

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
LE RENDEZ-VOUS, INC/)
ROGER BRACALI)
from) Variance No. 432
SHORELINE SETBACK RULES AND)
REGULATIONS)
in)
Pahoehoe 2nd, North Kona, Hawaii)

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on February 13, 1975 considered the application of LE RENDEZ-VOUS/ROGER BRACALI for a variance from Rule 8, Shoreline Setback Rules and Regulations, Section 8.7.2, Chapter 205, Hawaii Revised Statutes, as Amended, more specifically to allow the installation of sliding glass doors and improvements for restroom facilities to portions of the existing Kona Magic Sands Condominium building situated within the shoreline setback area at Pahoehoe 2nd, North Kona, Hawaii, Tax Map Key 7-7-08:22.

The Commission has found that:

The variance request would not be inconsistent with the intent and purpose of the Shoreline Setback Rules and Regulations. It is also determined that the proposed improvements would be in the best public interest in regard to the customers of the restaurant and the tenants of the condominium units. A restaurant already exists on the subject property. The proposed improvements will be within the existing roof line.

The existing restaurant is presently not enclosed and is often subjected to wind and ocean spray and salt. Therefore, the installation of the sliding glass storm doors under the existing roof line would, in essence, help to protect the restaurant and its customers from these natural elements.

In regard to the restroom facilities for the restaurant use, they are presently situated within a breezeway and not within the confines of the existing restaurant area. Since the restaurant area will be enclosed with the glass storm doors, the construction of the restrooms and related improvements within the restaurant's existing storage area would in essence offer more convenience and comfort to the users.

It is further determined that granting the subject variance will not necessarily result in an additional structural protrusion into the shoreline setback area than already exists. The improvements shall be within the existing roof line. In addition, the sliding glass doors, by virtue of their design, shall have minimum visual impact.

In light of the above, it is determined that the granting of the requested variance will not be materially detrimental to the public welfare, but would in effect, be in the best public interest - in this particular case, the patrons of the restaurant, and the tenants of the condominium units.

Therefore, the Commission hereby grants to the applicant a variance to allow the installation of sliding glass doors and improvements for restroom facilities to portions of the existing Kona Magic Sands Condominium building situated within the shoreline setback area, pursuant to the authority vested in it by Section 8.9 of said Rules and Regulations, subject to the following conditions that:


1. Construction of the proposed improvements, namely the sliding glass storm doors, and the restroom area, commence within one (1) year from the date of approval of the variance request.
2. All other applicable rules and regulations, including the 'Plan Approval' process be complied with.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from February 13, 1975.

Dated at Hilo, Hawaii, this 1st day of March, 1975.


Arthur W. Martin, Chairman

APPROVED as to FORM and LEGALITY

CORPORATION COUNSEL COUNTY OF HAWAII
Date <u>3/4/75</u>