

CERTIFIED MAIL

September 10, 1986

Mr. Jacob Pacheco, Etal
c/o P. O. Box 187
Laupahoehoe, HI 96764

Dear Mr. Pacheco:

Ohana Dwelling Application (OD 86-16)
Jacob Pacheco, Etal
Tax Map Key: 4-2-04:12

We regret to inform you that after reviewing your application and comments received from the State Department of Health, the Planning Director is hereby denying the subject ohana dwelling application. The reason for the denial is as follow:

Section 25-272, Requirements, (2) Zoning Code, states: "It meets with State department of health wastewater treatment and disposal system requirements. Additional standards will not be imposed by the County."

Pursuant to February 14, 1986 letter, a copy of the transmittal memorandum dated February 6, 1986 with stated Department of Health comments dated February 11, 1986 were forwarded to you for consideration and resolve.

The February 11, 1986, State Department of Health comments are: "Session Laws of Hawaii, 1985, Act 282, requires a total of 10,000 square feet of land area to use cesspools as the means of sewage disposal for two dwelling units. The land area of 4,578 square feet is not sufficient. Public sewer and equivalent sewage treatment works are exempted from the sewage density criteria. These options are available to the applicant. Currently, there are legislative bills proposing a more flexible interpretation of the sewage density criteria. The applicant may call the Chief Sanitarian's Office, Phone 961-7275 for additional information."

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Further, an extension of time until May 30, 1986 was granted by February 14, 1986 letter. To date we have not heard from you concerning the wastewater treatment and disposal system requirement.

Therefore, the Planning Department interprets the situation above as precluding your proposal to convert an existing single family dwelling unit into a duplex unit pursuant to Article 25, Regulations for Chana Dwelling, Chapter 25, Zoning.

The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal this 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.

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- 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,



ALBERT LONO LYMAN
Planning Director

WRY:wk

cc: Chief Engineer, DPW
Chief Sanitarian, DOH