



STATE OF HAWAII

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

P. O. BOX 2359 • HONOLULU, HAWAII 96804

September 30, 1970

JOHN A. BURNS
Governor

SHELLEY M. MARK
Director Department
of Planning and Economic
Development

RECEIVED

COUNTY PLANNING

WILBERT H. S. CHOI
Commission Chairman

Date: OCT 5 '70

Goro Inaba
Vice Chairman

File No.:

RAMON DURAN, AIP, ASLA
Executive Officer

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Hawaii Planning Commission
Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Anthony C. Veriato, Chairman

Subject: Rescinding of Special Permit
Helen Divine (SP69-60)

Gentlemen:

Pursuant to your letter of August 31, 1970 regarding the above subject, this is to advise that the Land Use Commission, at its meeting on September 26, 1970, declared that the special permit granted Helen Divine (SP69-60) on January 17, 1969 to construct an apartment building, restaurant-bar and shopping facilities at Kau, Hawaii, Tax Map Key 9-2-92: parcel 1, automatically expired due to her failure to comply with the conditions set forth by the Hawaii Planning Commission, i.e., construction to begin within one year from date of approval by the Land Use Commission (January 17, 1969) and construction to be completed within 12 months from the starting date.

Please be advised that any violation of the conditions imposed by the county or the Land Use Commission on any special permit will automatically void it. If this occurs, the County Planning Department may notify the applicant accordingly without a declaratory ruling by the Land Use Commission.

Enclosed for your information is a copy of the staff memorandum.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Mrs. Helen Divine
Hawaii Dist. Off., DOT
Property Technical Off., DOT
Tax Maps Branch, DOT

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

September 26, 1970
9 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: Rescinding of Special Permit 69-60 - Helen Divine

A letter was received from the Hawaii County Planning Commission advising that on August 28, 1970, the Commission unanimously voted to recommend that the Land Use Commission initiate steps to rescind the special permit granted to Helen Divine to construct an eight-unit apartment, restaurant-bar, and shopping facilities on 1.75 acres at Kau, Hawaii. The permit was approved by the Land Use Commission on January 17, 1969, and the petitioner has not complied with the condition that construction be initiated within one year after the date of approval by this Commission.

Two other special permit requests proposing similar developments were approved previously by the Land Use Commission. All are situated in the Hawaiian Ocean View Subdivision within 1.2 miles of each other. One granted on October 29, 1966, to Ben Hess (SP66-32) expired in October, 1968, after several extensions were granted to begin construction. However, the special permit granted on September 18, 1962, to Harry McKee (SP(T)62-21), when the temporary boundaries were in effect, did not have a time limitation stipulated and is still active.

A letter from McKee's attorney dated December 24, 1968, states that McKee is actively planning to develop the property and that construction material have been purchased and due to be shipped on January 11, 1969. Letters dated May 31, 1969, and June 13, 1969, from McKee's architect to the County indicated that planning and drawings have been substantially completed and that the developer will soon apply for a building permit.

A letter dated February 18, 1970, was sent to Mrs. Divine by the Hawaii Planning Director inquiring whether construction has been initiated and since the County has no record of a building permit being issued to Mrs. Divine. Apparently, there was no response to the inquiry by the County.

In view of the failure of Mrs. Divine to initiate construction within the one year time period stipulated by the County and the Land Use Commission, the staff believes that the special permit has automatically expired and that no action is necessary by the Land Use Commission. If the Land Use Commission concurs, the staff will reply to the Hawaii County Planning Commission to that effect with a carbon copy to Mrs. Divine.