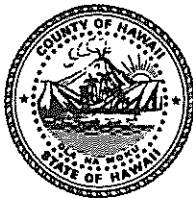


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL

Z 095 324 493

FEB 26 1999

Ms. Shirley A. Friday  
13-1139 Leilani Boulevard  
Pahoa, HI 96778

Dear Ms. Friday:

Special Permit Application (SPP 98-21)

Applicant: Shirley A. Friday

Request: Establishment of a One-Chair Barber and Beauty Shop

Tax Map Key: 1-3-18:4

The Planning Commission at its duly held public hearing on February 19, 1999, voted to approve the above-referenced application. Special Permit No. 1021 is hereby issued to allow the establishment of a one-chair barber and beauty shop within an existing carport situated within the State Land Use Agricultural District. The property is located within Leilani Estates Subdivision on the west side of Moku Street and approximately 300 feet south of its intersection with Leilani Avenue at Keahialaka, 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 for 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 applicant is requesting that she be allowed to establish a one-chair beauty and barber shop within an existing 484 square foot carport on her property. The applicant proposes to convert approximately 220 square feet of the carport into a beauty and barber

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shop to accommodate the proposed use. The remaining area will still be used as a carport. The applicant's daughter would run the beauty and barber shop business. The applicant's daughter and family reside on the subject property.

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 the ALISH Map. The property has been developed and landscaped. There is a 4-bedroom dwelling and carport on the subject property with a paved concrete driveway. As the use will be established within the existing carport, no active agricultural activity will be removed from the subject property. Hours of operation are proposed to be 10:00 a.m. to 4:00 p.m. from Monday through Saturday, with approximately two to four clients per day. The applicant's daughter would be the only employee. There are no outstanding permits with the Building Division. Upon securing approvals from the Building Division for the conversion of a section of the carport into a beauty and barber shop, the request will be in conformance with the County Zoning Code and Building Code. The proposed use will be constructed in the existing carport, therefore, due to the limited nature of the proposed use, there will not be an adverse effect on the County's agricultural land inventory. The proposed use 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 and official Community Development Plans and other documents such as Design Plans. The General Plan for the area is designated Orchards and the property's zoning is Agricultural (A-1a). The establishment of a beauty and barber shop within an existing carport would not take significant lands out of existing or potential agricultural use, and allow for the applicant's daughter to work out of her home.

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.

In regards to the Covenants, Conditions and Restrictions (CC&Rs) for Leilani Community Association, the applicant is fully aware of the restrictions and believes her request to be in compliance with the CC&Rs. Any differences and challenges regarding CC&Rs would be a litigative matter, and the Planning Department is not responsible for interpreting these documents.

The desired use will not adversely affect surrounding properties. There is a dwelling on the adjacent property to the south. Surrounding lands consist of scattered dwellings and vacant land. The beauty and barber shop will be established within the existing carport, with limited hours of operation between 10:00 a.m. to 4:00 p.m. Monday through Saturday. No additional employees will be hired. Due to the nature and size of the business, public visitation or noise would not have a major impact on surrounding properties. As the proposed use would be established within 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.

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 in their homes. Technological advancements such as the facsimile machine, advance telephone services and networking have made the traditional office structure much more flexible. As the business would be limited to the applicant's daughter, with no employees; it is not anticipated to significantly impact the surrounding area.

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. Although, agricultural activity may take place on the subject property, no active agricultural activity will be removed by the establishment of this use. 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.

The use shall 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 in Leilani Estates on Moku Street which is a private road with an approximately 20-wide pavement. The applicant's driveway is paved with concrete and there is parking available on site for clients. All other utilities and services are available to the site. In addition, agencies reviewing the request, had no objections to establishing the beauty and barber shop.

Based on the above considerations, the approval of the Special Permit request to allow the establishment of a beauty and barber shop within a section of the existing carport, would promote the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. However, should any of the conditions 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. Prior to establishing the business, Final Plan Approval shall be secured from the Planning Director in accordance with the Zoning Code, Sections 25-2-72. Plans shall identify existing and proposed structures, driveway, landscaping and fire protection measures associated with the business.
3. Prior to establishing the business, the applicant shall secure appropriate approvals from the Department of Public Works - Building Division for conversion of a section of the carport into a beauty and barber shop.
4. There shall be no additional employees.
5. Hours of operation shall be from 10:00 a.m. to 4:00 p.m., Monday through Saturday.
6. Comply with all applicable laws, rules and regulations of the affected agencies prior to commencing operation.
7. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval and prior to commencing operation of the beauty and barber shop.
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.

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

Sincerely,



Leonard Tanaka, Chairman  
Planning Commission

LFrida01.PC

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