

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)
by)
CAWDREY-MARS-GENERAL-) VARIANCE NO. 609
JOINT VENTURE CONTRACTORS)
for)
A SHORELINE SETBACK VARIANCE)
in)
PUAPUAA, NORTH KONA, HAWAII)
.....)

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on April 15, 1981, considered the application of CAWDREY-MARS-GENERAL-JOINT VENTURE CONTRACTORS for a variance from Chapter 205, Hawaii Revised Statutes, as amended, and Rule No. 8 of the Planning Commission relating to Shoreline Setback, more specifically, to allow grading activity and the operation of certain equipment within the shoreline setback area, Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:16 & 59.

The Commission has found the following:

1. That the grading activity and operation of a mobile crane and light equipment within the shoreline setback area is not expected to have any adverse impacts on the environment. The affected area is protected from wave action and erosion by an existing stonewall along the shoreline. No endangered plant or animal species will be affected by the project as none were observed on the subject parcel or in the surrounding area. No impacts are likewise anticipated by the proposed project on archaeological/cultural resources based on the findings of the archaeological reconnaissance survey and site testing of the subject area.

Furthermore, existing laws and regulations controlling grading activities should effectively mitigate any other potential adverse impacts.

2. That a hardship will be caused to the applicant if the grading activity and operation of a mobile crane and light equipment is not allowed within the shoreline setback area. Although all proposed improvements are to be situated mauka of the 40-foot shoreline setback area, the design of the development and the proposed "flying form system" for constructing the project requires activity within the shoreline setback area. The equipment on the makai side of the shoreline setback will be setting forms from floor to floor. Since the proposed activity is not expected to have any adverse impacts on the environment, it is determined that the denial of the subject request will constitute an undue hardship to the petitioner which cannot be justified.

Therefore, the Commission hereby grants to the petitioner a variance to allow grading activity and the operation of certain equipment within the shoreline setback area, Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:16 & 59, as stipulated in Rules and Regulations Relating to Shoreline Setback, pursuant to the authority vested in it by Chapter 205, Hawaii Revised Statutes, and Rule No. 8, Section 8.8, Rules and Regulations Relating to Shoreline Setback.

Approval of the variance permit is subject to the following conditions:

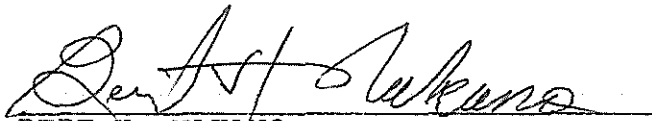
1. That the petitioner, Cawdrey-Mars-General-Joint Venture Contractors, shall be responsible for complying with all of the stated conditions of approval.
2. That the proposed activities shall be restricted to the four areas delineated on plan sheet Cl.1 submitted with the application. Further, the proposed activities shall conform substantially to the representations made by the petitioner.
3. That no storage of equipment or materials be permitted within the shoreline setback area.
4. That the area shall be restored to its original condition upon completion of the project.
5. That all other applicable rules, regulations and requirements shall be complied with.

It should be noted that approval of the Shoreline Setback Variance does not relieve the petitioner from any penalties or fines which may be imposed in accordance with applicable regulations.


Should any of the foregoing conditions not be met, the Shoreline Setback Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from April 15, 1981.

Dated at Hilo, Hawaii, this 14th day of May, 1981.


BERT H. NAKANO
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
County of Hawaii

Date: 12 May 81