

Planning Department

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

Lorraine R. Inouye
Mayor

Norman K. Hayashi
Director

Tad Nagasako
Deputy Director

CERTIFIED MAIL

June 27, 1991

Steven Lim, Esq.
Case & Lynch
275 Ponahawai Street, Suite 201
Hilo, HI 96720

Dear Mr. Lim:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-20
Applicant: Steven Lim, for Kona Bali Kai Association of
Apt. Owners
TMK: 7-6-15: 23

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. 91-20 to allow the removal of a new unauthorized wall segment in or near the shoreline setback and to legitimize previous renovations and additions to an older wall along Alii Drive. The subject shoreline property, consisting of 2.508 acres, is located just makai of Alii Drive, about a quarter mile north of Holualoa Bay in Holualoa 1st & 2nd, North Kona, Hawaii, TMK: 7-6-15: 23.

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

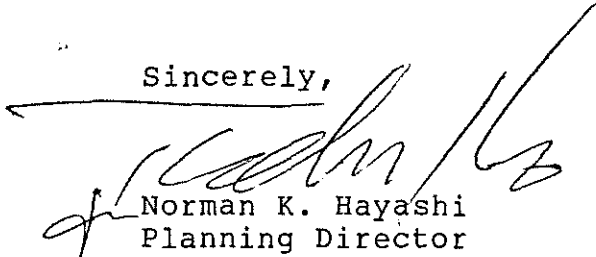
1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The removal of the makai, northern boundary wall shall be completed by August 31, 1991. When the wall removal has been completed, the Planning Department shall be promptly notified in writing so that a site inspection can be made to verify compliance.
3. The project is to be carried out exactly as described in this permit. Any deviations from the described operations will need to receive advance written approval from the Planning Department.

Mr. Steven Lim
June 27, 1991
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4. All other applicable rules, regulations and requirements shall be complied with.
5. 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 Rick Warshauer at 961-8288.

Sincerely,



Norman K. Hayashi
Planning Director

FRW:smo
2240D
Enclosures

cc: Chief Engineer
West Hawaii office (w/Enclosures)
✓SMA Section (w/Enclosures)

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 91-20

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

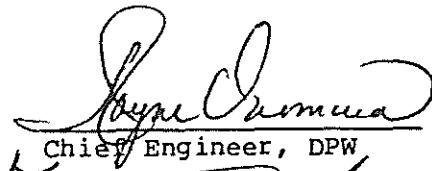
The Planning Director completed on June 20, 1991, an assessment on the application of STEVEN LIM, FOR KONA BALI KAI ASSOCIATION OF APT. OWNERS for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is ~~for~~ to allow the removal of a new unauthorized wall segment in or near the shoreline setback and to legitimize previous renovations and additions to an older wall along Alii Drive. The subject shoreline property consisting of 2.508 acres, is located just makai of Alii Drive, about a quarter mile north of Holualoa Bay in Holualoa 1st & 2nd, North Kona, Hawaii, TMK: 7-6-15:23

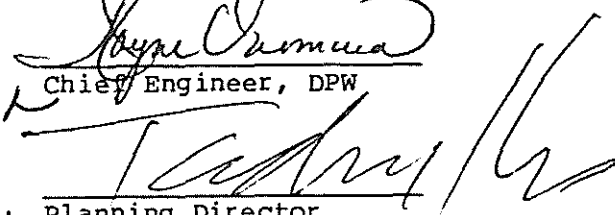
As indicated on the attached report, the Director finds that the proposed development is:

- 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:

PLEASE SEE ATTACHED CONDITIONS.


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-20

APPLICANT: STEVEN LIM, FOR KONA BALI KAI ASSOCIATION OF APT. OWNERS
CONDITIONS

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The removal of the makai, northern boundary wall shall be completed by August 31, 1991. When the wall removal has been completed, the Planning Department shall be promptly notified in writing so that a site inspection can be made to verify compliance.
3. The project is to be carried out exactly as described in this permit. Any deviations from the described operations will need to receive advance written approval from the Planning Department.
4. All other applicable rules, regulations and requirements shall be complied with.
5. 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.