

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
KAZUO NAKAMURA) VARIANCE NO. 533
SHORELINE SETBACK RULES)
AND REGULATIONS)
in)
WAILOA LEASE LOTS, WAIAKEA,)
SOUTH HILO, HAWAII)

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on June 1, 1978, considered the application of KAZUO NAKAMURA for a variance from Chapter 8 (Zoning Code), Article 26, Section 7 of the Hawaii County Code, as amended, and Rule 8 of the Planning Commission, "Rules and Regulations Relating to Shoreline Setback", Section 8.7.2; more specifically, to allow the construction of the following improvements within the shoreline setback area: (1) A concrete base lookout measuring 10' x 50' overlooking Hilo Bay and approximately 10 feet from the shoreline at the southeastern end of the project; (2) Rubble stone retaining walls to be constructed without concrete. These would be approximately 75 feet in length and between 10 to 15 feet from the shoreline on the northern and southwestern sides of the lookout and also at the base of the lookout for the prevention of further erosion; (3) About 200 feet of paved, 5-foot wide walkways in the southern half of the proposed development; (4) the planting of grass, shrubs and trees to blend with the existing flora at the site and that of Liliuokalani Park; (5) Excavation of a pond with an outlet into Hilo Bay as well as improvements to prevent erosion and the construction of a 7-foot waterfall at the western end of the pond; and (6) A 20' x 5' bridge to span the pond at its mouth. The property involved is located along and on the west side of Lihiwai Street, adjacent to the Suisan Fish Auction Market on the north side and across from Liliuokalani Park, Wailoa Lease Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 2-1-03:8.

The Commission has found:

That the park and facilities to be provided will be in the best interest of the public. The intent of the petitioner is to improve existing facilities to further beautify the shoreline of Hilo Bay. To achieve this, the area within 40 feet of the shoreline must also be part of the improvement plan. The petitioner cannot reasonably

improve the subject property and not perform any improvements within the shoreline setback area. This would be contrary to the intent of the regulations relating to the property management of the shoreline. Further, the structural improvements will contribute to public safety, convenience of access to shoreline amenities and to prevent further erosion along the shoreline.

Further, the proposed improvements will provide the citizens of South Hilo, an opportunity to contribute to the beautification of Hilo Bay as well as meeting their own needs of self-satisfaction.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of the following improvements within the shoreline setback area: (1) A concrete base lookout measuring 10' x 50' overlooking Hilo Bay and approximately 10 feet from the shoreline at the southeastern end of the project; (2) Rubble stone retaining walls to be constructed without concrete. These would be approximately 75 feet in length and between 10 to 15 feet from the shoreline on the northern and southwestern sides of the lookout and also at the base of the lookout for the prevention of further erosion; (3) About 200 feet of paved, 5-foot wide walkways in the southern half of the proposed development; (4) the planting of grass, shrubs and trees to blend with the existing flora at the site and that of Liliuōkalani Park; (5) Excavation of a pond with an outlet into Hilo Bay as well as improvements to prevent erosion and the construction of a 7-foot waterfall at the western end of the pond; and (6) A 20' x 5' bridge to span the pond at its mouth, pursuant to the authority vested in it by Section 205-35, HRS, and Section 8.9 of Rule 8 of the Planning Commission, "Rules and Regulations Relating to Shoreline Setback", subject to the following conditions:

1. That the petitioner shall submit plans for plan approval within one year from the effective date of the previously granted SMA Use Permit No. 57. Construction shall commence within one year of receipt of final plan approval and be completed within three (3) years thereafter.
2. That no further work be done to improve the pond outlet to Hilo Bay until the required permits are granted by the U. S. Army Corps of Engineers and the State of Hawaii Department of Transportation to work the coastal waters of the State.
3. That the proposed pavilion be relocated away from the shoreline setback area.
4. That the proposed improvements within the shoreline setback area shall conform substantially to the plans submitted and representations made by the petitioner.
5. That the petitioner shall obtain a Grading Permit from the County of Hawaii Department of Public Works and shall comply with all conditions which may be imposed by the Chief Engineer.

6. That all other applicable rules, regulations and requirements, including those conditions outlined in SMA Use Permit No. 57, shall be complied with.

Should any of the foregoing conditions not be met, this variance to perform improvements within the 40-foot shoreline setback area may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from June 1, 1978.

Dated at Hilo, Hawaii, this 29th day of June, 1978.



WILLIAM F. MIELCKE
Chairman, Planning Commission

