

**COUNCIL OF THE COUNTY OF MAUI**  
**LAND USE COMMITTEE**

December 16, 2011

**Committee**  
**Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on November 30, 2011, makes reference to County Communication 11-284, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING STAN AND HASSIE ZITNIK AN EXTENSION OF A CONDITIONAL PERMIT TO CONTINUE THE USE OF A CONVERTED 180 SQUARE FOOT GARAGE FOR AN OFFICE FOR AN INTERIOR DESIGNER WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-4-006:004, 2144 KAHOOKELE STREET, WAILUKU, MAUI, HAWAII".

The purpose of the proposed bill is to grant a time extension, until March 20, 2021, of a Conditional Permit to allow the continued use of a converted 180-square-foot garage for an interior design office within the County R-2 Residential District on approximately 15,820 square feet located at 2144 Kahookele Street, Wailuku, Maui, Hawaii.

Your Committee notes that Ordinance 3366 (2006) granted a Conditional Permit for the interior design office for a five-year period that expired on March 20, 2011.

A Planner with the Department of Planning informed your Committee that the interior design office is used by Hassie Zitnik from 8:00 a.m. to 4:00 p.m. The office consists of office equipment, design samples, books, and files. It is used to prepare for meetings with clients, and for business operations such as bookkeeping and billing. According to the Planner, Mrs. Zitnik does not meet with clients in the office, although the permit allows the office to be used for meetings with one client at a time.

The Planner further advised your Committee that the Zitniks are in compliance with the conditions of the Conditional Permit granted by Ordinance 3366 (2006). There have been no complaints from neighbors or police reports filed related to the business operation. She noted that Condition 5 is no longer applicable because the Zitniks obtained a certificate of occupancy for the business office.

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Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Carroll, Vice-Chair White, and members Baisa, Cochran, Couch, Pontanilla, and Victorino voted "aye". Committee members Mateo and Hokama were excused.

Your Land Use Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2011), attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING STAN AND HASSIE ZITNIK AN EXTENSION OF A CONDITIONAL PERMIT TO CONTINUE THE USE OF A CONVERTED 180 SQUARE FOOT GARAGE FOR AN OFFICE FOR AN INTERIOR DESIGNER WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-4-006:004, 2144 KAHOOKELE STREET, WAILUKU, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 11-284 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



\_\_\_\_\_  
ROBERT CARROLL, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2011)

A BILL FOR AN ORDINANCE GRANTING STAN AND HASSIE ZITNIK AN EXTENSION OF A CONDITIONAL PERMIT TO CONTINUE THE USE OF A CONVERTED 180 SQUARE FOOT GARAGE FOR AN OFFICE FOR AN INTERIOR DESIGNER WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-4-006:004, 2144 KAHOOKELE STREET, WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 3366 (2006), is extended, subject to the conditions imposed in Section 2 of this ordinance, for the continued use of a converted 180 square foot garage for an office for an interior designer within the County R-2 Residential District. The site is identified for real property tax purposes by Tax Map Key No. (2) 3-4-006:004, and is comprised of approximately 15,820 square feet of land.

SECTION 2. The conditions imposed in Ordinance No. 3366 (2006) are amended to read as follows:

- "1. That full compliance with all applicable governmental requirements shall be rendered.
2. That the Conditional Permit shall be valid [for a period of five (5) years from the effective date of this ordinance;] until March 20, 2021; provided[, ] that, an extension of this Conditional Permit beyond this [five-

year] period may be granted pursuant to Section 19.40.090, Maui County Code.

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance.
4. That Stan and Hassie Zitnik, their successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by the subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00), naming the County of Maui as [a named] an additional insured, insuring and defending Stan and Hassie Zitnik and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this Conditional Permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Stan and Hassie Zitnik of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as [a named] an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of [this] the most recent amendment to this ordinance.
- [5. That a certificate of occupancy shall be obtained for the business office.

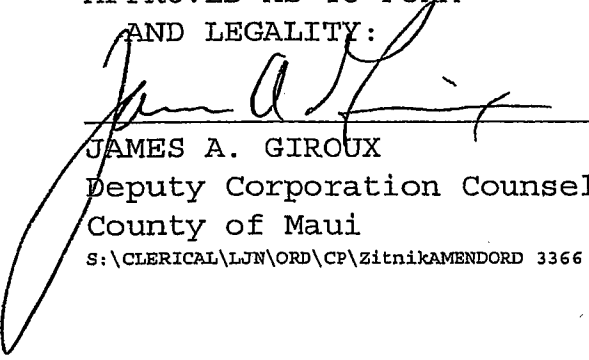
6.] 5. That Stan and Hassie Zitnik shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

[7.] 6. That no more than one client vehicle at a time may be at this location.

[8.] 7. That no storage of furniture shall occur on the subject property and no delivery of furniture shall be made to the subject property.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



JAMES A. GIROUX  
Deputy Corporation Counsel  
County of Maui

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