

August 2, 1983

Mr. W. H. Sanburn
Transcontinental Development Company
Suite 1801, Financial Plaza of the Pacific
130 Merchant Street
Honolulu, HI 96813

Dear Mr. Sanburn:

Variance Application (V83-14)
Variance from Maximum Allowable Height
Petitioner: Transcontinental Development Company
Tax Map Key 6-9-7:1

This is to inform you that the decision deadline for the above-described request lapsed on July 18, 1983. The Director did not act within the prescribed period of time because we were still awaiting the submittal of additional information as requested in our letter of July 5, 1983. We also requested the suspension of the decision deadline in the letter of July 5, pending the development of mutually acceptable design guidelines for the Waikoloa Beach Resort project. Inasmuch as the decision deadline has already lapsed without a response to our letter of July 5, 1983, the Director has no recourse but to declare the subject variance request denied pursuant to Section 25-26(b) of the Hawaii County Code.

Please be advised that this action will not preclude re-application for the same request, provided that the information requested in our letter of July 5, 1983 is submitted at that time.

Please be further advised that the Director's decision is final, except that within ten (10) working days after receipt of this letter, you may appeal the decision in writing to the Planning Commission in accordance with the following procedures:

- 1. Non-refundable filing fee of one hundred dollars (\$100.00);
and

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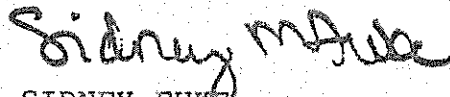
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2. Ten (10) copies of a statement of the specific grounds for the appeal.

Should you decide to appeal, the Planning Commission shall conduct a public hearing within a period of ninety (90) days from the date of receipt of a properly filed appeal. Within sixty (60) days after the close of the public hearing or within such longer period as may be agreed to by the appellant, the Planning Commission shall affirm, modify or reverse the Director's action. A decision to affirm, modify or reverse the Director's action shall require a majority vote of the total membership of the Planning Commission. A decision to defer action on the appeal shall require a majority vote of the Planning Commission members present at the time of the motion for deferral. If the Planning Commission fails to render a decision to affirm, modify, or reverse the Director's action within the prescribed period, the Director's action shall be considered as having been affirmed.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,



SIDNEY FUKU
Planning Director

BN:lgv