

CERTIFIED MAIL

April 22, 1985

Mrs. Irene Croft, Jr.
P. O. Box 219
Kailua-Kona, HI 96745

Dear Mrs. Croft:

Shoreline Setback Variance Application
Tax Map Key: 7-7-04:40

The Planning Commission at its duly held public hearing on April 18, 1985, voted to approve your application, Shoreline Setback Variance Permit No. 628, to allow the reconstruction of a dipping pool, construction of security fencing, landscaping and related improvements within the 20-foot shoreline setback area at Kaumalualu, North Kona, Hawaii.

Approval of this request is based on the following:

As evidenced during the site inspection, the portion of the property within the shoreline setback area has been substantially altered. In addition to the existing seawall, much of the area located immediately inland of the seawall has been covered with a concrete slab. This slab extends over the entire area proposed for improvement other than the new landscaping areas.

Given this substantial prior alteration of the subject area, it is determined that the approval of the subject request will not be contrary to the public interest as expressed in Rule 8 of the Planning Commission. The proposed uses will not further alter the natural environment nor extend man-made features beyond their present position.

Given the non-conflict determination in relation to the public interest, it is further found that the applicant would be subjected to unnecessary hardship should it be required that the present concrete slab be retained in its present condition. What is being proposed by the petitioner is to replace a portion of the slab with a small dipping pool, the necessary security

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fencing, and landscaping. Taken together, it is expected that these improvements will bring the barren slab area into a more usable and pleasant environment. To deny this request under the present circumstances is thus found to be imposing unnecessary hardship on the applicant.

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

- 1) The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- 2) Comply with the conditions of Special Management Area Minor Use Permit No. 85-12.
- 3) No new improvements except the fencing, landscaping, and dipping pool, shall be installed within the shoreline setback area.
- 4) All other rules, regulations, and requirements shall be complied with.
- 5) The southern portion of the property presently used as a driveway shall remain clear of any fencing and landscaping that may obstruct views of the ocean from Alii Drive.
- 6) Should the Planning Director determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the shoreline setback variance shall be void.

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

Sincerely,



Donald Thompson
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section