



Planning Commission

Lorraine R. Inouye
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

June 25, 1992

Mr. James V. Paulik
73-1424 Kahakea Place
Kailua-Kona, HI 96740

Dear Mr. Paulik:

Special Permit Application (SP 92-4)
Applicant: James V. Paulik
Request: Conversion of Existing Workshop into
Additional Single Family Dwelling on Parcel Permitting
Only One Single Family Dwelling by Zoning Code
Tax Map Key: 7-3-47:40

The Planning Commission at a duly advertised public hearing on June 18, 1992, considered your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, and Rule 6 of the Planning Commission, to allow the establishment of a second single-family dwelling on 46,265 square feet of land situated within the State Land Use Agricultural District. The property is located within the Kona Heavens Subdivision (Increment I) approximately 520 feet west (makai) of the Mamalahoa Highway-Hina-Lani Street intersection on the north side of Hina-Lani Street, Kaloko, North Kona, Hawaii.

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

The proposed use will not 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 in which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. These broad statewide objectives are regulated through the

- 1) County General Plan which sets the long range, comprehensive

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general plan to guide the overall future development of the County, and the 2) County Zoning Code which provides the vehicle for regulating and restricting land uses within the framework of the General Plan.

This request is not in keeping with the Zoning Code and would therefore be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The applicant is requesting that a second dwelling be allowed on a single lot. To approve this request through the special permit process may set precedence for requests of similar nature. This would circumvent the administration of the Zoning Code which has established procedures and criteria to administer and amend density requirements. Applications of this nature should be reviewed within the purview of the Zoning Code, Division 12. Article 25, Regulations for Ohana Dwelling, or Division 3. Amendments (to the Zoning Code). Both sections of the Zoning Code address the issue of land use density.

The proposed use will also unreasonably burden the Department of Water Supply to provide water. According to the Department of Water Supply, water is not available for a second dwelling. The area is limited to one 5/8-inch meter and 600 gallons per day per existing lot of record. Therefore, approval of the proposed request, would not be in keeping with the water policy for that area.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated within 60 days of this dated letter and shall be made pursuant to the Hawaii Rules of Civil Procedure.

Please be advised that with this denial, and subsequent to your appeal period, you are required to remove all kitchen facilities in the existing hobby-workshop. Failure to comply with this requirement would subject you to State and County penalties and enforcement action by the the County of Hawaii. Please notify the Planning Department in writing when you have complied with removal of the kitchen facilities.

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Should there be further questions on this matter, please feel free to contact Susan Garorik or Connie Kiriou of the Planning Department at 961-8288.

Sincerely,



Mike Luce, Chairman
Planning Commission

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jdk

xc: Michael Zola
State Land Use Commission
Corporation Counsel
Mayor
Planning Director
Ohana Dwelling Section
DPW-Building
Kona Heavens Community Association
West Hawaii Office