

April 16, 1968

Mr. Daniel Moniz
129 Alae Street
Hilo, Hawaii 96720

Dear Mr. Moniz:

At its meeting on April 11, 1968, the Land Use Commission considered your request for a special permit to subdivide parcel 10, TMK 1-2-17 into two lots. After considerable discussion, the Commission was advised by its deputy attorney general that Act 205 of the 1963 Legislative Session stipulates that "not more than one dwelling house per one-half acre" is permitted in the Rural District, and that special permits may be issued for "unusual and reasonable uses" only. Since the proposed use is residential which is already a permitted use within the District, a special permit for a residential use does not meet the "unusual" requirement of the law. Therefore, the deputy attorney general advised that the Commission is without legal authority to approve your request.

Because of the stipulations of the law and upon legal advice, although the Commission was sympathetic to your dilemma, it had no alternative but to deny your request.

The Land Use Law requires a 5-year periodic review of the district boundaries and regulations. This review must be completed by August of 1969 and therefore will begin in the near future. Public hearings will be conducted throughout the State the early part of 1969 to review these district boundaries and the Land Use Commission's regulations. The problem that you have posed will be considered to determine whether the regulations or the law should be amended in its application in the future to similar situations throughout the State. However, there can be no assurances at this time that your problem will be resolved.

If this office can provide any additional information, please feel free to call upon us.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Hawaii Plann. Comm.

April 16, 1968

Planning Commission
County of Hawaii
25 Aupuni Street
Hilo, Hawaii

Attention: Mr. Raymond Suefuji, Director

Gentlemen:

At its meeting on April 11, 1968, the Land Use Commission voted to deny the grant of a special permit to Mr. Daniel Moniz (SP68-52) to subdivide parcel 10, Tax Map Key 1-2-17 into two lots, situated in the Rural District at Kaimu, Puna, Hawaii.

Enclosed for your information is the staff report.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Mr. Daniel Moniz