Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

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CERTIFIED MAIL
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September 7, 1995

Reverend Loretta Lurbe
United Pentecostal Church
P.O. Box L
Kurtistown, HI 96760

Dear Reverend Lurbe:

Use Permit No. 70
Applicant: United Pentecostal Church
Request: Amendment to Condition No. 3 (Complete Construction)
Tax Map Key: 1-7-16:Portion of 36

The Planning Commission at its duly held public hearing on August 24, 1995, voted to approve the above-referenced amendment request. Use Permit No. 70 allowed the establishment of a church and related improvements. The request to amend Condition No. 3 is for an extension of time to complete construction. The property is located along the west side of the Volcano Highway, adjacent to and south of the Hilo Korean Christian Church, approximately 0.5 mile north of Sako Store, Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The proposed amendment of Condition No. 3 and deletion of Condition No. 9 will still be consistent with the guidelines for approving a Use Permit. The applicant is requesting an extension of time in which to complete construction of the proposed church. The subject Use Permit was approved by the Planning Commission effective December 5, 1989. Since then, the applicant secured Final Plan Approval on December 14, 1990, and secured a building permit for construction of the church on February 20, 1991. According to the applicant, due to their financial situation, funds were not available to start construction. Reverend Lurbe has attempted to sell her personal property in order to secure financing; however, this attempt has not been successful.

In review of the request, public agencies had no objections for an extension of time in which to complete construction.

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It is determined that Condition No. 3 be amended and that Condition No. 9 be deleted from Use Permit No. 70 as follows (material to be deleted is bracketed and new material is underscored):

3. Construction of the church and related improvements shall [commence within one year from the date of receipt of Final Plan Approval and shall] be completed within [two] <u>three</u> years [thereafter] <u>from the effective date of this amendment.</u>

[9. 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 may initiate procedures to revoke the permit.]

This 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.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Wilton K. Wong, Chairman
Planning Commission

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cc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Plan Approval Section