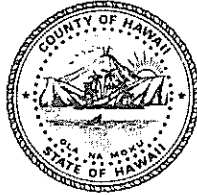


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

CERTIFIED MAIL

7099 3220 0000 4869 7879

October 5, 2000

Mrs. Evangeline B. Edwards
P.O. Box 1845
Honokaa, HI 96727

Dear Mrs. Edwards:

OHANA DWELLING APPLICATION (OHD 00-009)

Applicant: EVANGELINE B. EDWARDS

Titleholder: EVANGELINE B. EDWARDS

Request: ADDITIONAL SINGLE FAMILY DWELLING

Tax Map Key: 4-5-004:021, Lot 4-A

In reviewing the documents submitted with Ohana Dwelling Application (OHD 00-009), we noted that all surrounding property owners were not notified of your application. In response to a message left by Esther Imamura, Zoning Clerk, you returned our call on **July 10, 2000**, and were apprised of this omission. Since we did not receive any additional submittals, we left another message on **July 27, 2000**. On **July 31, 2000**, we received a call from Mr. Edwards and we informed him that we were going to deny the application because the required additional information was not submitted by the decision date of **July 29, 2000**. This decision date was noted in our June 2, 2000 certified letter to you. However, in trying to resolve this dilemma, we left another message to you on August 3, 2000. No return call was received by this department.

For your information, the denial to construct an Ohana Dwelling Unit is based on the following requirements:

1. The proposed Ohana Dwelling unit shall comply with Ordinance No. 96 47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

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2. The Hawaii County Code, Chapter 25, Section 25-2-4 (a) and (b) states the following:
 - (a) Whenever any application under this chapter requires notice to owners and lessees of record interests of the surrounding properties:
 - (1) Such notice shall be served to the owners and lessees of record of all lots of which any portion is within three hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the state land use urban or rural district, or
 - (2) Such notice shall be served on the owners and lessees of record of all lots of which any portion is within five hundred feet of any point along the perimeter boundary of the building site affected by the application if the building site is located within the state land use agricultural district, except that if the surrounding lots are located within either the state land use urban or rural district, notice shall be served on the owners and lessees of record of all lots which any portion is within three hundred feet of the building site.
 - (b) The applicant shall first serve notice of the filing of the application on the surrounding owners and lessees within ten days after the application has been filed with the director or commission,

In reference to our denial of the Application for Ohana Dwelling Unit Permit, please note the following:

Section 25-2-6. Waiting period after denial of application. Unless otherwise provided in this chapter, whenever an application for an amendment to this chapter, or for a variance from this chapter, or for any other permit authorized under this chapter has been denied, no new application for the same relief, action or use governing all or any portion of the property involved in the original application shall be accepted by the director or the commission for a period of one year from the effective date of the final denial of the original application; provided, however, that upon a showing of a substantial change of circumstances, the director or commission may permit the filing of a new application prior to the expiration of the one year period. Nothing contained in this section shall prevent the council or the director from initiating any proceedings at any time under this chapter.

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The Planning Director's decision is final, except that within thirty days after the date of the written decision, the applicant may appeal such action to the Board of Appeals. Effective March 3, 1999, the Hawaii County Board of Appeals is required to hear and determine appeals from final decisions of the Planning Director. This is pursuant to an amendment to the County Charter adopted by the voters of the County of Hawaii at the general election held on November 3, 1998.

A General Petition for Appeal of Decisions by Planning Director is enclosed for your information.

Should you have any questions regarding the above, please feel free to contact this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

xc: Department of Health, Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply