

CERTIFIED MAIL

September 10, 1986

Mrs. Betty J. Schuster
4 Spring Street
Hilo, HI 96720

Dear Mr. Schuster:

Ohana Dwelling Application (OD 86-66)
Betty J. Schuster, Etal
Tax Map Key: 2-3-34:28

We regret to inform you that after reviewing your application and comment 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 a February 8, 1986 letter, a copy of the transmittal memorandum dated June 17, 1986 with stated Department of Health comment dated June 23, 1986 was forwarded to you for consideration and resolve.

The June 23, 1986, State Department of Health comment states: "On Ohana conversions utilizing cesspool as means of individual wastewater disposal, minimum lot size per State Law Act 282 is 10,000 sq. ft."

Further, an extension of time until August 15, 1986 was granted by the July 8, 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 Ohana Dwelling, Chapter 25, Zoning.

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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.
 - 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, DFW
Chief Sanitarian, DOH