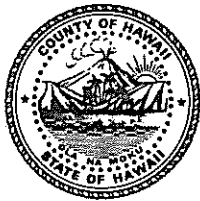


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

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

CERTIFIED MAIL  
Z 095 323 771

OCT 21 1996

Gary and Barbara Andersen  
131 Ka'iulani Street  
Hilo, HI 96720

Dear Mr. and Mrs. Andersen:

Use Permit Application (USE 96-9)

Applicant: Gary A. and Barbara A. B. Andersen

Request: Allow a Five-Bedroom Bed and Breakfast Establishment

Tax Map Key: 2-3-15:5

The Planning Commission at its duly held public hearing on October 10, 1996, voted to approve the above-referenced application. Use Permit No. 150 is hereby issued to allow a five-bedroom Bed & Breakfast establishment, weddings/receptions, private school/classes and house tours at the Historic W. H. Shipman House which is situated within the County's Single Family Residential (RS-15) zoned district. The property is located on Reed's Island between Kaiulani Street and the Wailuku River at Koloiki, Pi'ihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits requires that such action conform to the following guidelines:

- (A) The proposed use will still be consistent with the general purpose of the zoned district, the intent and purpose of this chapter, and the County General Plan;
- (B) The proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties;
- (C) The proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region; and
- (D) 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.

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OCT 21 1996

The proposed 5-bedroom bed and breakfast operation, weddings/receptions, school/classes and house tours meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. According to the Zoning Code, Single Family Residential districts "provide for low density residential area, for urban and suburban family life." Single-family dwellings, family care homes, neighborhood parks and "buildings and uses normally considered directly accessory to the above permitted uses" are permitted in this district. The applicant proposes to have a five-bedroom bed and breakfast establishment, weddings/receptions, private school/classes and house tours at the Historic W.H. Shipman House (hereinafter referred to as Shipman House) located on Reeds Island.

Bed and breakfast accommodations are increasingly popular with visitors to the island, who seek a quieter, more authentic experience of local life. Bed and breakfast businesses provide an economic opportunity for County residents, who can supplement their incomes by sharing their homes with visitors. Recognizing this benefit, Ordinance No. 92-104 was passed by the County Council, effective September 28, 1992, to ensure that bed and breakfast businesses remain secondary to the principal use of the residence as a single-family dwelling. Any impacts from the proposed use can be properly addressed and mitigated through the securance of a Use Permit. The applicants propose a *5-bedroom bed and breakfast establishment* with three bedrooms to be located within the main Shipman House on the subject property and two bedrooms to be located in the adjacent guest house. Although the guest house is a separate structure located approximately 65 feet from the main house, it has been considered and identified as an integral part of the Shipman House. The guest house is also listed on the State and Federal Historic Registers and along with the main house and other structures on the property, have been viewed as a single historic unit. Normally, bed and breakfast establishments are required to be within a single family dwelling. However, due to the historic nature of the property, we consider this a unique and special circumstance, and an exception is being made to allow the guest house to be identified as a part of the main house, thereby, viewing the Shipman House as a single unit and allowing for a five (5) bedroom bed and breakfast establishment.

The applicant proposes to hold *weddings/receptions* for bed and breakfast guests as an accessory use to their bed and breakfast operation. The intent is to keep weddings small (20-25 people) and allow guests to utilize the house as well as the grounds for this event. Parking is available on site or when a larger group is involved, the applicant would have guests park elsewhere and be shuttled to the property.

The applicants would also like to have a *private school/classes* for bed and breakfast guests and residents. Classes and lectures would promote the Hawaiian culture and be held on an occasional basis and limited to 20-25 people. Parking would again be provided on site.

As the Shipman House is on the State and Federal Registers, the applicants have a desire to share a part of Hawaii culture, including the historic nature and uniqueness of the subject property with the general public. As a cultural and philanthropic gesture, the applicants propose to open their home on an occasional basis for house

tours of the Shipman House and property. Individual tours would be kept small, each with a guide and by appointment only. As like weddings, the applicants will make on-site parking available and require shuttles for larger groups.

The applicants will reside in the main house. The subject property is located within a single family residential neighborhood, as such, the proposed activities would complement and be accessory to the Shipman House being used as a residence. Some additional employees may be hired to assist with housecleaning and yard work. Adequate utilities and services are available at the site. The property is approximately 4 acres in size and the Shipman House has large verandas, lanais and rooms that can accommodate group activities. There is also a large circular driveway that can accommodate guest parking in addition to a designated paved parking area to accommodate their bed and breakfast guests. Thus, the proposed five (5) bedroom bed and breakfast establishment, weddings/receptions, private school/classes and house tours at the Shipman House will not substantially alter the character of the surrounding neighborhood, and it will be consistent with the intent of the Zoning Code for this district.

The General Plan designation for this area is Low Density Urban Development, which allows for single family residential uses, ancillary community and public uses, and convenience-type commercial uses. The uses will be accessory to use of the Shipman House as a single-family dwelling, be contained to existing structures or held only on the subject property. As such, the uses should not alter the appearance or character of the neighborhood. Although the bed and breakfast establishment would be open to the public on a daily basis, the weddings/receptions, classes and house tours will be held on an occasional basis and by appointment or reservations.

The proposed bed and breakfast operation, weddings/receptions, school/classes and house tours would complement the following policies of the General Plan:

*Economic Element*

- \* Economic development and improvements shall be in balance with the physical and social environments of the island of Hawaii.
- \* 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.
- \* The County of Hawaii shall encourage the development of a visitor industry which is consistent with the social, physical and economic goals of the residents of the County.

*Land Use Element*

- \* 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 development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services.

Therefore, the proposed uses would operate within the parameters of being single family residential in character, is consistent with the General Plan designation and is in keeping with the policies of the General Plan.

The granting of the proposed use will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties: The Shipman House is located on Reeds Island which is in single family residential use. The applicants propose to open five (5) bedrooms to overnight guests, make the property available for weddings/receptions for bed and breakfast guests only and hold classes and house tours. The property is large enough to accommodate group activities and, therefore, noise is not expected to be a problem. To accommodate the increased traffic to their home, the applicants will need to provide five dedicated paved parking stalls to accommodate bed and breakfast guests. The large circular driveway would also provide additional parking area for classes, weddings and house tours. A condition is also being included to require, that should there be more than 25 guests present for any classes, weddings and house tours, a shuttle service should be used to transport additional participants. The property has adequate landscaping to mitigate any possible visual impacts on the neighbors and adequate public services and utilities are available to accommodate the expanded uses. All activities will be scheduled, with the bed and breakfast establishment open to the public by reservations and house tours set by appointment. The subject property is the first lot on the left on Kaiulani Street, thereby, minimizing traffic from entering further and affecting the surrounding residents. In addition, the applicant has surveyed the neighborhood and secured signatures of residents who have no objections to the bed and breakfast establishment, weddings and classes.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. The proposed uses will be accessory to the main use of the property as a single-family residence, in keeping with the primary use of surrounding properties. There are no other approved bed and breakfast establishments on Reeds Island. It is not anticipated that the establishment of the bed and breakfast establishment, weddings, classes and house tours will affect other similar uses in the area.

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. Kaiulani Street is a County-maintained road with an approximate 16-foot pavement width. Traversing over the one-lane bridge is not anticipated to be a problem. The subject property is the first lot on the left and adequate guest parking will be made available on site. The bed and breakfast operation is the only activity that will be held on a daily basis; all activities will be held on an occasional basis and by appointment or reservations. Wastewater will be disposed of in the existing septic system. Police and fire protection are available at the site, as is County water. None of the agencies consulted had any objections to the establishment of the proposed uses at this location.

Approval of this request is subject to the following conditions:

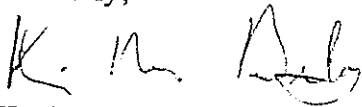
1. The applicants, successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants, successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicants, their successors or assigns, officers, employees, contractors or agents under this permit or relating to or connected with the granting of this permit.
3. The proposed business shall be established within two (2) years from the effective date of this permit. Prior to the establishment of any of the uses, Final Plan Approval shall be secured from the Planning Director. Plans should indicate existing and proposed structures, landscaping, fire protection measures, paved driveway and paved parking stalls (asphalt or concrete) and exterior signs associated with the business. The applicants, successors or assigns shall notify the Planning Department in writing of the completion of required improvements prior to the establishment of any uses.
4. Should any of the proposed uses involve more than 25 guests, a shuttle system shall be used to transport additional individuals.
5. The bed and breakfast business shall be limited to the use of five (5) bedrooms.
6. The applicant shall comply with all applicable requirements as stated in the Zoning Code regulating bed and breakfast establishments.
7. The wastewater disposal system for the proposed bed and breakfast shall meet with the approval of the Department of Health. Such approval shall be secured prior to the establishment of the bed and breakfast business.
8. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval.
9. Comply with all applicable laws, rules, regulations and requirements of other affected agencies.
10. An extension of time for the performance of conditions 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, successor 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 original reasons for granting of the permit.
  - C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

- D. The time extension granted does not 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

AK:syw

LAnder01.PC

cc: Honorable Stephen K. Yamashiro, Mayor  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division