



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Larry S. Tanimoto
Mayor

Duane Kanuha
Director

William L. Moore
Deputy Director

CERTIFIED MAIL

April 25, 1990

C
Mrs. Marion Allen
c/o Mr. R. Ben Tsukazaki
Menezes, Tsukazaki & Yeh
Attorneys At Law
100 Pauahi Street, Suite 204
Hilo, HI 96720

Y Dear Mrs. Allen:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 90-8
Applicant: Marion Allen
Tax Map Key 7-5-19:28

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. 90-8 for a structure previously permitted and now being constructed as a single family dwelling for use as a 4-guestroom bed and breakfast operation in addition to use as her personal residence. The subject property is a coastal 8056 square foot parcel located makai of Alii Drive in Kahalui 1st, North Kona, Hawaii, TMK: 7-5-19:28.

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

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
3. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.

Mrs. Marion Allen
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4. The applicant shall obtain approval from the Department of Health for an Individual Wastewater System(s) sufficient to service the 5 bedrooms of the subject structure.
5. The applicant shall obtain approval from the Department of Health for a drainage water disposal method and facility suitable for draining the nearshore swimming pool when needed for maintenance and water exchange.
6. All other applicable rules, regulations and requirements shall be complied with.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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

Sincerely,


DUANE KANUHA
Planning Director

FRW:lm
Enclosures

cc/encs: Chief Engineer
Kona Planning Dept.
DOH/Env. Health Br. (Honolulu)
SMA Section

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. SMM 90-8

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on April 11., 1990, an assessment on the application of MARION ALLEN 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: A structure previously permitted and now being constructed as a single family dwelling for use as a 4-guestroom bed and breakfast operation in addition to use as her personal residence, in Kahalui 1st. North Kona, Hawaii.
TMK: 7-5-19:28.


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:

SEE ATTACHED CONDITIONS


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 90-8

APPLICANT: MARION ALLEN

Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.
3. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.
4. The applicant shall obtain approval from the Department of Health for an Individual Wastewater System(s) sufficient to service the 5 bedrooms of the subject structure.
5. The applicant shall obtain approval from the Department of Health for a drainage water disposal method and facility suitable for draining the nearshore swimming pool when needed for maintenance and water exchange.
6. All other applicable rules, regulations and requirements shall be complied with.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.