

CERTIFIED MAIL

April 26, 1983

Ms. Marion De Silva
160 Chong Street
Hilo, HI 96720

Dear Ms. De Silva:

Ohana Dwelling Application (OD83-21)
Marion De Silva
Tax Map Key: 2-3-33:46

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 County of Hawaii Zoning Code, pertaining to Regulations for Ohana Dwellings, 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:

"Per Chapter 38, Section 3.4(A) Private Wastewater Treatment Works and Individual Waste Systems, Public Health Regulations, Department of Health, State of Hawaii, for the use of cesspool, minimum lot size required is 5,000 sq. ft. per dwelling."

Your application does not meet this area requirement, as it proposes to construct a second single-family dwelling on a property whose total land area is 9,253 square feet.

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:

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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. A copy of the State Department of Health memorandum is enclosed for your records.

Sincerely,



SIDNEY FUKÉ
Planning Director

CR:ds
Enc.

cc: Chief Engineer, DPW
Chief Sanitarian, DOH