

CERTIFIED MAIL

February 10, 1982

Mr. Les Glaspey
P. O. Box 508
Captain Cook, Hawaii 96704

Dear Mr. Glaspey:

Special Permit Application (81-22)
TMK: 8-3-10:41

The Planning Commission at its duly held public hearing on February 9, 1982, voted to approve your application, Special Permit No. 503, to allow the establishment of a real estate office within portions of an existing single family dwelling on 1.4 acres of land situated within the State Land Use Agricultural District at Keei 2nd, South Kona, Hawaii.

Approval of this request is based on the following:

1. That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is to preserve, protect and encourage the development of lands in the state for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The 1.4-acre parcel is already developed with a single family dwelling and producing macadamia nut orchard. Even if this request is approved, there will be no physical alteration of any structure or grounds of the subject property. The existing agricultural use of the property will also continue unchanged. Based on the foregoing, it is determined that the granting of the proposed use will not have an adverse impact on the agricultural activity on the subject property nor on the overall agricultural potential of the region or County.

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2. That the proposed use will not adversely affect surrounding property. The nature and scale of the proposed real estate office is such that the impacts are not anticipated to be significant. The petitioner plans to utilize 144 square feet of a downstairs room for the real estate office. This amounts to only 7 percent of the total usable space of the residence. Most of the real estate business will be conducted by telephone and clients will be seen only on an appointment basis. There will be no "walk-in" business. No more than three or four people per month are expected to come to the office on real estate business. The nature and scale of the proposed real estate office is compatible with the County's Zoning Code definition of a home occupation. Therefore, the primary use of the structure remains residential and the impacts resulting therefrom are anticipated to remain the same.
3. That all essential services and facilities are available for the proposed use. As such, the establishment of the proposed real estate office will not unreasonably burden public agencies to provide roads and other similar infrastructure or service.

Based on the foregoing reasons, it has been determined that the proposed use is an "unusual and reasonable" one.

Approval of this Special Permit request is subject to the following conditions:

1. That the petitioner, Les Glaspey, shall be responsible for complying with the stated conditions of approval.
2. That the realtor/broker must inhabit the subject dwelling unit.
3. That the real estate office use shall be restricted only to persons living in the subject dwelling unit.
4. That there be no visible sign or display on the premises advertising the real estate activity.
5. That the petitioner provide one (1) parking stall, meeting with the approval of the Planning Director, for the real estate office.

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6. That all other rules, regulations and requirements be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be automatically void.

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

Sincerely,



ALFREDO ORITA
Chairman, Planning Commission

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cc: Building Division, Public Works
Kona Services Office

State Land Use Commission

bcc: Plan Approval Section