

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

May 30, 2007

William C. Wallace  
HCR 1, Box 5248  
Keaau, HI 96749

Dear Mr. Wallace,

**DETERMINATION OF PRE-EXISTING LOTS**  
**Tax Map Key 2-5-05:57**

This is to acknowledge receipt of your letter of December 7, 2006, and documents regarding the subject matter.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property consists of three (3) separate legal lots of record with only two (2) of these lots considered buildable:

1. Lot 35, Portion of Grant 10354 consisting of 8036.5 square feet, is recognized as a buildable lot of record;
2. Lot 36, Grant 10354 consisting of 20,390 square feet, is recognized as a buildable lot of record; and
3. Portion of Parcel 57 also being a Portion of Grant 5554 to Levi C. Lyman consisting of 4,044 square feet, is recognized as a lot of record but not a buildable lot since it appears to have been created as a remnant lot solely to encumber an existing driveway that services Lot 36.

It is our understanding that, based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and resubdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots. If consolidation and resubdivision is not the intent, you may want to have a modern metes and bounds survey be conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

A request for separate tax map key parcel numbers should be in writing to this department.

William C. Wallace  
Page 2  
May 30, 2007

Should you not concur with the above finding, your recourse is as follows:

In accordance with Section 23-5 of the Hawaii County Code, Section 6-10.2 of the Hawaii County Charter, and Rule 8 of the Board of Appeals, you may appeal the director's decision as follows:

- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

According to Section 23-5, Hawaii County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by and abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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Enc. - Board of Appeals General Petition for Appeal of Decisions by Planning Director

William C. Wallace  
Page 3  
May 30, 2007

xc: Tax Maps and Records Supervisor I  
Real Property Tax Division-Hilo  
Manager-DWS  
SUB 6461