

May 11, 1990

CERTIFIED MAIL

Ms. Sandra Pechter Schutte
101 Aupuni Street, Ste 124
Hilo, HI 96720

Dear Ms. Schutte::

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 90-10

Applicant: Gregory M. Cook

Tax Map Key: 6-6-02:26

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 90-10 to legitimize the construction of an existing wood deck within the minimum 40-foot shoreline setback area immediately mauka of the certified shoreline. The subject property is part of the Wailea Beach Lots Subdivision at Wailea Bay, Ouli and Lalamilo, South Kohala, Hawaii, TMK: 6-6-02:26.

Please note that the permit approval is also subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval
2. The petitioner, its 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 and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. The wooden deck shall not exceed a height of 30" above the adjacent ground.

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4. Public use of the adjacent seawall shall not be restricted or obstructed in any manner.
5. Secure an amendment to Shoreline Setback Variance No. 637 from the Hawaii County Planning Commission.
6. Plans for the deck shall be submitted to the Planning Department for approval within six months from the effective date of amendment of the shoreline setback variance, if approved.
7. Improvements shall be located mauka of the certified shoreline as confirmed by the Chairman of the Board of Land and Natural Resources on November 28, 1989.
8. Comply with all other applicable rules, regulations and requirements.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



DUANE KANUHA
Planning Director

AJS:aeb

Enclosures

cc: Chief Engineer
Gregory Cook
14 Puako Beach Drive
Kamuela, HI 96743

cc/penc: Kona Plng Dept
SMA Section ✓

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 90-10


SPECIAL MANAGEMENT AREA MINOR USE PERMIT

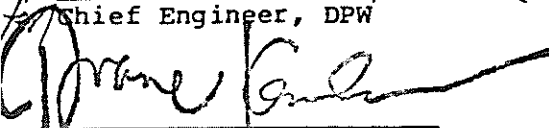
The Planning Director completed on May 11, 1990, an assessment on the application of Gregory M. Cook for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: to legitimize the construction of an existing wooden deck within the minimum 40-foot shoreline setback area immediately mauka of the certified shoreline. The subject property is part of the Wailea Beach Lots Subdivision at Wailea Bay, Ouli and Lalamilo, South Kohala, Hawaii, TMK: 6-6-02:26.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:



Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84