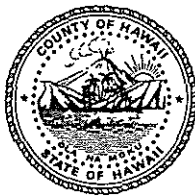


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

#### CERTIFIED MAIL

SEP 9 1994

Mr. Ed Kennedy, Gallery Director  
Wyland Galleries  
75-5770 Alii Drive  
Kailua-Kona, HI 96740

Dear Mr. Kennedy:

Sign Variance Application No. 94-1  
Applicant: Wyland Galleries  
Request: Variance from minimum requirements of Kailua Village  
Sign Code regarding number of signs, maximum signs,  
heights, and maximum symbols height  
Tax Map Key: 7-5-08:9

The Planning Commission at its duly held meeting on  
August 25, 1994, voted to deny the above-referenced application.

The Commission concurs with the Planning Director's reasons for  
denial as follows:

No variance may be granted unless the Commission finds that:

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

The Waterfront Row development is a multi-use resort/commercial facility with retail and restaurant services. The portion of the building which houses the subject business fronts along Alii Drive. There are no documented long term historical or traditional elements of the proposed signs which associate with Kailua Village that would require a deviation from the requirements of the Kailua Village Sign Code. There are no special or unusual circumstances with the proposed sign requests which generally apply to

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surrounding property, buildings or signs in the same district. The complex also has a directory sign, with the signs of each tenant in the complex at its entry which is totally visible from Alii Drive.

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 no special or unusual circumstances submitted or demonstrated by the petitioner that there would be a deprivation of substantial property rights which would otherwise be available or obviously interfere with the best use of signage on the property. Based on the requirements of Section 3-72(a)(2), the petitioner is able to erect one (1) sign, a maximum 21.6 square foot in size for the subject business at the front entry area of the building. The petitioner also has the advertisement of his business on the Waterfront Row directory sign located at the entry of the complex clearly visible from and along Alii Drive.

3. The granting of the variance would constitute a grant of a personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules.

The petitioner has not submitted any evidence that would constitute as special or unusual circumstances for this variance request. Without the necessary substantiation for any special or unusual circumstances related to the proposed signage, the granting of this variance would be contrary to the limitation placed on other adjacent properties under similar circumstances.

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.

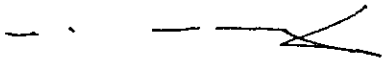
The granting of the variance would be in violation of the intent and purpose of the Kailua Village Design Plan. An element of the Kailua Village Design Plan which was adopted by the County Council in 1979 as Ordinance no. 481 (Kailua Village Sign Code) defined

Mr. Ed Kennedy, Gallery Director  
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the criteria and requirements for signage within the Kailua Village Special District. The petitioner has not shown that the proposed variance requests would not violate the intent and purpose of the Kailua Village Sign Code. In addition, the Kailua Village Design Commission unanimously voted to forward an unfavorable recommendation of the sign variance requests to the Planning Director.

Should you have any questions please feel free to contact Royden Yamasato of the Planning Department at 329-4878.

Sincerely,



Wilton Wong, Vice Chairman  
Planning Commission

RKN:jdk  
LWylan01.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
West Hawaii Office