

Kit to CA

November 10, 1982

Mr. Thomas Butler
P. O. Box 1005
Captain Cook, HI 96704

Dear Mr. Butler:

Ohana Dwelling Application (OD 82-17)
Thomas Butler
Tax Map Key 8-1-21:20

We regret to inform you that after reviewing your application and comments received from the affected agencies, the Planning Director is hereby denying your ohana dwelling application. The reason(s) for the denial are as follows:

Ordinance No. 804 (Section 2-2), relating to Regulations for Ohana Dwellings, imposes the requirement that "The County determines that public facilities as specified in Section 3 of this article are adequate to service the ohana dwelling unit"; and furthermore under Section 3-1 that "The access to a public or private street shall meet with the approval of the Chief Engineer."

The determination of the Chief Engineer is that the private street access has been found to be not acceptable. The reason is that currently, thirty-eight lots use the roadway as access. The roadway is less than 12-foot wide and does not permit two-way traffic.

The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

1. A non-refundable filing fee of one hundred dollars (\$100).

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2. Ten (10) copies of the petition for the appeal incorporating the following:
 - a. The name, address, and telephone number of the appellant and the name, title, and address of the appellant's representative.
 - b. A description of the property involved in the appeal, including the tax map key number of the property, and the appellants's interest in the property.
 - c. A plain statement of the nature of the appeal and the relief requested.
 - d. A statement explaining:
 - 1) How the decision appealed from violates the law; or
 - 2) How the decision appealed from is clearly erroneous; or
 - 3) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
 - e. A clear and concise statement of any other relevant facts.

Should you have any further questions, please feel free to contact this office at 961-8288. A copy of the Chief Engineer's memorandum is enclosed for your information.

Sincerely,



for
SIDNEY FUKE
Planning Director

CR:ds
Enc.

cc: Chief Engineer
Dept. of Health,
Chief Sanitarian