

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR VARIANCE )  
by )  
GENTRY HOMES, LTD. ) VARIANCE  
for ) NO 610  
SHORELINE SETBACK VARIANCE )  
in )  
WAIAHA, NORTH KONA, HAWAII )  
\_\_\_\_\_ )

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on June 25, 1981, considered the application of GENTRY HOMES, LTD. 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 certain improvements within the shoreline setback area of the Kona Reef Condominium project, including the retention of portions of the existing CRM wall, installation of a sprinkler system and filling of the area with topsoil for landscaping at Kailua, Waiaha, North Kona, Hawaii, Tax Map Key 7-5-18:71 and 72.

The Commission has found:

1. That the retention of portion of the existing 3-foot high concrete rock masonry (CRM) sea wall and related landscaping improvements within the shoreline setback area is not expected to have any adverse impacts on the environment. No endangered plant or animal species will be affected by the project as none are known to exist on the subject parcel or in the surrounding area. No impacts are likewise anticipated by the proposed project on archaeological/cultural resources in the area. In addition, the area was extensively altered during the construction of the condominium.

That there may be some adverse impacts to the coastal waters resulting from the placing of topsoil for landscaping, however, the potential erosion should be of a short duration and should be mitigated with the establishment of the landscaping. In addition, the proposed landscaping should more than offset the temporary adverse effect through the creation of a greenbelt along the shoreline.

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

2. That the retention of portions of the existing concrete-masonry wall along the shoreline will provide additional protection to the existing residential units and

related improvements in the event of storm wave action along the Kona Coast. It is therefore determined that the denial of these improvements may increase the potential of storm wave damage to the subject area and therefore will constitute an undue hardship to the petitioner.

3. That as part of the subject improvements, the petitioner is proposing to provide a 10-foot wide public easement to the shoreline along the north property line. This easement will ensure that the shoreline portion of the subject and surrounding areas are accessible to the general public. Therefore, the proposed activities are determined to be in the public interest.

Therefore, the Commission hereby grants to the petitioner a variance to allow certain improvements within the shoreline setback area of the Kona Reef Condominium project, including the retention of portions of the existing CRM wall, installation of a sprinkler system and filling of the area with topsoil for landscaping at Kailua, Waiaha, North Kona, Hawaii, Tax Map Key 7-5-18:71 and 72, subject to the following conditions:

1. That the applicant, Gentry Homes, Ltd., shall be responsible for complying with all of the stated conditions of approval.
2. That construction shall commence within one (1) year from the effective date of the Permit and shall be completed within one (1) year thereafter.
3. That no storage of equipment or material be permitted within the shoreline setback area.
4. That a public shoreline access plan meeting with the approval of the Planning Director be submitted prior to the commencement of construction of the improvement. Said access plan shall include the following which shall be in place at the time of completion of all of the requested improvements:
  - a. A delineated pedestrian easement along the north property line at least 10 feet wide.
  - b. Provisions for lateral easement across the sea-ward portions of the subject area.
  - c. Construction details including signage, material used, and final grade.
5. That all other applicable rules, regulations and requirements including those of the Department of Public Works shall be complied with.

It should be noted that approval of the shoreline setback variance does not relieve the applicant from any penalties or fines which may be imposed in accordance with applicable regulations.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void.

The effective date of this permit shall be from June 25, 1981.

PERMANENT RECORD

Dated at Hilo, Hawaii, this 29th day of July, 1981.

*Bert H. Nakano*

BERT H. NAKANO  
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:

*Robert T. ...*  
Deputy Corporation Counsel  
County of Hawaii

Date: 10 July 81

PERMANENT RECORD