

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

October 28, 1991

Mr. Martin Oliver
P. O. Box 91
Laupahoehoe, HI 96764

Dear Mr. Oliver:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-24
Applicant: Martin Oliver
Tax Map Key: 3-5-05: 21

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 a SMA Minor Use Permit No. 91-24 to allow the conversion of a single family dwelling to a real estate office and thereby establishing such commercial use on the property.

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

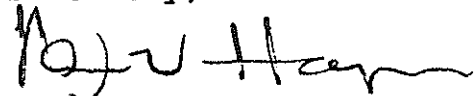
1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance 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.
4. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.

Mr. Martin Oliver
October 28, 1991
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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 of department at 961-8288.

Sincerely,



NORMAN K. HAYASHI
Planning Director

FRW:smo
3479D
Enclosures

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

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 91-24

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on October 22, 1991, an assessment on the application of MARTIN OLIVER 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 conversion of a single family dwelling to a real estate office and thereby establishing such commercial use on the property. The 15,725 square foot parcel is a portion of Kihalani House Lots and lies mauka of and between the Mamalahoa Highway and the Government Main Road, Kihalani Homesteads, North Hilo, Hawaii,
TMK: 3-5-05: 21


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. 91-24

APPLICANT: MARTIN OLIVER

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 comply with all other applicable laws, rules, regulations, and requirements.
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.