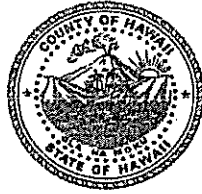


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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

January 27, 2004

David Stringer Architects LLC AIA
1100 Alakea Street, Suite 200
Honolulu, HI 96813

Dear Mr. Stringer:

Non-Significant Zoning Change Application (NZC 03-004)
Applicant: Sandy Kurtzig and Kenandy LLC
49 Black Sand Beach, Keauhou Ist, North Kona
TMK: 6-8-33: 2

This is to acknowledge receipt of the revised metes and bounds on January 22, 2003, on behalf of Sandy Kurtzig and Kenandy LLC, for a determination of a non-significant zoning change in accordance with Section 25-2-45 of Chapter 25, Hawaii County Code.

The subject property is approximately 1.618 acres in size and split zoned with RM-4 (32,762 square feet) and Open (37,718 square feet) zoning designations. Your request is to adjust the zoning boundaries by increasing the RM-4 zoned area and decreasing the Open zoned area of the subject property to accommodate portions of the eaves and lanai for the proposed dwelling to be constructed.

A previous Archaeological Preservation Plan in 1999 originally identified a preservation site on the subject property that is within close proximity to a section proposed to be rezoned from Open to RM-4. However, by letter dated November 1, 2002, the Department of Land and Natural Resources acknowledged the findings in a more recent report, Archaeological Survey and Subsurface Testing of SIHP Site 21229, Lot 2, 49 Black Sands Subdivision, by Robert B. Rechtman Ph.D., October 2002, that the previously designated preservation area were natural features created by the uplift of the kiawe tree roots rather than a cultural reserve. Thereby, allowing the preservation buffer to be moved makai and reestablished at the shoreline setback line.

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David Stringer Architects LLC AIA

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The new metes and bounds description accommodates the structural design of the dwelling by adjusting the district boundaries only where needed (roof eaves and lanai intrusion), thereby, increasing the RM-4 zoned area in four (4) separate sections with a total of 668 square feet or approximately 2% of the existing RM-4 zoned area. Specifically, the following are the breakdowns of the 4 areas and square footages involved:

Area 1	79 square feet
Area 2	21 square feet
Area 3	316 square feet
Area 4	252 square feet

With the non-significant zone change, the total RM-4 zoned area will be approximately 33,430 square feet and the Open zoned area approximately 37,050 square feet.

According to Section 25-2-45 of the Zoning Code regarding Non-Significant Zoning Changes, the Planning Director may administratively grant non-significant zoning changes that must comply with the designations for the property set forth in the general plan and any development plan adopted by ordinance, and must either:

- (1) Not result in a net increase in the density allowed in the zoning district(s) containing the affected area; or
- (2) Be the lesser of a five percent or one acre increase or decrease in the area of any zoning district(s).

Upon review of the request, we have determined that your request complies with the criteria set forth in Section 25-2-45(a)(2) of Chapter 25, Hawaii County Code, for determining non-significant zoning changes.

- 1) The adjustment of zoning boundaries will not result in any increase in the zoning densities.
- 2) The area under review is in compliance with the General Plan. The project site is situated within an area designated as Resort and Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) map.

David Stringer Architects LLC AIA

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- 3) The changes will not result in a net increase in the density allowed in the zoning districts containing the affected area. The area of the RM-4 zoning district will increase in size by 668 square feet or 2%, which is less than 5% of the RM-4 zoning district area.

Based on the above, we hereby administratively grant the requested non-significant zoning changes.

Should you have any questions, please feel free to contact Susan Gagorik or Alice Kawaha of this office at 961-8288.

Sincerely,

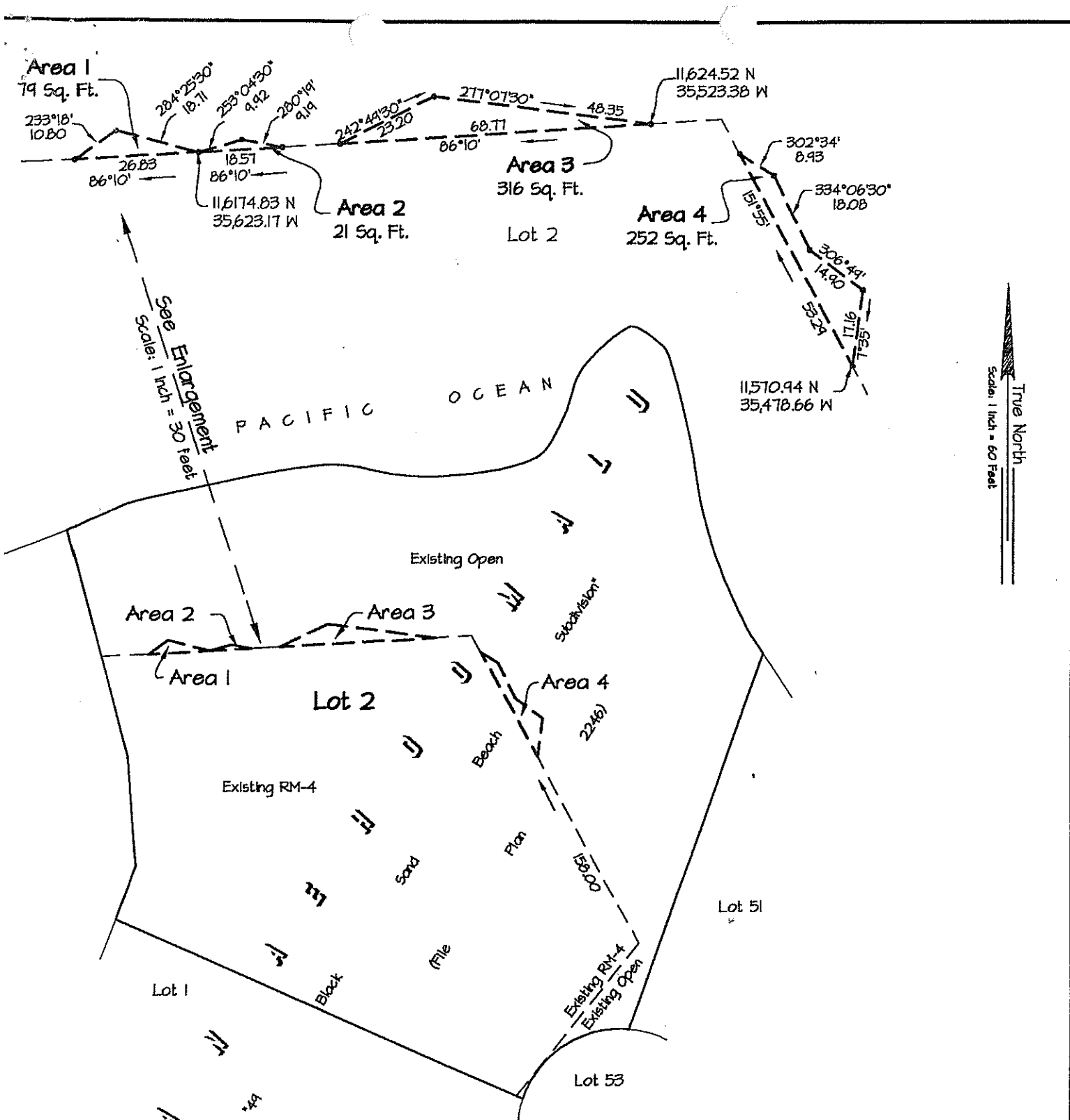


CHRISTOPHER J. YUEN
Planning Director

SG:pak

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cc: w/app Hawaii County Council
Real Property Tax Division
Kona Planning Office
Long Range Planning
GIS Section - Gilbert Bailado (see file)
NZC 00-04



**Specific Zoning Boundary
Adjustment for Building Eaves
Affecting a Portion of Lot 2 of 49 Black Sand Beach Subdivision
(File Plan 2246)**

At Anaehoomalu, South Kohala, Island of Hawaii, Hawaii

Note:

Bearings and coordinates are referred to Government Survey triangulation Station "Puu Hinai" Δ .

Owner: Kenandy, LLC
Address: 215 Kaalawai Place
Honolulu, Hawaii 96816

