

CERTIFIED MAIL

December 8, 1981

Mr. Ben Harlow
Kona Magic Sands Condominium
76-6260 Koko Olua Way
Kailua-Kona, Hawaii 96740

Dear Mr. Harlow:

Shoreline Setback Variance Application
TMK: 7-7-08:22

The Planning Commission at its duly held public hearing on December 3, 1981, voted to approve your application, Shoreline Setback Variance Permit No. 613, to allow the replacement of an existing roof and construction of a mansard to the Kona Magic Sands Condominium building situated within the 20-foot shoreline setback area at Panoehoe 2nd, North Kona, Hawaii.

Approval of this request is based on the following:

1. That the replacement of the roof on the second floor and the construction of a mansard within the 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.

No impact on coastal waters is anticipated. The proposed concrete roof will not be increased in size. Therefore, no additional runoff should result from this action.

2. That hardship will be caused to the petitioner if the proposed improvements on that portion of the land within the shoreline setback area is not allowed. The existing iron roof has been subject to high winds which have resulted in damages to the roof. The proposed concrete roof will significantly reduce any future damages or repairs which may be needed. In addition, Kona Magic Sands

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was developed prior to the establishment of the shoreline setback requirements. These requirements allow nonconforming structures situated within the shoreline setback area to be replaced, provided that no such nonconforming structure shall be substantially enlarged or changed to another nonconforming use.

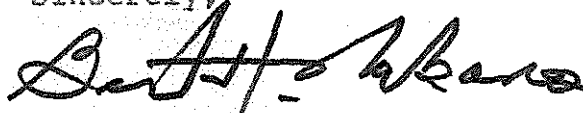
Approval of this Shoreline Setback Variance request is subject to the following conditions:

1. That the applicant, Ben Harlow, shall be responsible for complying with all of the stated conditions of approval.
2. That plans be submitted to the Planning Department and final plan approval in accordance with Chapter 8 (Zoning Code), Hawaii County Code, as amended, be secured within one (1) year from the effective date of the Permit.
3. *changed under* That construction shall commence within one (1) year from *date of final plan approval* ~~the effective date of the permit~~ and shall be completed within one (1) year thereafter. *N/V*
4. That the use of the new roof, other than to provide shelter, will require additional permits to include a variance permit to establish the new use.
5. That all other applicable rules, regulations and requirements be complied with.

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

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgv

cc: Department of Public Works
Department of Water Supply
Kona Services Office

bcc: Land Use Controls Division, Planning Dept.