Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
P 021 737 137

June 21, 1995

Lynne K. Kushi, Esq.
Kushi & Kushi
140-A Haili Street
Hilo, HI 96720

Dear Ms. Kushi:

Use Permit No. 37
Applicant: Dr. Richard Shindo
Request: Revocation of Use Permit No. 37
Tax Map Key: 2-6-4:12

The Planning Commission at its duly held meeting on June 7, 1995, voted to revoke Use Permit No. 37 issued to Dr. Richard Shindo which allowed the establishment of a temporary dental laboratory facility on property zoned Multiple-Family Residential - 1,000 square foot (RM-1) by the Hawaii County Code on the north side of Iliahi Street, approximately 120 feet east of the Iliahi Street-Wainaku Street intersection in Puueo, South Hilo, Hawaii.

Revocation of the permit is based on the following:

1. On December 2, 1985, the Planning Commission approved Use Permit No. 37 to Dr. Richard Shindo.

2. By letter dated July 10, 1987, the Planning Director informed Dr. Shindo that, "In reviewing our files, we find that Condition No. 2 of the permit has not been met. Specifically, this condition states that 'Plans, including parking and landscaping plans shall be submitted for Plan Approval within one year from the effective date of approval of the Use Permit.' Since the terms of the condition have not been met, we are compelled to initiate procedures to nullify the Use

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Permit. Procedurally, a contested case hearing would be held by the Planning Commission to review the alleged violation to the terms of the Use Permit. We will inform you as to when the matter will be scheduled for a hearing by the Planning Commission as soon as the meeting date has been determined. As an alternative, you may initiate a request to amend this permit condition."

3. The applicant responded through his attorney, Lynne K. Kushi, by letter dated July 16, 1987. Said letter informed the Planning Department that Dr. Shindo did not contest the department's decision to nullify the use permit.

4. Since time passed without action, Ms. Kushi was again notified in April 1995 that the Department would be revoking the permit to which she responded that there would be no objections.

Should you have any questions regarding this matter, please do not hesitate to contact Connie Kiriu of this office at 961-8288.

Sincerely,
Edward E. Cloak, Vice Chair
for Wilton Wong
Wilton K. Wong, Chairman
Planning Commission

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