

CERTIFIED MAIL

April 11, 1983

Ms. Heather Tarleton
P. O. Box 1206
Kamuela, HI 96743

Dear Ms. Tarleton:

Ohana Dwelling Application (OD 83-16)
Heather Tarleton
Tax Map Key: 6-4-14:37

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 application. The reason(s) for the denial are as follows:

Article 20, Section (2)(2) of the Zoning Code, pertaining to Regulations for Ohana Dwelling, requires that, "The County determines that public facilities as specified in Section 3 of this article are adequate to service the ohana dwelling unit."

Said Section (3)(2) more specifically requires of the Ohana Dwelling that, "It meets with State Department of Health wastewater treatment and disposal system requirements."

The determination of the Sanitation Division, State Department of Health, with respect to your application is as follows:

"Chapter 38, Section 3, Paragraph 3.4 of Public Health Regulations states individual wastewater systems which includes cesspools may be utilized for developments of density not greater than one (1) unit per 5,000 square feet.

"The applicant does not meet these requirements with her proposal of 2 dwelling units on 7,577 square feet."

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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).
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 appellant'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.

Sincerely,



SIDNEY FUKÉ
Planning Director

MO:gs
Attachment

cc: Chief Engineer, DPW
Chief Sanitarian, DOH