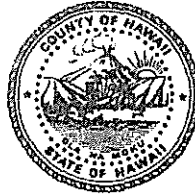


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

April 28, 2006

Mr. Phil B. Tinguely, Managing Partner
P. O. Box 9013
Kailua-Kona, HI 96743

Dear Mr. Tinguely:

APPLICATION FOR VARIANCE (VAR 06-016)

Re: Commercial and 8-Unit Residential Condominium
Final Plan Approval (FPA)-Dated: March 6, 2006
Applicant: Phil B. Tinguely, Managing Partner
Owner: WALUA PARTNERS, LLC
Request: Variance from Chapter 25, Zoning, Height limit
Tax Map Key: 7-5-018:095

The referenced development and proposed buildings on subject TMK property were reviewed by the Kona Planning Department under Plan Approval, Chapter 25, Zoning. The proposed development was issued Final Plan Approval (FPA) subject FPA conditions on March 6, 2006 by the Kona Planning Department.

Pursuant to your request dated April 28, 2006, the variance application and attached copy(s) submitted to the Kona Planning Department office on or about February 8, 2006 prior to issuance of FPA dated March 6, 2006 are being returned to you with this letter. The variance filing fee-\$250.00 will be refunded to Walua Partners LLC under separate cover.

MAY 04 2006

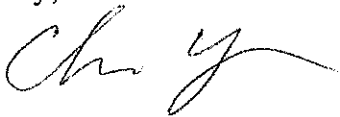
Mr. Phil B. Tinguely, Managing Partner

Page 2

April 28, 2006

Any questions regarding the proposed development should be directed to our Kona Office.

Sincerely,



CHRISTOPHER J. YUEN

Planning Director

WRY:cd

P:\WP60\WRY\FORMLETT\VARAPP06-016LTRTMK75018095.TINGUELY-WALUA PARTNERS LLC

Enclosures (Variance Application/Attachments)

xc: Kona Planning Department (Ltr. only)
Account Clerk

1111.06-016
action
4/10/06

PLANNING DEPARTMENT
County Of Hawaii
75-5706 Kuakini Hwy. #109
Kailua-Kona, HI 96740

RECEIVED FEB 08 2006

APPLICATION FOR VARIANCE
FROM ZONING CODE

COUNTY OF HAWAII
PLANNING DEPARTMENT

(Type or Print the requested information)

OWNER: WALUA PARTNER LLC

OWNER'S SIGNATURE: Phil B. Tinguely

DATE: 1/30/06

ADDRESS: PO Box 9013, KAILUA-KONA, HI 96745

TELEPHONE: (Bus.) (808) 329-8775 (Home) N/A

REQUEST: WALUA PARTNER LLC HERE BY REQUESTS A VARIANCE IN HEIGHT FOR THE ENTRIES TO OUR UNDERGROUND PARKING STRUCTURE. IT SHOULD BE NOTED THIS VARIANCE IS ACTUALLY A REQUEST FOR INCREASE IN DEPTH AS THE PHYSICAL HEIGHT OF THE BUILDING AS VIEWED FROM THE STREET WILL NOT BE IMPACTED.

TAX MAP KEY: 7-5-18 95 SUBDIVISION #: N/A

AREA OF PROPERTY: 3 ACRES ZONING OF PARCEL: CU

REPRESENTATIVE/APPLICANT: PHIL B. TINGUELY MANAGING PARTNER

ADDRESS: PO Box 9013, KAILUA-KONA DATE: 01/31/06

TELEPHONE: (808) 329-8775

APPLICANT'S REASONS(S) FOR REQUESTING A VARIANCE: (Please attach a detailed written explanation of the Purpose or Nature of the request. Photos and maps may be included.)

No variance may be granted unless it is found that:

1. There are special or unusual circumstances applying to the subject real 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 that property;
2. There are no other reasonable alternatives that would resolve the difficulty; and

NOTES

PLANNING DEPARTMENT

County of Hawaii
101 Puuhii St., Ste. 3
Hilo, Hawaii 96720-3043

RECEIPT

DATE FEB 13 2006 NO. 1855

RECEIVED FROM Walua Partners LLC

ADDRESS PO Box 9013 Kailua-Kona HI 96745

FOR Variance filing fee Walua Partners LLC

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>250.00</u>	CHECK	<u>#4</u>
BALANCE DUE		MONEY ORDER	

BY [Signature]

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and purpose
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FIFTY

locate the

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established

all other fees
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accompany this application