

CERTIFIED MAIL

August 15, 1988

Messrs. Ed Thomason/Francis Haug
P. O. Box 10642
Hilo, HI 96720

Dear Messrs. Thomason and Haug:

Nullification of Special Permit No. 645 (87-3)
Tax Map Key 1-5-46:59

The Planning Commission at its duly held public hearing on August 9, 1988, voted to nullify your Special Permit No. 645 which allowed the establishment of an experimental fabrication operation of fiberglass products at Hawaiian Paradise Park Subdivision, Kaaau, Puna, Hawaii due to non-compliance with the terms and conditions of the permit.

The findings are based on the following:

Specifically, the applicants have not submitted plans to the Planning Department for plan approval review on or before the November 12, 1987, deadline date. Landscaping requirements for mitigation purposes were to have been imposed at that time. Furthermore, the fabrication shop was to have been enclosed in conformance with necessary building, fire and health code requirements. Since a building permit for the new use or proposed enclosure was never issued, the structure did not receive proper review by the Departments of Public Works, Fire and Health. The absence of approvals has created a situation where the one-year period of temporary operation cannot be effectively applied.

While one can sympathize with the plight of a small business operation, the permit was granted for one year with the understanding that the manufacturing was to have ceased pending receipt of all necessary approvals and the assurance that mitigation measures were in place through the plan approval and building permit process. The applicants have not demonstrated good faith in complying with those conditions set forth by the Planning Commission.

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Based upon the above considerations, Special Permit No. 640 is declared null and void.

Further, the applicants, Ed Thomason and Frank Haug, shall:

1. Cease and desist all fiberglass manufacturing operations on the subject property effective August 10, 1988.
2. Fiberglass products stored on the premises shall be removed from the subject property by September 9, 1988.
3. Pursuant to the intent of Condition No. 8, the workshop shall be demolished by September 9, 1988, unless the Planning Director verifies that the use established within the structure is permitted under Chapter 205, HRS, and the Hawaii County Zoning Code (Chapter 25).

The Planning Director is authorized to verify the applicants' compliance with the above order numbers 1, 2, and 3. A copy of the verification letter shall be forwarded to the Planning Commission and complainant.

Any violation of this decision and order shall be enforced by the Planning Director in accordance with the Chapter 205-13, Hawaii Revised Statutes, relating to Land Use, which reads:

Penalty for Violation. Any person who violates any provision under section 205-4.5, or any regulation established relating thereto, shall be fined not more than \$5,000, and any person who violates any other provision of this chapter, or any regulation established relating thereto, shall be fined not more than \$1,000.

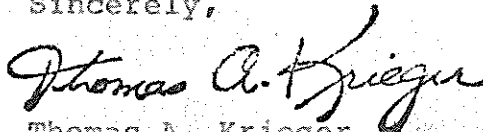
If any person cited for a violation under this chapter fails to remove such violation within six months of such citation and the violation continues to exist, such person shall be subject to a citation for a new and separate violation. There shall be a fine of not more than \$5,000 for any additional violation.

Prior to the issuance of any citation for a Violation, the appropriate enforcement officer or agency shall notify the violator and the mortgagee, if any, of such violation, and the violator or the mortgagee, if any, shall have not more than sixty days to cure the violation before citation for a violation is issued.

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Should you have any questions, please feel free to contact us at
961-8288.

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: State Land Use Commission
Department of Public Works
Department of Water Supply
County Real Property Tax Division

bcc: Plan Approval Section
Zoning Inspector
Thomas Sawicki