

CERTIFIED MAIL

April 22, 1985

Mr. R. J. Fitzsimons, Jr.
SR Box 14,020
Keaau, HI 96749

Dear Mr. Fitzsimons:

Special Permit Application (85-5)
TMK: 1-5-15:98

The Planning Commission at its duly held public hearing on April 18, 1985, voted to approve your application, Special Permit No. 583, to establish a bookkeeping service within an existing single family dwelling situated on 1 acre of land within the State Land Use Agricultural District at Hawaiian Paradise Park Subdivision, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of these statutory provisions 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 in Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes land with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. Although the agricultural characteristics and potential is rated low, approximately 3/4 of the property is utilized as a guava orchard. Since the proposed bookkeeping office will be conducted within the existing single family dwelling, the granting of this request will not reduce or impede the current agricultural use of the land. It is therefore determined that approval of the subject request would not be contrary to the objectives of the State Land Use Law and Regulations.

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It should be further noted that approval of the subject request will not have any adverse impact on the future agricultural potential of the subject property or the surrounding area. As such, from a policy analysis standpoint, it is determined that approval of the subject request would not be inconsistent with the General Plan.

The proposed use will not adversely affect the surrounding properties and their improvements. As stated previously, the proposed use will be situated within the existing single family dwelling. The nature and scale of the proposed bookkeeping office will be compatible with the County's Zoning Code definition of a "home occupation". Therefore, the primary uses on the subject property will remain residential and agricultural in character and the impacts resulting therefrom are anticipated to remain the same.

The proposed use will not unreasonably burden public agencies to provide roads, water and other similar infrastructure or services. Again, the limited nature of the proposed use will not require any additional demands or expansion to those services and facilities already available to the subject property.

Based on the foregoing, it is determined that the subject request is an unusual and reasonable use which is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

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

- a. The petitioner, its successors or assigns, shall be responsible for complying with all conditions of approval.
- b. The proposed use shall be restricted to the individual(s) residing in the single family dwelling on the subject property.
- c. The proposed use shall be in operation within one year from the effective date of the Special Permit.
- d. There shall be no visible sign or display on the premises advertising the bookkeeping business.
- e. The use shall be restricted to a "home occupation" as defined under Section 25-4, Division 1, Article 1 of Chapter 25 (Zoning Code), Hawaii County Code 1983, as amended.

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- f. All other applicable rules, regulations, and requirements shall be complied with.
- g. Should the Planning Director determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Permit shall be void.

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

Sincerely,



Donald Thompson
Chairman, Planning Commission

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division
William Greig *mailed 5/7/85*

bcc: Plan Approval Section