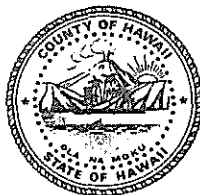


Harry Kim  
Mayor



**County of Hawai'i**  
**PLANNING COMMISSION**

101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

February 1, 2005

Ms. Susie Kim  
Island Bean Espresso, LLC  
P.O. Box 390756  
Keauhou, HI 96739

Dear Ms. Kim:

Kailua Village Sign Variance Application (SV 04-03)  
Applicant: Island Bean Espresso, LLC  
TMK: 7-5-7:33

The Planning Commission at its duly held public hearing on January 21, 2005, voted to approve the above-referenced application. Sign Variance No. 23 is hereby issued to allow deviations from the requirements of Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs), Division 1, Sections 3-74 (sign height), and 3-75 (prohibited signs) of the Hawaii County Code, as amended. The property is located at the southern corner of Kuakini Highway and Hanama Place, Kailua-Kona, North Kona, Hawaii.

Approval of this request is based on the following:

The subject property is situated within the Kailua Village Special District and the Kailua Village Core. The applicant is requesting a variance from the Hawaii County Code, Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs), Division 1, Sections 3-74 (Sign Height) and 3-75 (Prohibited Signs). The proposed sign (Island Bean Espresso) is as follows:

- 15 inches tall and 76 inches wide, with a 12-inch high coffee logo above.
- the letters are 8 inches tall.
- the sign will be made from 3 inch thick plywood material.

- the sign will be painted with ¾ inch MDO Automotive Enamel Finish using Burnt Neutral Orange (Rust), Dark Brown and Light Almond Beige colors. It will also be double sealed for weather resistance.
- the sign will be attached to the fascia with 5-inch lag bolts.

The proposed sign exceeds the maximum height limit of 5 ½ feet for windows or wall signs specified under Section 3-74 (Sign Height). The variance request will allow the sign height to be from 9 feet to approximately 11 ½ feet. The applicant is also requesting a variance from Section 3-75 (2) (Prohibited Signs), which prohibits any sign that is displayed on any roof or mansard roof, or any sign attached to a building that extends above the lowest edge of any portion of the roof or mansard roof. The applicant is requesting to attach the sign to the fascia with 5-inch lag bolts, which will be above the lowest edge of the roof area. At its August 17, 2004 meeting, the Kailua Village Design Commission voted to recommend approval of the sign variance.

The project site is located at the corner of Kuakini Highway and Hanama Place, across from the Big Island Grill Restaurant, in the parking lot area of the Kona Center Complex. The approximately 1.468-acre parcel is zoned V-.75. Surrounding properties are also zoned V-.75 and CV-7.5. All essential utilities and services are available to the subject property.

The primary intent and purpose of the Kailua Village Sign Code is to encourage and foster good sign design in harmony with the Kailua Village Design Plan theme and related elements of building design, scale, proportion, and image. Attractive harmonious integrated signs have been found to promote and enhance business identification within commercial developments. In consideration of the foregoing, there is a need to give special thought to the relationship of signage to building design that is sensitive and reasonable. To implement these objectives within the Kailua Village boundaries, special consideration is given with respect to sizes of signs. The rationale for the smaller sign size within the Kailua Village core is due to the visitor/pedestrian oriented nature of the village. According to Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs) of the Hawaii County Code, as amended, no variance may be granted unless the (Planning) Commission finds that:

1. **There are special and unusual circumstances, which do not generally apply to surrounding property, buildings or signs in the same district, including but not limited to a sign's long-term historical or traditional association with Kailua Village.**

The requested sign variance would allow the sign to exceed the maximum height limit of 5 ½ feet for windows or wall signs as specified under Section 3-74 (Sign height)

to a maximum height of 9 feet to 11 feet, 3 inches (width of sign height). The applicant's reason for the variance from the height limit is because the elevation of Kuakini Highway is 6 feet higher than the foundation of the drive-thru kiosk structure where the signage will be located. The increased height would allow potential customers to see the sign while traversing on Kuakini Highway.

Businesses within the area are dependent upon the visibility to both pedestrian and vehicular traffic along Kuakini Highway. As the business does not have a long-term historical or traditional association with Kailua Village as other older establishments, it is important to establish a business identity and distinguish itself from the various commercial establishments in the area. The requested variance is necessary in order to maintain the proper visibility from Kuakini Highway.

**2. Special or unusual circumstances either deprive the owner or applicant of substantial property rights which would otherwise be available, or obviously interfere with the best use of signage on the property.**

There are special or unusual circumstances submitted or demonstrated by the applicant that there would be a deprivation of substantial property rights that would otherwise be available or obviously interfere with the best use of signage on the property. This request is reasonable given the proposed size of the sign in relationship to the building design and location. To limit the height of the sign will not promote the intent and purpose of the Kailua Village Sign Code. In this particular situation, imitation of height of the wall sign to a standard 5 ½ feet is restrictive and unreasonable, in that signs are usually placed with respect to the entire height of the building. The primary purpose of a sign is to promote identity, goods and services, or activities through visual communication. To a commercial establishment, it is important to preserve the business's identity. If a business is not quickly identifiable, the very function of a sign is lost.

**3. The granting of the variance does not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules.**

The need to promote its identity and overcome the physical limitations posed by the location of the building would preclude any perception of personal or special privilege. There are existing commercial signs identifying various businesses in the immediate area within the Kailua Village Special District and the Kailua Village Core. The applicant has indicated that there are physical limitations by being located a lower elevation than Kuakini Highway. There is an approximate 6-foot elevation change from the foundation of the kiosk structure to Kuakini Highway.

4. **The granting of the variance does not violate the intent and purpose of the Kailua Village Design Plan or the intent and purpose of this article, does not militate against the County General Plan, and does not materially affect the public welfare and is not injurious to improvements or property rights in the near vicinity.**

The granting of the variance would not be in violation of the intent and purpose of the Kailua Village Design Plan. An element of the Kailua Village Design Plan which was adopted by the County Council in 1979, as Ordinance No. 481 (Kailua Village Sign Code) defined the criteria and requirements for signage within the Kailua Village Special District. These criteria and requirements were not intended to overcome the primary purpose of a sign, which is to promote an identity, goods and services, or activities. The applicant has demonstrated their desire to preserve the identity of their business by providing a form of signage that preserves the corporate identity as well as to provide for proper visibility from the roadways.

Based on the above, the variance will be consistent with the guidelines for granting of a variance as detailed by the Kailua Village Sign Code and the Planning Director recommends the proposed sign variance request be approved.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the variance permit.

1. The applicant, its assigns, tenants or successors, shall be responsible for complying with all stated conditions of approval.
2. The approval of this sign variance shall be limited to the subject request and shall not preclude the compliance with all other requirements of the Kailua Village Sign Code.
3. The applicant shall apply for and secure a sign permit for the proposed sign unless otherwise exempted by the Kailua Village Sign Code.
4. Comply with all other applicable State and County rules and regulations, including the Department of Public Works.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Ms. Susie Kim

Page 5

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galdones, Chairman  
Planning Commission

Lislandbeansv04-003

cc: Department of Public Works  
Kailua Village Design Commission  
Planning Department - Kona