

# Planning Commission

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

Larry S. Tanimoto  
Mayor

CERTIFIED MAIL

May 14, 1990

Dr. Robert E. Klein  
2070 Kilauea Avenue  
Hilo, HI 96720

Dear Dr. Klein:

Amendments to Conditions 5 and 6  
of Use Permit No. 39  
TMK: 2-2-40:29

The Planning Commission at its duly held public hearing on May 3, 1990, voted to allow the demolition of an existing cottage and to increase the number of staff to four (4) office/therapy assistants, but voted to deny your request to extend the hours of operation to 9 p.m., Monday through Saturday.

The decisions were based on the following findings in the order of the requests:

1. The request to amend the language of Condition No. 6 to allow the demolition of the existing cottage would not be contrary to the reasons originally used in granting the Use Permit which allowed the chiropractic health facility on the property. The granting of the request will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the General Plan. The applicant's desire to demolish the existing cottage would not increase the activity on the property but would concentrate an approved use within the existing main structure. The concentration of these services would further isolate these activities from the surrounding properties. The removal of the cottage would provide additional parking spaces as well as provide for increased vehicular circulation through the property. As such, to change the language of Condition 6 to accommodate the demolition of the existing cottage would be consistent with the original reasons for granting the Use Permit.

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2. The increase in the hours of operation to 9 p.m., Monday through Saturday will not be consistent with the general purpose of the single family residential zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The purpose of the single family residential zoned district is to provide for low density residential areas for urban and suburban family life. This particular area of Hilo is characterized by established single family dwellings on the north, south and west sides of the property. To amend the hours of operation until 9 p.m., Monday through Saturday would adversely affect these residential activities by increasing traffic, noise, and related commercial activities associated with the office and educational activities during those hours when many people are at home. The increase in operating hours into the evening would be detrimental to the public welfare and may cause adverse impact to the community. The increase in activity during these extended hours would not be conducive to the existing residential setting. As such, the request would be contrary to the original reasons for granting the Use Permit. Therefore, the Planning Director is recommending that this request be denied.

3. The request to increase the number of office/therapy assistants to four (4) would not be contrary to the original reasons for granting the Use Permit. The increase in the number of staff personnel will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. The increase in the number of office/therapy assistants would increase the amount of services that is provided without expanding the existing facility. As such, the request will not unreasonably burden public agencies to provide additional facilities and services. Therefore, the Planning Director is recommending that this request be approved.

Based on the above, Use Permit No. 39 is amended as follows:

5. The number of employees for this facility shall be limited to the 2 chiropractors and [3] 4 office/therapy assistants and the hours of operation for this facility shall be limited to be between 7:00 a.m. and 6:00 p.m. from Monday to Saturday.
6. [Prior to the future] Final Plan Approval for the conversion[s] of the [cottage and] second floor level into

the proposed classroom[s, plans] shall be [submitted for Plan Approval] secured within one year from the effective date of this amendment. [at which time additional parking shall be imposed as required by the Zoning Code.] 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.

7. Construction of the proposed classroom and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
- [7] 8. Any access, drainage, and grading shall be required to comply with the requirements of the Department of Public Works.
- [8] 9. Should an Improvement District or other participatory program for curb, gutter and sidewalk improvements be implemented for this area, the petitioner shall agree to participate and be assessed according with the requirements established for the Improvement District program.
- [9] 10. All other applicable County and State rules, regulations and requirements including those of the Department of Water Supply and State Department of Health shall be complied with.
- [10] 11. [The Planning Director may administratively grant extensions to the foregoing condition(s). Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void] 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.

The approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division

bcc: Plan Approval Section



## BOARD OF APPEALS

25 AUPUNI STREET • HILO, HAWAII 96720

COUNTY OF  
HAWAII

CERTIFIED MAIL

April 17, 1986

Dr. Robert E. Klein  
17 Furneaux Lane  
Hilo, HI 96720

Dear Dr. Klein:


Petition for an Appeal (A86-4)  
Planning Commission's Denial Action of a Use Permit  
Tax Map Key: 2-2-40:29

Please refer to our letter dated April 16, 1986, in which you were informed that the Board of Appeals sustained the appeal on the Planning Commission's action and voted to approve your Use Permit application to allow the establishment of a chiropractic health center on the above-captioned property.

This is to inform you that the correct date of the Board's meeting was April 11, 1986, and not February 11, 1986. My apologies for any inconvenience this may have caused you.

Should you have any questions on the conditions of approval, please feel free to contact the Planning Department.

Sincerely,

  
for G. Tweetie Wong  
Chairwoman, Board of Appeals

cc: Board of Appeals  
Planning Commission  
Planning Director  
John Wagner, Assistant Corporation Counsel  
Tim Lui Kwan, Deputy Corporation Counsel

CERTIFIED MAIL

April 16, 1986

Dr. Robert E. Klein  
17 Furneaux Lane  
Hilo, HI 96720

Dear Dr. Klein:

Petition for an Appeal (A86-4)  
Planning Commission's Denial Action of a Use Permit  
Tax Map Key: 2-2-40:29

Please be informed that the Board of Appeals at its meeting on February 11, 1986, sustained the appeal on the Planning Commission's action and voted to approve your Use Permit application to allow the establishment of a chiropractic health center on the above-captioned property. The approval is subject to the following conditions:

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.
2. Final Subdivision approval of the subject property shall be secured within one year from the date of approval of the Use Permit.
3. Plans for the conversion of the dwelling to the Chiropractic health center including plans for the provision of a new parking area for a minimum of 10 cars and a detailed landscaping plan shall be submitted for Plan Approval within one year from the effective date of approval of the final Subdivision approval.
4. The chiropractic health center use shall be established within one year from the effective date of final Plan Approval.
5. The number of employees for this facility shall be limited to the 2 chiropractors and 3 office/therapy assistants and the hours of operation for this facility shall be limited to be between 7:00 a.m. and 6:00 p.m. from Monday to Saturday.

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6. Prior to the future conversions of the cottage and second floor level into the proposed classrooms, plans shall be submitted for Plan Approval at which time additional parking shall be imposed as required by the Zoning Code.
7. Any access, drainage, and grading shall be required to comply with the requirements of the Department of Public Works.
8. Should an Improvement District or other participatory program for curb, gutter and sidewalk improvements be implemented for this area, the petitioner shall agree to participate and be assessed according with the requirements established for the Improvement District program.
9. All other applicable County and State rules, regulations and requirements including those of the Department of Water Supply and State Department of Health shall be complied with.
10. The Planning Director may administratively grant extensions to the foregoing condition(s). Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void.

Should you have any questions on the conditions of approval, please feel free to contact the Planning Department.

Sincerely,



G. Tweetie Wong  
Chairwoman, Board of Appeals

cc: Board of Appeals  
Planning Commission  
Planning Director  
John Wagner, Assistant Corporation Counsel  
Tim Lui Kwan, Deputy Corporation Counsel

CERTIFIED MAIL

February 20, 1986

Dr. Robert Klein  
1498 Kilikina Street  
Hilo, HI 96720

Dear Dr. Klein:

Use Permit Application (UP 85-14)  
TMK: 2-2-40:portion of 29

The Planning Commission at its duly held public hearing on February 20, 1986, considered your request for a use permit to allow the establishment of a Chiropractic health center within the first floor of an existing single family dwelling situated within the Single Family Residential (RS-15) zoned district at Waiakea Homestead House Lots, South Hilo, Hawaii.

The motions to deny or approve could not carry as there were three ayes and three noes, therefore, your application was denied. You may appeal the decision to the Board of Appeals within thirty days of the decision date. As requested, we are enclosing a copy of the Board of Appeals procedures for an appeal.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Barbara A. Koi  
Chairperson, Planning Commission

Enc.

cc: Corporation Counsel

bcc: Plan Approval Section

FEB 20 1986