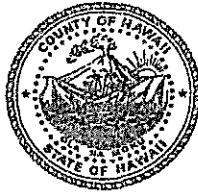


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

June 27, 2003

Mr. Robert Corsair
75-7519 Alii Drive
Kailua-Kona, HI 96740-1754

Dear Mr. Corsair:

VARIANCE PERMIT NO. 1370 WH (VAR 02-064)

Applicant: KLAUS D. CONVENTZ
Owner: JOHN ROSS TRUST
Request: Variance from Chapter 25, Zoning
Minimum Yard Requirements
Tax Map Key: 7-5-022:159, Lot 13

Your letter and concerns were carefully considered and incorporated into the variance background and variance file.

The enclosed copy of our letter **Variance Permit No. 1370**, which includes the variance background, findings, variance decision and list of variance conditions, is for your records.

In accordance with a recent charter amendment and Ordinance No. 99-112, you may appeal the director's decision and request the following:

- (a) Any person aggrieved by the decision of the director in the administration or application of this chapter, may, within thirty days after the date of the director's written decision, appeal the decision to the board of appeals.
- (b) A person is aggrieved by a decision of the director if:
 - (1) The person has an interest in the subject matter of the decision that is so directly and immediately affected, that the person's interest is clearly distinguishable from that of the general public: and

038542
JUL 03 2003
024897

Mr. Robert Corsair
Page 2
June 27, 2003

- (2) The person is or will be adversely affected by the decision.

- (c) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing fee of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.

- (d) The appellant, the owners of the affected property, and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

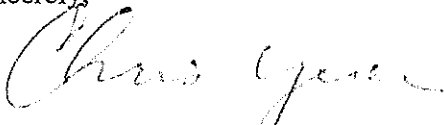
The board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that:

- (1) The director erred in its decision; or
- (2) The decision violated this chapter or other applicable law; or
- (3) The decision was arbitrary or capricious or characterized by and abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

Should you have any questions on the variance decision or the appeal procedure, please feel free to contact our Hilo office at telephone (808) 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

WRY: pak
P:\WP60\WRY\FORMLETT\VARO\BJL\TRTMK75022159.CORSAIR

Enclosures

Mr. Robert Corsair
Page 3
June 27, 2003

xc: VAR 02-064 File (Ltr. only)
Baumeister Consulting-Applicant (Ltr. only)

COUNTY OF HAWAII
BOARD OF APPEALS

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR

(Type or legibly print the requested information)

APPELLANT: _____

APPELLANT'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

TELEPHONE: (Bus.) _____ (Home) _____

APPELLANT'S INTEREST IN THE SUBJECT MATTER OF THE APPEAL: _____

APPELLANT'S GROUNDS FOR APPEAL: _____

LAND OWNER: _____

MARK: (land in question) _____ AREA: _____

STREET ADDRESS OF PROPERTY: _____

APPELLANT'S REPRESENTATIVE: _____

REPRESENTATIVE'S SIGNATURE: _____

REPRESENTATIVE'S ADDRESS: _____

TELEPHONE: _____ TELEPHONE: (Bus.) _____

THIS PETITION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) PAYABLE TO THE COUNTY DIRECTOR OF FINANCE AND:

The Original and ten (10) copies of this completed petition with the following:

- a. A description of the property in sufficient detail for the public to precisely locate the property.
- b. A statement explaining the nature of the appeal and the relief requested.
- c. A statement explaining:
 - (i) How the director or commission erred in its decision; or
 - (ii) How the decision violates the Zoning Code or other applicable law; or
 - (iii) How the decision was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
- d. A clear and concise statement of any other relevant facts.

Proof of Service by the Appellant on the Planning Director for an appeal from the Planning Director's decision relating to the Zoning Code.

A list of the names, address and tax map keys of all owners of property within boundaries established by Section 8-11(d) of the Board of Appeals Rules of Practice and Procedure.