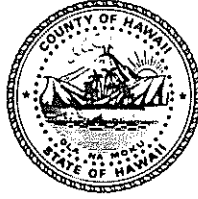


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

#### CERTIFIED MAIL

September 23, 1993

Ms. Agnes Renetha "Renni" Vann  
PO Box 704  
Kailua-Kona, HI 96745

Dear Ms. Vann:

Use Permit Application (USE 93-5)

Applicant: Agnes Renetha "Renni" Vann

Request: Establish Licensed Massage Therapy Office Within  
an Existing Single Family Dwelling

Tax Map Key: 7-8-14:70

The Planning Commission at a duly advertised public hearing on September 16, 1993, considered your request for a Use Permit in accordance to Chapter 25, (Zoning Code), Hawaii County Code 1983, as amended and Rule 7 of the Planning Commission Rules of Practice and Procedure, to allow the establishment of a sole practitioner licensed massage therapy office on 11,325 square feet of land in the Single Family Residential - 7,500 square foot (RS-7.5) zoned district. The property is located on the mauka side of Alii Drive approximately 1000 feet north (Kohala) side of Kahaluu Beach Park, Kahaluu Beach Lots, Kahaluu, North Kona, Hawaii.

The Commission voted to deny Use Permit No. 114 based on the following findings:

1. The granting of the proposed use will NOT BE CONSISTENT with the general purpose of the zoned (Single Family Residential) district, the intent and purpose of the Zoning Code, and the County General Plan. The subject property is not owned by the applicant, and has a WARRANTY DEED and DECLARATION OF PROTECTIVE PROVISIONS recorded with the Bureau of Conveyances which limits what uses may be conducted on it. The contents of these documents clearly

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state that business or trade is not permitted on the subject property.

2. Granting of the proposed use WILL BE materially detrimental to the public welfare and cause substantial adverse impact to the community's character or to surrounding properties. DECLARATION OF PROTECTIVE PROVISIONS (Document No. 82-17369) states on Page 3, Article II Restrictions, Section 1 Use that "All residential lots shall be occupied and used only for residential purposes and only one (1) single family dwelling (exclusive of outbuildings) shall be erected, placed, maintained or allowed on a residential lot. No building or structure on a residential lot shall be used as a tenement house, rooming house or apartment house or for or in connections with the carrying on of any business or trade whatsoever..." The key words in this article are "...used only for residential purposes" and "no building or structure on a residential lot shall be used...in connection with the carrying on of any business or trade whatsoever."
3. Granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Uses within the neighborhood are also limited by the restrictive language in the WARRANTY DEED and DECLARATION OF PROTECTIVE PROVISIONS. Conflicting land use will occur if the request is approved.
4. Although the granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure, the request will not meet all the requirements of Section 7-6 of Planning Commission Rule 7, Use Permits.

The Commission's denial decision is appealable to the Board of Appeals within thirty days after receipt of the Planning Commission's decision pursuant to its rules.

Ms. Agnes Renetha "Renni" Vann  
September 23, 1993  
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Should there be further questions on this matter, 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  
LVann-02.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Corporation Counsel  
West Hawaii Office  
Plan Approval Section