

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

May 20, 1993

Ms. Carol Zakahi  
76-5839 Mamalahoa Highway  
Holualoa, HI 96725

Dear Ms. Zakahi:

Special Permit No. 661  
Applicant: Carol Zakahi  
Request: Amend Condition No. 7 (Life of Permit)  
Tax Map Key: 7-6-3:24

The Planning Commission at its duly held public hearing on May 12, 1993, voted to approve the deletion of Condition Nos. 7, 9 and 10, the renumbering of Condition No. 8 to Condition No. 7 and the amendment of Condition No. 6 of Special Permit No. 661 which allows the establishment of a beauty salon within a portion of an existing single-family dwelling situated on a 0.92 acre lot within the State Land Use Agricultural District. The property is located approximately 700 feet north of the Kona Imin Center and along the mauka side of the North Kona Belt Road, Holualoa, North Kona, Hawaii.

Approval of the deletions and amendment is based on the following:

SPECIAL PERMIT NO. 661, issued by the Planning Commission to allow the ESTABLISHMENT OF A BEAUTY SALON WITHIN A PORTION OF AN EXISTING SINGLE FAMILY DWELLING SITUATED ON A 0.92 ACRE LOT WITHIN THE STATE LAND USE AGRICULTURAL DISTRICT AT HOLUALOA, NORTH KONA, HAWAII fulfilled all of the necessary criteria and requirements for the approval of the SPECIAL PERMIT APPLICATION.

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In addition, the SPECIAL PERMIT APPLICATION was approved with 10 PERFORMANCE CONDITIONS to ensure the commitment made by the petitioner would be performed.

The petitioner has complied with all the other conditions of approval of the approved Special Permit, which is evidenced by the annual progress reports submitted in 1988 and 1989 and the Planning Department's acknowledgement letter of May 29, 1990 that no further annual reports are required as all conditions of the Special Permit have been complied with.

Therefore, the petitioner has responsibly conducted her approved beauty salon within the conditions set forth by the Planning Commission.

However, CONDITION NO. 7 stated that "THE LIFE OF THIS SPECIAL PERMIT SHALL BE FOR A FIVE YEAR PERIOD ENDING APRIL 5, 1993."

The Planning Department has not received complaints from any of the surrounding neighbors or from any governmental agency which monitors her business activity.

The denial of the extension of the life of the Special Permit request would not serve the best interests of the community and the people she services. The petitioner's will still be in compliance with the ORIGINAL INTENT OF HER REQUEST WITH NO CHANGES.

Approval of the amendment to Condition No. 6 is as follow (new material underscored and deleted material bracketed):

"6. [There shall be no visible signs or display on the premises advertising the beauty salon.] Signage shall comply with Residential districts as set forth in Section 3-26 of the Hawaii County Code."

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Should you have any questions, please feel free to contact Rodney Nakano or Royden Yamasato of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman  
Planning Commission

RKN:jdk  
LZakah01.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission

CERTIFIED MAIL

April 14, 1988

Ms. Carol Zakahi  
76-5839 Mamalahoa Highway  
Holualoa, HI 96725

Dear Ms. Zakahi:

Special Permit Application (88-2)  
TMK: 7-6-03:24

The Planning Commission at its duly held public hearing on April 5, 1988, voted to approve your application, Special Permit No. 661, to allow the establishment of a beauty salon within a portion of an existing single-family dwelling situated on a 0.92 acre lot within the State Land Use Agricultural District at Holualoa, North Kona,, Hawaii.

Approval of this request is based on the following:

1. The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended 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. In the case of agricultural districts, the intent is to preserve or keep lands of high agricultural potential in agriculture use. The purpose of this Special Permit is to allow the establishment of an owner-operated beauty salon within portion of an existing single-family dwelling. The beauty salon and related parking will not interfere with the coffee operations also established on the property. Thus, the project does not take away valuable agricultural lands from production.
2. The granting of this request should not adversely affect surrounding properties. While the abutting lands contain single-family dwellings and vacant properties, the area is urban in character because of its close proximity to

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Holualoa Village, located 700 feet to the south. The applicant will be the sole operator of this part-time salon and would service one client at a time as practicable. The applicant has stated that she will not post any signs to advertise the business. A condition of approval is being recommended to ensure that no signage will be permitted to advertise the location of the beauty salon. Clientele are long-standing patrons and business would be conducted by telephone. It is felt that the limited nature of this proposal will have little negative impacts on the surrounding neighborhood.

3. The proposed beauty salon will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The Department of Water Supply had no objections to the subject request indicating that the proposed use is not expected to require additional water service. The Department of Public Works and the Police Department did not oppose the petition.
4. The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As indicated previously, the beauty salon addition will be contained and confined within the existing single-family dwelling on the property. The coffee farm will not be adversely affected by the proposal. Therefore, no existing areas for agricultural activities will be curtailed or diminished as a result of this approval. It should be noted that the State Department of Agriculture had no negative comments to the applicant's request.
5. The proposed use will not substantially alter or change the essential character of the land and the present use. The essential character of the subject property is primarily residential and agricultural in nature, with the existing coffee farm. The beauty salon will be operating on a limited part-time basis and will have negligible impact on the present main uses. As stated in the applicant's reasons for the request, an approval would allow the applicant to stay at home to support and care for her family and parents.
6. Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The cost of living in Hawaii has accelerated to a level where a family cannot depend on only one income. If it is possible

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for an independent operator to function out of the home within the implications of the law, such a situation should be encouraged in this instance.

7. The request is not contrary to the General Plan. The County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates this area for Low Density Urban Development. Commercial uses may be allowed within the Low Density Urban designation provided applicable goals, policies and standards of the General Plan are met. The Kona Regional Plan Land Use Concept Map designates this area for residential uses. The property is zoned Agricultural 1-acre (A-1a) by the Hawaii County Code. Home occupations are permitted within this zoned district. Approval of this request would support the following policies in the Economic and Land Use Elements of the General Plan:

"The County of Hawaii shall strive for an economic climate which provides its residents an opportunity for choice of occupation.

"To provide for commercial developments that maximize convenience to users."

In view of the foregoing, it is determined that the proposed beauty salon is an unusual and reasonable use, which would not be contrary to the objectives sought to be accomplished by the Land Use Law Rules and Regulations.

Approval of this request is subject to the following conditions:

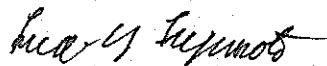
1. The petitioner shall be responsible for complying with all stated conditions of approval.
2. Plans, including parking, shall be submitted for plan approval review within one year from the effective date of this permit. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
3. Construction shall commence within one year from the date of receipt of final plan approval and shall be completed within two years thereafter.
4. The beauty salon shall be restricted to one salon operator.
5. Hours of operation shall be from 8:00 a.m. to 5:00 p.m.

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6. There shall be no visible signs or display on the premises advertising the beauty salon.
7. The life of this Special Permit shall be for a five year period ending April 5, 1993.
8. All other applicable laws, rules, regulations and requirements shall be complied with.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
10. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Fred Y. Fujimoto, Chairman Pro-Tem  
Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
State Land Use Commission

bcc: ✓ Plan Approval Section