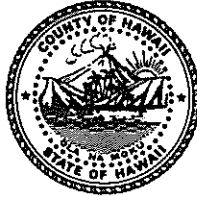


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 805

MAR 13 1997

Ms. Amy Gamble Lannan
30 Kahoa Road
Hilo, HI 96720

Dear Ms. Lannan:

Use Permit Application (USE 153) (Docket No. 96-11)
Applicant: Amy Gamble Lannan
Request: Bed and Breakfast Establishment
Tax Map Key: 2-6-25:7

The Planning Commission at a duly advertised public hearing on February 27, 1997, considered the above-referenced 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 2-bedroom Bed and Breakfast operation within an existing single family dwelling situated within the County's Single Family Residential (RS-15) zoned district. The property is located along the makai side of Kahoa Road, approximately 375 feet makai of the Mamalahoa Highway and approximately 700 feet south of the Honolii Park at Alae, South Hilo, Hawaii.

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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Ms. Amy Gamble Lannan
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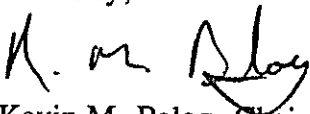
The Planning Commission had before it the opportunity to assess a proposed use and its effect on surrounding properties and on the character of the land and present use. The residents who reside in the vicinity of the subject property have expressed their support and opposition to the request. Those that were in opposition have expressed that the proposed use will have a potential adverse impact to the character of the already established residential lifestyle, an increase in traffic to the existing government road and that there are existing commercial areas which allow for Bed and Breakfast establishments. Hence, the proposed use or any commercial uses should not infringe and be established in the subject area.

Inasmuch as a motion to approve the application was made, the motion did not have five votes to approve the application and, therefore, the motion did not carry. The Commissioners voting no to the motion expressed similar concerns as the residents in that the proposed use would adversely impact the already established single family residential character of the area. There was no motion to reconsider the application and, therefore, the application is hereby denied.

As stated in Rule 7-9 of the Planning Commission Rules of Practice and Procedure, "The Commission's decision is appealable to the Board." Pursuant to Rule 8-3 of the Board of Appeals Rules of Practice and Procedure, "An appeal from the decision of the Director, the Commission, or the Chief Engineer shall be filed within thirty days after the decision." Therefore, you may appeal the decision to the Board of Appeals within thirty (30) calendar days from the date of this letter, which is also the date this letter is being mailed to you.

Should you have any questions on this matter, 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

LLanna02.PC

cc: Department of Public Works
Department of Water Supply
Corporation Counsel
Planning Director