

CERTIFIED MAIL

May 21, 1980

Mr. Ken Smith
Route 1, Box 133
Kailua-Kona, Hawaii 96740

Dear Mr. Smith:

Special Permit Application (80-1)
Tax Map Key 7-6-11:11

The Planning Commission at a duly advertised public hearing on May 8, 1980, considered your application for a Special Permit to allow the construction of a second single family dwelling on 35,763 square feet of land situated within the State Land Use Rural District at Holualoa, North Kona, Hawaii.

The Commission voted to deny your special permit application based on the following findings:

1. That the petitioner has not shown that the proposed use is an unusual and reasonable one within the Rural District. Under the State Land Use Law, the uses and activities permitted within the Rural District are basically related to agriculture. Representations made by the petitioner indicate that the purpose of the subject request is to allow the construction of a second dwelling on a single parcel of land.

Within the Rural District, only one single-family dwelling may be permitted per one-half acre of land unless the additional dwelling(s) are occupied by persons engaged in agricultural activities on the same property. The purpose of the subject request is to allow the petitioner to construct a second dwelling on a 35,763 square foot parcel. The proposed second dwelling will have an area of approximately 1500 square feet and consist of a kitchen, living room, two bedrooms, and one bathroom. In addition there will be an attached garage/shop area and a covered

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lanai. The occupants of the proposed second dwelling will be the petitioner's mother and step-father. Based on the petitioner's reasons for requesting a Special Permit, it is evident that none of the residents on the subject property will be engaged in a full-time agricultural activity.

2. That the proposed use is contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The construction of a second dwelling would intensify residential use of the property. Approval of the petitioner's request would set a precedent by sanctioning additional dwellings which are not agriculturally related in the Rural District. The potential for surrounding and/or similar areas to have one basic home and additional dwellings would be undeniable if this request were approved. Such a proliferation would be directly contrary to the Land Use Law and Regulations. In addition, it would have the long-range effect of unreasonably burdening public agencies to provide services, improvements and facilities, such as roads, water, fire and police protection, by creating an unanticipated need for such services.

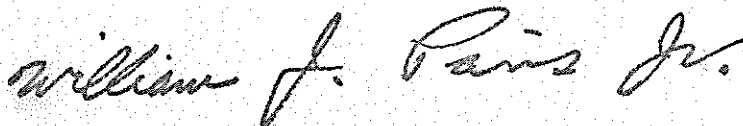
Based on the above, it is determined that approval of the request would be a circumvention of existing land use controls and would be contrary to the spirit and intent of the Land Use Law and Regulations.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

We will be forwarding you a certified copy of the Order as soon as the document is prepared.

Should there be further questions on this matter, please feel free to contact the Planning Department at 961-8288.

Sincerely,



WILLIAM J. PARIS, JR.
Chairman, Planning Commission

lgv

cc: State Land Use Commission
Building Division, Public Works
Kona Services Office

bcc Masa, et al