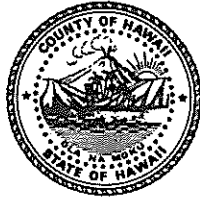


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 323 841

JUL 23 1997

Ms. Amanda V. Erickson  
HCR 1, Box 5140  
Keaau, HI 96749

Dear Ms. Erickson:

Special Permit Application (SPP 97-11)  
Applicant: Amanda Viola Erickson  
Request: Allow One Room of Residence to be Used as Home Occupation  
of Real Estate Broker's Principal Office  
Tax Map Key: 1-5-34:138

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The Planning Commission at its duly held public hearing on July 10, 1997, voted to approve the above-referenced application. Special Permit No. 976 is hereby issued to allow one room of the existing residence to be used as a home occupation of a real estate broker's principal office, situated on approximately 1.00 acre of land within the State Land Use Agricultural District. The property is located within Hawaiian Paradise Park Subdivision, along Poni Mo'i Avenue (29th Street) approximately 270 feet (Pahoa side) from its intersection with Kaloli Drive, Puna, Hawaii.

Approval of this request is based on the following:

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), as amended. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. In addition, the State Land Use Law Rules 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 the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The land on which the proposed use will be located is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by

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the ALISH Map. The subject property is one acre and has an existing dwelling with no active agricultural uses. The applicant resides in the existing dwelling and proposes to establish a real estate broker's office in one room of the existing dwelling. Therefore, the limited nature of the proposed use will not have an adverse effect on the County's agricultural land inventory. It is, therefore, determined that the proposed use within the existing dwelling is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended.

The proposed request is not contrary to the General Plan. Although the General Plan for the area is designated Orchards and the property's zoning is Agricultural (A-1a), the subject property is not actively used for agricultural activity. Although the establishment of a real estate broker's office within an existing dwelling would not take significant lands out of existing or potential agricultural use, it would allow for commercial activity to take place on the subject property. However, as the request is for a home occupation, the applicant would have to comply with the limitations of a home occupation.

The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Economic Element:

- \* Provide residents with opportunities to improve their quality of life.
- \* The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.

Land Use Element:

- \* Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.
- \* The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

The desired use will not adversely affect surrounding properties. Surrounding lands are predominantly in single-family residential uses with scattered agricultural uses. The property grounds are landscaped and well-maintained. The proposed real estate broker's office will be established within a 304-square foot room in the applicant's existing dwelling and be restricted to the applicant. No employees or other realtors will be hired. Although clients would be meeting at her office, the applicant averages anticipates approximately one client meeting per month. A majority of the business will be conducted by phone, fax or mail. As such, it is not anticipated that public visitation or noise would have a major impact on surrounding properties. In accordance with the Zoning Code, Section 25-4-17, Home Occupation, no exterior signs, symbols, displays or advertisements, and no interior signs shall be displayed.

As the proposed use would be established in an existing structure, the character of the property or its surrounding area will not be significantly altered. Therefore, the proposed use will not alter or change the essential character of the land and present uses nor will it impact the surrounding area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements and police and fire protection. The subject property is located on 29th Street off of Kaloli Drive in the Hawaiian Paradise Park Subdivision. Both roads are private and paved to an approximate width of 20 feet. It is not anticipated that the proposed broker's office in an existing residence will impact the existing roadways nor burden public agencies given the size of the business. The driveway and parking area on site are paved. County water is available to the site and all other essential utilities and services are available to support the proposed use. Finally, agencies reviewing the request had no objections to the proposed use.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Due to the present economic situation, the County is experiencing an increase in requests to establish small businesses and home occupations. Technological advancements such as the facsimile machine, advance telephone services and networking have made the traditional office structure much more flexible. The applicant resides in the existing dwelling and proposes to use a portion of the dwelling for the proposed broker's office. The applicant presently has an office in Hilo; however, as the applicant does not have any employees or realtors working under her, ample room is available within her home to accommodate this business. As many of her clients are from this vicinity, any commuting time to Hilo would be reduced.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. As mentioned, the soil within the subject property is classified as "E" or Very Poor for agricultural productivity and unclassified by the ALISH Map. Furthermore, the Special Permit process, established by legislation, allows for other uses to be established for which the district is classified, provided the objectives of Chapter 205, HRS, are promoted.

Based on these considerations, the approval of the Special Permit request to allow one room in an existing dwelling to be used as a home occupation for a real estate broker's principal office would be supportive of the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions, however, not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

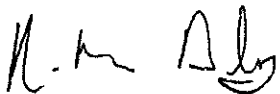
1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. The real estate broker's office shall be established within one year from the date of approval of this Special Permit. The applicant shall notify the Planning Department, in writing, prior to commencing operation of the real estate office.

3. The real estate broker's office shall be limited to use by the applicant only.
4. In addition to the required parking stall for the residence, one additional paved parking stall shall be provided for the real estate office.
5. The applicant shall comply with Section 25-4-13, Hawaii County Zoning Code, relating to home occupations.
6. The real estate office hours of operation shall be limited to Monday through Saturday, 9:00 a.m. to 5:00 p.m.
7. The applicant shall comply with applicable laws, rules and regulations of State and County agencies for this proposed use.
8. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
  - A. 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.
  - 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).

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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

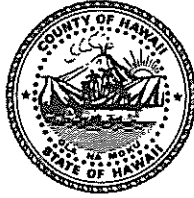


Kevin M. Balog, Chairman  
Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
State Land Use Commission

Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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CERTIFIED MAIL

P 101 317 824

JUL 22 1999

Ms. Amanda V. Erickson  
HCR, Box 5140  
Keaau, HI 96749

Dear Ms. Erickson:

Special Permit (SPP 976)  
Applicant: Amanda V. Erickson  
Request: Revocation of Special Permit No. 976  
Tax Map Key: 1-5-34:138

The Planning Commission at its duly held meeting on July 16, 1999, voted to revoke Special Permit No. 976, granted to Amanda V. Erickson, which allowed the home occupation for a real estate broker's principal office within the State Land Use Agricultural district. The property is located in Hawaiian Paradise Park Subdivision, along Poni Mo'i Avenue (29th Street) approximately 270 feet (Pahoa side) from its intersection with Kaloli Drive, Puna, Hawaii.

The applicant, in a letter dated May 7, 1999, stated that she sold her home, and the new owners do not intend to continue use of the Special Permit. Therefore, Special Permit No. 976 is hereby revoked.

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JUL 22 1999

Ms. Amanda V. Erickson  
Page 2

Should you have questions regarding the above, please contact Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Leonard S. Tanaka, Chairman  
Planning Commission

Lqueen01.pc

cc: Department of Public Works  
Department of Water Supply  
Real Property Tax Division  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Land Use Commission