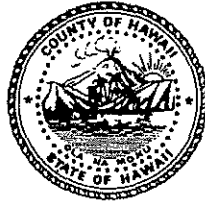


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 10, 2010

Ms. Susan Fudge
P.O. Box 375
Hawi, HI 96719

SUBJECT: **File No.:** **VAR 09-056**
Applicant: **The Independent Hawaii Surveyors, LLC**
Owner: **Susan Michelle Fudge**
Request: **Request for Reconsideration of Denial**
 TMK: 5-5-016:015, Lot 160

Dear Ms. Fudge,

After receipt of your request for reconsideration, and further review of your variance application, the Planning Director has determined that **limited approval of the variance request be granted with conditions** for VAR 09-056.

The variance approval allows for the storage shed and cabana, including attendant roof eaves, as identified in the survey map dated September 28, 2009, to remain within the property's 10-foot minimum (south) side yard setback. The variance is from the subject property's minimum 10-foot side yard and attendant minimum 5-foot side yard open space requirement, Chapter 25, Zoning, Article 5, Division 1, Section 25-5-7 (2)(B), Minimum yards, and Article 4, Division 4, Section 25-4-44, Permitted projections into yards and open space requirements.

A variance is not needed for the carport, so long as such structure does not become enclosed, nor the propane tank located in the southwest corner of the property. Approval is not being granted for the patio cover, attached to the existing dwelling and located along the east side of said structure.

BACKGROUND AND FINDINGS

1. Location: The subject property, consisting of approximately 15,092 square feet of land, is situated within Hawi, North Kohala, Hawaii, Land Court Application 1120 (Map 20). The subject property's street address is 55-601 Hawi Road.
2. Zoning: The subject property is zoned Single Family Residential – 15,000 Square Feet (RS-

- 15) by the County and designated Urban or "U" by the State Land Use Commission (LUC).
3. Variance Application – Site Plan: The owner submitted the variance application, attachments, and filing fee on October 27, 2009 and other submittals related to the variance request. The variance application's site plan map is drawn to scale and prepared by The Independent Hawaii Surveyors, LLC. The variance site plan (or survey maps) denotes various improvement to this single family dwelling lot that are built into the property's minimum 10-foot side yard setback.
 4. County Building Records: Hawaii County Real Property Tax Office records indicate that the original single family dwelling, porch and garage were constructed on the subject property around 1957.
 5. Variance Application (VAR 09-056) - Agency Comments and Requirements:
 - a. The State Department of Health (DOH) memorandum dated December 2, 2009 – identified no concerns with the submittal.
 - b. The Department of Public Works (DPW) memorandum dated January 4, 2010 – expressed opposition to the proposal due to the need for all buildings to conform to building codes and statutes and the fact that permits were not obtained for the structures.
 6. Notice to Surrounding Property Owners: A copy of the first and second notices sent by the applicant via USPS to surrounding property owners and mailing certificates were submitted to the Planning Department. According to these submittals, the first notice was mailed on October 27, 2009 and the second notice was mailed on December 16, 2009, respectively. Notice of this application was published in the Hawaii Tribune and West Hawaii Today on December 8, 2009.
 7. Comments from Surrounding Property Owners or Public: No written comments or objections from surrounding property owners or general public were received by the Planning Department.
 8. Department Decision and Subsequent Review: On January 15, 2010, the Director issued a determination on the application from the Planning Department, denying the variance request. Furthermore, the applicant was apprised of their right to appeal the decision of the department to the Board of Appeal. Subsequently, an appeal was made followed by a request for continuance pending reconsideration by the Department.

During the initial review of the variance request, Planning Department staff identified various site improvements (other than the storage shed and cabana) that were not done with appropriate permits. Such include construction of the carport, conversion of the garage to living space, and installation of the patio cover. In consideration of these additional items, the Department initially determined the variance request was not warranted. Upon further review at the request of the applicant, the department has determined it necessary to differentiate between certain improvements for which the applicant specifically requested variances and other improvements that are present on site.

SPECIAL AND UNUSUAL CIRCUMSTANCES

The applicant, on behalf of the owner, submitted the variance application to address or resolve the encroachment of the pre-existing unpermitted storage shed into the 10-foot side yard setback required by the Zoning Code. The application material also identified a request for approval of the setback encroachment by the cabana, due to its meeting de minimis approval criteria.

Pursuant to the applicant's background information, the single family dwelling, porch and garage were built around 1957, well before the adoption of the Hawaii County Zoning Code on May 24, 1967. The unpermitted cabana extends 0.12 feet into the side setback, which is within the 0.50-foot de minimis discrepancy limit for residential properties. The Hawaii County Real Property Tax Office records indicate that the storage structure consisting of approximately 323 square feet was built in 1985, prior to the present owner purchasing the property.

The owners were unaware of any encroachment when they purchased the property and would not have discovered any problems affecting the cabana and the storage unit until a modern survey was conducted on September 28, 2009 by Daniel L. Berg, LLC, revealing the setback violations. No evidence has been found to show indifference or premeditation by the builder to intentionally construct a portion of the cabana and the storage shed into the property's minimum 10-foot side yard setback and attendant minimum 5-foot side yard open space required by the Zoning Code.

ALTERNATIVES

Alternatives available to the current owner to correct and/or address the building encroachments constructed into the affected yard and open space of the subject property include the following actions:

- Remove the building encroachments and/or redesign or relocate the as-built single cabana and storage building constructed upon the property to fit within the correct building envelope denoted on the recent survey map as prescribed by the Zoning Code, or

- Consolidate the subject property with the adjoining property and re-subdivide to modify property lines and adjust minimum yard setbacks.

The variance request is being considered due to the cost-prohibitive and practical limitations of the above-referenced alternatives.

INTENT AND PURPOSE

The intent and purpose of requiring building setbacks is to assure that adequate air circulation and exposure to light are available between permitted structures/uses and boundary/property lines.

Based on the foregoing findings and circumstances, the applicant's request for variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code and the General Plan. The variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties. This can be substantiated, to some degree, by the fact that this office did not receive any complaint from surrounding property owners during the 25 years of the existence of the storage structure. Also, no comments or objections were received from the surrounding property owners or general public in response to the notification to surrounding property owners.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

This variance application is approved subject to the following variance conditions:

1. The approval of this variance permits the existing storage shed and cabana to remain upon the subject property in accordance with the survey map dated September 28, 2009. The owner must make the appropriate alterations and/or obtain the necessary permits from the Building Department within six (6) months from the date of this letter. All necessary building alterations are to be finalized within twelve (12) months from the date of this letter.
2. Approval of a variance for the location of the carport (within the side yard setback) and propane tank (within the front and side yard setback) is deemed not necessary as such are not habitable structures. Future enclosure of the carport is not permitted unless it is done in compliance with building code and zoning requirements.
3. During review of the variance request, it was uncovered that a patio cover was constructed into the side yard setback along the northern side of the property. Such construction was done without Building or Planning Department approval and is viewed as a code violation. The owner must make the appropriate alterations and/or obtain the necessary permits from the above-identified departments.

Ms. Susan Fudge
Page 5
September 10, 2010

4. During review of the variance request, it was also uncovered that an existing garage, measuring approximate 240 square-feet in size, had been converted to living space. Although not included in the variance request or under the specific purview of the Planning Department, staff would note that this change may now be considered a violation of building code until such time that an appropriate building permit(s) is obtained and any necessary alterations made as required by the Building Department.
5. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
6. The applicant/owner, their assigns or successors shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.
7. No permit shall be granted to allow an ohana or second single family or farm dwelling upon the subject TMK property, subject to provisions of the Zoning Code or State Law which may change from time to time.
8. Should the existing storage shed and/or cabana be destroyed by fire or other natural causes, the replacement structures shall comply with the County Zoning Code and be subject to State law and County ordinances and regulations pertaining to building construction occupancy.
9. Future or new building improvements and permitted uses shall be subject to State law and County ordinances and regulations pertaining to building construction and building occupancy.

Should any of the foregoing variance conditions not be complied with, the Planning Director may proceed to declare the subject Variance, VAR 09-056, null and void.

Sincerely,

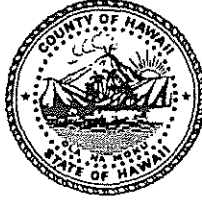

BJ LEITHEAD TODD
Planning Director

Ms. Susan Fudge
Page 6
September 10, 2010

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xc: Board of Appeals (BOA 10-000097)
Real Property Tax Office-Hilo
Zoning Inspector-PD-Kona
DPW-Building Division-Kona
Kona Planning Department

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7009 1680 0001 6274 4962**

January 15, 2010

Ms. Becky Christensen
THE INDEPENDENT HAWAII SURVEYORS, LLC
P. O. Box 577
Hilo, HI 96721

Dear Ms. Christensen:

SUBJECT: VARIANCE APPLICATION-VAR 09-056 (Denial)
Applicant: THE INDEPENDENT HAWAII SURVEYORS, LLC
Owner: SUSAN MICHELLE FUDGE
**Request: Variance from Chapter 25, Zoning,
Minimum yards**
Tax Map Key: 5-5-016:015, Lot 160

After reviewing subject variance application submitted on behalf of the current owner, the Planning Director **denies** Variance Application-VAR 09-056. The applicant, on behalf of owner, submitted variance application or request for variance to permit "unpermitted" building improvements or building improvements constructed into and upon minimum side yard(s) to remain within minimum side yard(s) of subject TMK property pursuant to survey map dated September 28, 2009. The applicant originally requested variance to permit portions of 213 square feet 1-story cabana and 283 square feet 2-story storage unit including attendant roof eaves to remain upon and into property's 10 feet minimum (south) side yard. The variance is from the TMK property's minimum 10 feet (south-Waimea) side yard and attendant minimum 5 feet side yard open space requirement pursuant to the Hawaii County Code, Chapter 25, Zoning, Article 5, Division 1, Section 25-5-7, Minimum yards, (2)(B), and Article 4, Division 4, Section 25-4-44, Permitted projections into yards and open space requirements, (a).

The **denial** of variance application or request for variance for unpermitted building improvements constructed upon and into minimum side yard(s) of subject TMK property or Lot 160 is based on the following:

JAN 26 2010

BACKGROUND AND FINDINGS

1. **Location.** The referenced TMK property or Lot 160 containing 15,092 square feet, portion of Land Court Application 1120 (Map 20), is situated at Hawi, North Kohala, Hawaii.

The property is zoned Single-Family Residential (RS-15) by the County and designated Urban or "U" by the Land Use Commission (LUC). The subject TMK property is not within the Special Management Area (SMA).

2. **Variance Application-Site Plan.** The applicant submitted the variance application, submittals including original site plan map dated September 28, 2009, and filing fee on October 27, 2009. Subsequent to filing the application, further information regarding building improvements was requested from the County Real Property Tax Office (Kona). The variance application and original survey map or site plan map dated September 28, 2009 with staff annotations identifying permitted and unpermitted building improvements constructed upon the subject TMK property or building discrepancies between approved building areas constructed circa 1957 and current building areas and uses were discussed with the applicant. Subsequent to review of the site plan with staff annotations and discussion with Planning Department staff, the applicant requested the variance application and original submittals including the survey map dated September 28, 2009 with staff annotations identifying unpermitted accessory buildings and unpermitted additions to the original dwelling identified be processed by the Planning Department and reviewed by the agencies. The variance application including survey map or site plan with staff annotations was acknowledged by Planning Department letter dated November 30, 2009 letter and transmitted to agencies for review.

The applicant's application includes an attachment or background information which states in part the following:

"There are special and unusual circumstances that exist which would warrant consideration of and necessitate a variance from the zoning code setback requirements:

1. The subject property is Lot 160, Land Court Application 160, Map 20, Hawi, North Kohala, District of Kohala, County and State of Hawaii.
2. The subject parcel was zoned by the County of Hawaii in 1967 as RS-15 (15,000 sq. ft.).

3. A map prepared by Daniel Berg of the Independent Hawaii Surveyors shows the improvements on this property and the distances of structures to the boundaries.
4. The main residence was built in the 1950's well before the Hawaii county Zoning Code was adopted in May 24, 1967 and therefore is exempt from the code.
5. The carport roof extends as much as 4.65 feet into the side 10-foot setback (5.00 feet allowed).
6. The cabana in the back yard is within the de minimus structure position discrepancy limit of 0.50 feet for residential property. The cabana extends 0.12 feet into the 10-foot side boundary setback.”
7. The request for a variance from the side boundary setback applies to the storage unit along the south side boundary. The storage unit extends as much as 4.26 feet into this setback and its roof extends 5.01 feet into this setback (5.00 feet allowed for roof).
8. The storage unit is small (only 283 sq. ft.) and is accessible by emergency equipment on all sides and therefore does not present a problem in case of a fire or other emergencies.
9. Since there is no risk created by the storage unit extending into the setback, the expense in moving is would not be justified.
10. We ask that relief from this violation be remedied by the granting of a setback variance.”

Note: The variance site plan map does not identify the location of a cesspool or septic system. The variance request does not address the location or position of the dwelling's driveway or any landscaping within the property along or straddling common boundary lines shared with abutting property.

3. **County Real Property Tax Office Records:**

Real Property Tax Office Records indicate the original 1-story dwelling (984 square feet), porch (24 square feet) and garage (240 square feet) was constructed upon subject TMK property circa 1957. These records include information submitted by the current owner show a “P/BANNSTR” or porch/bannister

containing 40 square feet was constructed upon the property circa 1985.

4. **Variance Application-VAR 09-056: Agency Comments and Requirements:**

- a. The State Department of Health (DOH) memorandum dated December 2, 2009 states:

“The Health Department found no environmental health concerns with regulatory implication in the submittals.”

- b. The Department of Public Works (DPW) memorandum dated January 4, 2010 states in part:

“We reviewed the subject application and our comments are as follows:

Buildings shall conform to all requirements of code and statutes pertaining to building construction, (see attached memorandum from our Building Division).”

The memorandum from the DPW-Building Division dated December 29, 2009 states in part the following:

“We oppose the approval of the application for the reasons noted below.

Others: A building permit for the storage unit was never acquired. All structures six feet or greater need a building permit.”

5. **Notice to Surrounding Property Owners.** The applicant submitted a transmittal letter dated January 4, 2010, copy of notices sent to surrounding property owners, and USPS Certified Mail receipts. According to the receipts, it appears a first notice and second notice was mailed by the applicant to surrounding property owners on October 27, 2009 and December 7, 2009, respectively. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on December 8, 2009.
6. **Comments from Surrounding Property Owners or Public.** No further written agency comments were received. No comments from surrounding property owners were received.

Ms. Becky Christensen
THE INDEPENDENT HAWAII SURVEYORS, LLC
Page 5
January 15, 2010

SPECIAL AND UNUSUAL CIRCUMSTANCES

The applicant, on behalf of the owner, submitted the variance application requesting variance for unpermitted accessory or storage buildings and additions or building encroachments constructed upon or into subject TMK property's minimum 10 feet side yard(s) required by Chapter 25, Zoning. The variance application's site plan map was prepared by a surveyor. The variance application included a survey map or site plan map dated September 28, 2009 with staff annotations reviewed by applicant. In addition, the owner submitted a letter dated December 13, 2009 including photographs of the 2-story storage building unit and 1-story cabana building constructed without permits. According to the letter the previous owner(s) or current owner built accessory buildings (carport, storage unit, and cabana) including additions to the original dwelling without County building permit(s). The Planning Director finds there are no special and unusual circumstances supporting the applicant's variance request or variance application for unpermitted building improvements constructed into the TMK property's minimum side yard(s) based on County tax office permit records and other information obtained from the County Real Property Tax Office; and, following letter including photographs of the storage unit and cabana unit submitted by the current owner:

The current owner-Susan Fudge submitted a letter dated December 13, 2009 and photographs of the building improvements upon subject TMK property or Lot 160. The letter dated December 13, 2009 states in part the following:

"I am writing to you concerning my property at 55-601 Hawi Road, TMK# 5-5-16-15. I have requested a variance for a storage building that was built in or before 1985, as per HI County Property tax records (see attached). I am not sure of the date because my ex-husband and I bought the home in 1996. This storage building is strong, sturdy, & very nice. I cannot see it being a safety issue. I believe if granted the building would be permitted and I could continue to pay property tax on it. My neighbors, the Dewitt's are not bothered by it and it would be a real hardship to tear it down. This building is not a living space, the ceilings are too low, it is only storage. I didn't even know there was an issue concerning the storage building need permits or being in the setback (I am a beautician not a contractor). My ex-husband built the other structures and remodeled our house without permits. All along I urged him to get the necessary permits, he didn't want to wait for the permits. I had no control over what he did. Once I got a divorce, I wanted to do the right thing and get everything permitted. I called Chandra's Building Permit Service to see what the process was to get everything permitted and legal. Chandra came out with a draftsman and did all the measurements for the as-built drawings. That's when they discovered how close the storage was to the property line. They suggested I hire a surveyor to get the exact distances, and they warned me there was a chance I was going to need a variance. That's when I found out the storage building and the cabana building were in the setback."

The original site plan map dated September 28, 2009 with staff annotations identifying additions increasing the original dwelling/garage area built circa 1957 and 3-accessory buildings constructed or built without County building permits after the owner(s) bought the property in 1996 was reviewed by the applicant prior to acknowledging the variance application. Portions of current dwelling including roof eaves, detached carport building, 2-story storage building, and 1-story cabana building, and propane tank and other features were built or constructed upon subject TMK property or Lot 160 without approved building plans and County building permits. It appears that the decision to construct additions to the dwelling or/and construct new buildings and other features upon subject TMK property "without permits" after the owner(s) purchased the property in 1996 was a deliberate decision by previous owner(s) and current owner and cannot be considered a hardship or special or unusual circumstance in favor of the variance request. Therefore the Planning Director finds there are no special and unusual circumstances supporting the applicant's variance request or variance application for unpermitted building improvements constructed upon and into the TMK property's minimum side yard(s) identified on the survey map and/or survey map or site plan map with staff annotations.

ALTERNATIVES

Alternatives available to the applicant or current owner to address unpermitted encroachments upon and into the property's minimum side yard(s) include the following actions:

- A-1. Demolish unpermitted building improvements constructed upon and into the property's minimum side yard(s) identified on the survey map and/or secure building permits for building and uses meeting with minimum requirements of the County Zoning Code.
- A-2. Consolidation of Lot 160 with abutting properties and resubdivision to modify property lines or adjust minimum yards, etc. prior to applying for necessary permits.

INTENT AND PURPOSE

The intent and purpose of requiring building setbacks within a subdivision are to assure that adequate air circulation and exposure to light are available between permitted structure(s)/uses and boundary/property lines.

After reviewing the variance application and other County records including the current owner's letter and photographs of building improvements built without building permits including

Ms. Becky Christensen
THE INDEPENDENT HAWAII SURVEYORS, LLC
Page 7
January 15, 2010

additions to the original dwelling constructed circa 1957, the Planning Director finds that the unpermitted accessory buildings and additions to the dwelling were self created by the previous owner(s) or current owner.

Based on the variance background information submitted by the applicant and other building information obtained from the Hawaii County records and other circumstances regarding building history, the variance application or request for variance to enable the current owner to secure building permits to allow portions of the unpermitted storage building, unpermitted cabana, and portions of the dwelling, as built, to remain within the property's minimum side yard(s) would not be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and County General Plan.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

The variance application is **denied** and the current owner or successors is/are required to immediately remove unpermitted building improvements identified pursuant to staff annotations on variance site plan map dated September 28, 2009 sent to the owner's representative or THE INDEPENDENT HAWAII SURVEYORS, LLC with acknowledgment letter dated November 30, 2009. The unpermitted buildings identified on the aforementioned variance site plan map or unpermitted building improvements constructed upon subject TMK property without a building permit shall be removed by the current owner on or before **June 15, 2010** and prior to any sale of the subject TMK property or transfer of title of the property.

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
 - (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.

Ms. Becky Christensen
THE INDEPENDENT HAWAII SURVEYORS, LLC
Page 8
January 15, 2010

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.

Sincerely,



BJ LEITHEAD TODD
Planning Director

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Enclosure-BOA Application

xc: Susan Fudge (w/Enc.)
Real Property Tax Office-Hilo (w/o Enc.)
Zoning Inspector-PD-Kona (w/o Enc.)
DPW-Building Division-Kona (w/o Enc.)
Kona Planning Department (w/o Enc.)

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 PROPERTY: _____

APPELLANT'S NATURE OF APPEAL AND REQUEST: _____

LAND OWNER: _____

TAX MAP KEY: (land in question) _____ AREA OF PROPERTY: _____

STATE LAND USE DESIGNATION: _____ COUNTY ZONING: _____

STREET ADDRESS OF PROPERTY: _____

APPELLANT'S REPRESENTATIVE: _____

REPRESENTATIVE'S SIGNATURE: _____ DATE: _____

REPRESENTATIVE'S ADDRESS: _____

TITLE: _____ 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:

1. The Original and ten (10) copies of this completed petition with the following:
 - a. A description of the property involved in the appeal 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 decision appealed from violates the law; or
 - (ii) How the decision appealed from is clearly erroneous; or
 - (iii) How the decision appealed from 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.
2. Proof of Service by the Appellant on the Planning Director for an appeal from the Planning Director's decision relating to the Zoning Code.
3. 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.