

**APPEAL APPLICATION
(NOTICE OF APPEAL)**

Applicant/Appellant's Name:		SAM YEH	
Telephone No:	(808) 446-6028	E-mail:	samyeh61@yahoo.com
Mailing Address:	2028 Kaolu ST. Wailuku, HI 96793		
Applicant/Appellant's interest, if not owner:			
Owner's Name:	SAM YEH / Jamie Chen		
Telephone No:	(808) 446-6028	E-mail:	same above
Mailing Address:	SAME above		
Project Name:		TMK:	(2) 3-4-008:072
Street Address:	2028 Kaolu ST. Wailuku, HI 96793		
Applicable Ordinance(s), Rule(s), or Regulation(s) and Section(s):			
Maui County code (MCC) § 19.08-030, and chapter 12-103			
Nature of appeal (description of the facts material in consideration of the appeal presented, the alleged error committed by the agency, and any relevant statutes, ordinances, or administrative rules pertaining to the matter under appeal):			

A porch located within 6' side yard requirement. "remove porch in side yard" violation of the regulations stated in IRC 115.1 Conditions

I contacted the inspector to have her explain the violation of side porch which I found to be confusing it was a landing not a porch. I have asked for time or extend to resolve the beetle solution!

RECEIVED
 2016 JUL - 1 P 4: 04
 COUNTY OF MAUI
 DEPT. OF PLANNING
 ZONING DIVISION

(FORM 1)

JUSTIFICATION FOR APPEAL

RECEIVED

AUG - 2 2016

An appeal may be granted only if the Board finds one of the following:

COUNTY OF MAUI
DEPT. OF PLANNING

1. That subject decision or order was based on an erroneous finding of material fact or erroneously applied to the law.

(1) & (2) Violation; remove storage shed and alternate front porch 15 foot within front yard requirement was done by early 04/15/16
(3) only a porch 6 foot on side yard requirement. was seeking for a other alternate solution.

RECEIVED

JUL 0 1 2016

COUNTY OF MAUI
DEPT OF PLANNING

2. That the subject decision or order was arbitrary or capricious in its application.

stated in IRC 115.1 Conditions
Abandoning not a porch removed will be unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.

3. That the subject decision or order was a clearly unwarranted abuse of discretion.

only one site visited and one phone conversation asking for extend and better solution for this issue ^{but} never got response after first phone conversation.

Jamie Crew 7/22/16

[Signature] 07/01/16

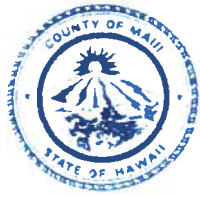
[Signature]

07/01/16

Applicant's Signature

Date

(FORM 2)



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
2200 Main Street, Suite 315
WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO	NOV 2016/0055
RFS NO	15-0001968
DATE OF NOTICE	June 1, 2016
DATE OF VIOLATION	December 15, 2015
CONTINUING VIOLATION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	7015 0640 0002 6766 4055

NOTICE OF VIOLATION
MAUI COUNTY CODE, TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO:	Sam Yeh/Jamie Chen 2028 Kaohu Street Wailuku, Hawaii 96793			
RE:	TMK	(2) 3-4-008:072	PERMIT NO	NONE
	ADDRESS	2028 Kaohu Street, Wailuku, Hawaii 96793		

have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code (MCC) §19.08.060	A porch located within the six foot (6') side yard requirement, a porch expansion located within the fifteen foot (15') front yard requirement, and a storage shed located in the 6' backyard requirement for the first story within the County's R-2 Residential District. Evidence of the aforementioned violation(s) include(s): Witness statements, inspector's site visit/photos.

ORDER

Pursuant to MCC §19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the MCC (Administrative Rules), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	June 8, 2016	By taking the following corrective action(s): Remove porch in side yard, scale back porch in front yard, remove storage shed.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000.00	To the Department of Planning (Planning") by June 8, 2016
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000.00	Per day to Planning if the corrective action described above is not completed by: June 8, 2016

Pursuant to MCC §19.530.030(B)(2) and (C) and §12-103-5(a)(6), Administrative Rules, as amended, this Notice of Violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals (BVA). The appropriate form may be found online at <http://co.mauai.hi.us/documentcenter/view/8208> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this Order.

Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the Order becomes final.

Pursuant to §91-9(b)(5), Hawaii Revised Statutes (HRS), you may retain counsel or appear on your own behalf.

Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

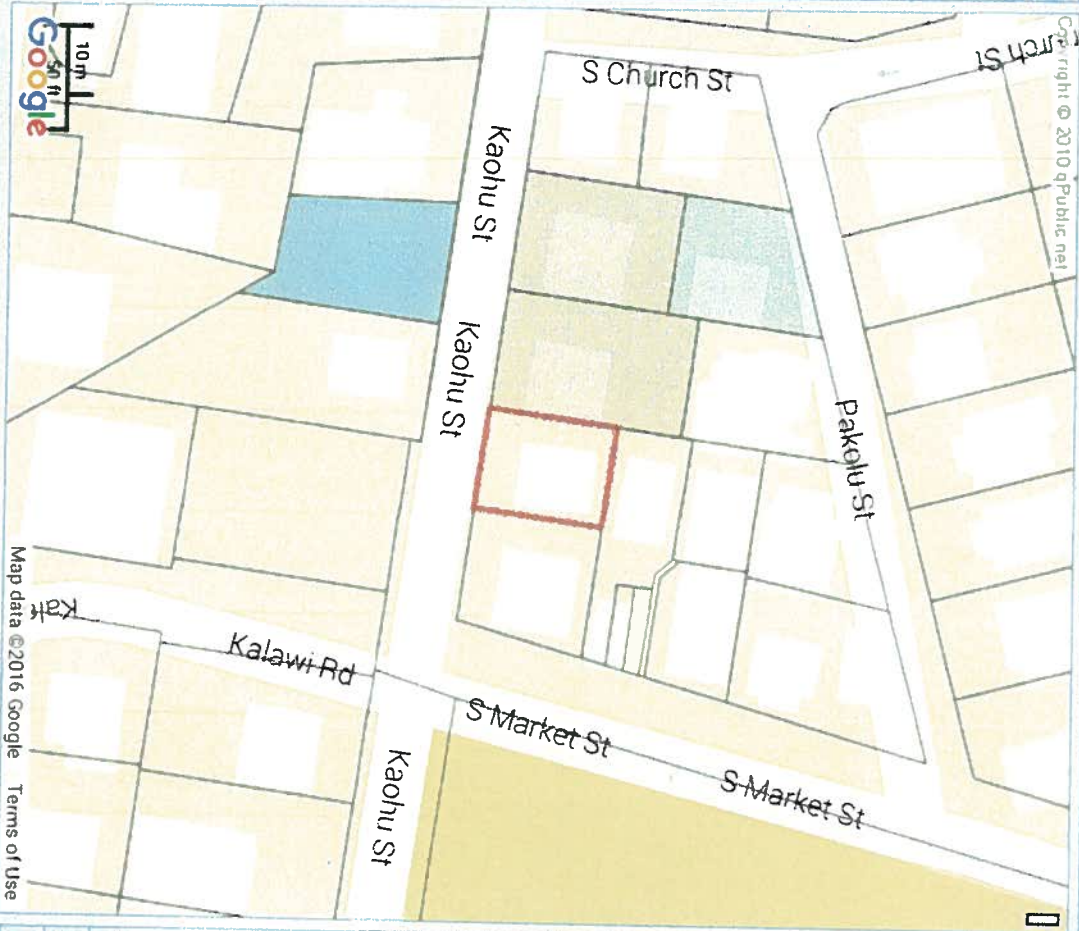
Print Administrator's Name	John Rapacz	Administrator's Signature	<i>John Rapacz</i>
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	<i>Jay Arakawa</i>
Print Inspector's Name	Gail Davis	Inspector's Signature	<i>Gail Davis</i>

Controls

- Available Layers
- Parcels
- Yearly Sales
- Parcel Numbers
- Roads
- Tsunami Evacuation Zones
- Flood Hazard Areas
- State Land Use Districts
- Special Management Area
- Streets (Google)
- Satellite (Google)
- Hybrid (Google)
- Physical (Google)
- qPublic BaseMap



Show Scale



Reports

Parcel
 View In: [Pictometry](#) | [Google Earth](#) | [Bing Maps](#) | [Google Maps](#)

Parcel Information			
Selected Parcel	340080720000 (Click for Complete Card)		
Land Size	2820 Square Feet		
Name	YEH,SAM		
Mailing Address	2028 KAOHU ST WAILUKU HI 96793		
Situs/Physical Address	2028 KAOHU ST		
Assd Land Value	\$142,400.00		
Assd Building Value	\$146,300.00		
Total Assd Value	\$288,700.00		
Exempt Value	\$200,000.00		
Taxable Value	\$88,700.00		
Recent Sale Information			
Date	Price	Vac/Imp	Qual
06-1997	\$78,000		

Parcel List [+](#)

Legend [+](#)

Measure [+](#)

Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the preceding document was submitted to the Department of Planning, and was served on the date indicated below upon the following Departments by hand-delivery and/or certified mail (check boxes that apply).

William Spence. **US MAIL** **PERSONAL DELIVERY** **FACSIMILE**
(Appellee - Director's Name)
Department of PLANNING
(Department)
2200 MAIN ST SUITE 335
(Department's Address)
Wailuku HI 96793

Certified Receipt No: _____

Department of Corporation Counsel **US MAIL** **PERSONAL DELIVERY** **FACSIMILE**
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Certified Receipt No: _____

Dated at Wailuku, Maui, HI, this 01 day of
(City) (Island) (State)
07, 20 16.
(Month)

[Signature]
(Applicant/Appellant's Signature)
SAM YE H 07/01/16
(Applicant/Appellant's Name—Print)

Print (FORM 3) **Reset**

Property Owner: Sam Yeh/ Jamie Chen

Address: 2028 Kaohu Street

Wailuku, HI 96793

TMK: (2) 3-4-008: 072

CERTIFIED RECEIPT # 7015 0640 002 6766 4055

July 1, 2016

To whom it may concern:

I am writing in regards to the civil fines and violations that were given to me in **File no: NOV 2016/0055. RFS No: 15-0001968 on the date of June 1, 2016.** I would like to make an appeal.

According to the violation,

A porch located within the six foot (6') side yard requirement, a porch expansion located within the fifteen foot (15') front yard requirement, and a storage shed located in the 6' backyard requirement for the first story within the County's R-2 Residential District. Evidence of the aforementioned violation(s) include(s): Witness statements, inspector's site visit/photos.

The basis for my appeal are the following:

1. The fine for the violation was supposed to be given for noncompliance / lack of abiding by the standard and zoning ordinance. However, I have a receipt and witnesses to testify that after the notification of the violation, the front porch was fixed and the storage shed was removed in early April. Yet, I was given notice of the violation in June and fines for things already fixed almost 2 months prior.
2. The second objection I have is about the violation "*porch located within the six foot (6') side yard*". The objection stems from the fact that the structure on the side area is not a porch. The structure is an egress landing leading out from sliding glass doors that is 2' high and 4' wide landing. This landing is for my boarders to be able to come and go from their room they are renting from me (R-3)

The inspector's suggestion to "**remove porch in side yard**" would be a violation of the regulations themselves as stated in IRC 115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient **because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.**

Thus, I have no objections about making changes to the egress, but removing it is a safety hazard. Hence, I have been seeking solutions with Inspector Gail Davis, I had a phone conversation with her and after the 2 corrections were made in April, I contacted the inspector to have her explain the violation of side porch which I found to be confusing as it was a landing not a porch. The inspector's only solution was to remove the structure. Consequently, I have met with Maui Architect Group- Architect Peter Niess in May to find a better solution that would not endanger residents.

In conclusion, I am appealing to ask that you take into consideration the facts presented before you concerning my case. Based on the evidence, to give a fair ruling.

Sincerely,



07/01/16

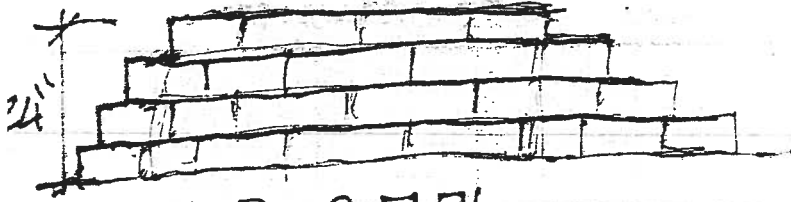
Sam Yeh,
Owner of 2028 Kaohu Street, Wailuku, HI 96793



REVEAL

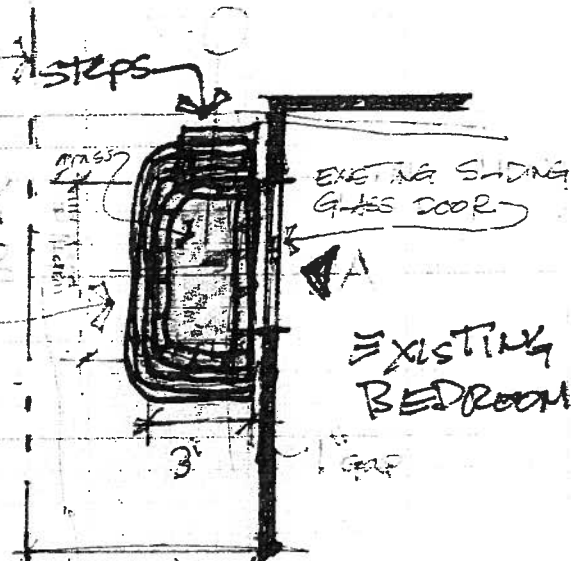
WINDOWS & DOORS

May 25th 2016

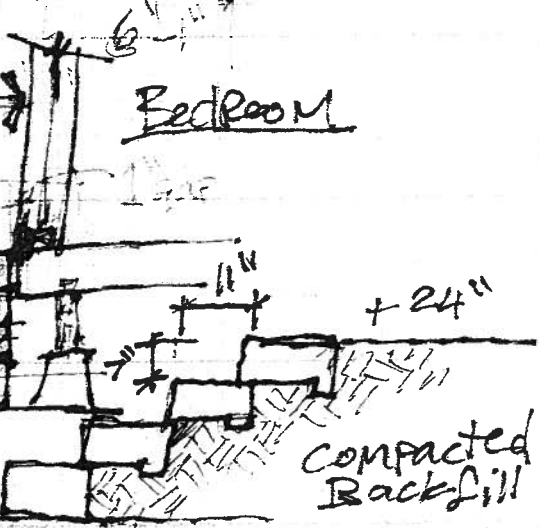


REAR ELEV.

LANDSCAPING
STEPPED GRAVITY
BLOCKS
RETAINING



EXISTING Sliding Glass door
Stacked landscape gravity blocks



COMPACTED Backfill

stepped Gravity Block

RECEIPT No. **435001**

DATE 04/15/16

FROM Donald Finay \$ 300.00

FOR RENT _____ DOLLARS

FOR Concrete Potholes remove shed.

ACCT.	<input checked="" type="checkbox"/> CASH
PAID	<input type="checkbox"/> CHECK
DUE	<input type="checkbox"/> MONEY ORDER
	<input type="checkbox"/> CREDIT CARD

FROM 04/13/16 TO 4/15/16

BY Donald Finay A-1152 T-4161

Sam Yeh
2028 Kaohu Street
Wailuku, HI 96793

"Gifts of The Tide" *Alan Giana*

333
58-157/1213

2016

Pay to the Order of County of Maui Director of Finance \$ 550.00

Five hundred Fifty and 00/100 Dollars

CENTRAL PACIFIC BANK
2061 Wells St.
Wailuku, HI 96793-2221

For Appeal Application *Yeh*

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