

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

April 13, 2005

Richard Toledo, Jr.  
65 Makani Circle  
Hilo, HI 96720

Dear Mr. Toledo:

**Lot of Record Determination**  
**TMK: 3-2-003:002**

We have received your letters of November 9, 2004 and December 29, 2004. First of all, please accept our apology for the length time taken to respond.

We have exhaustively reviewed our department records, and those of the Department of Finance – Real Property Tax Division (RPT) in accordance with Article 11 (Pre-existing Lots) of the Subdivision Code (Sections 23-117 through 23-120). Our review of the records have found nothing to allow us to determine that Parcel 2 is comprised of more than one (1) lot, despite there being the several structures and water meters you referred to and as being Ninole "town".

As you have noted in your letter, Parcel 2, approximately 2.3 acres in area is situated in the Agricultural (A-20a) District. This parcel is non-conforming relative to minimum lot size. The parcel has had several structures including the two community stores and two residences you mention in your letter. With respect to the Zoning Code, these structures are also non-conforming. Non-conforming structures can be used and maintained, however, when they are destroyed by fire, they can not be re-constructed, thus, only the two remaining structures on the parcel may continue to be used.

You have express interest in developing this property in a manner to allow your children to build residences there. It is our understanding that you also own adjacent parcels. You may wish to consider using the Consolidation and Resubdivision process to reconfigure your parcels to allow you to do so; or you could have your parcels rezoned from A-20a to another more appropriate zone to allow you to subdivide these parcels.

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Richard Toledo, Jr.  
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We do not have the staff to assist you in preparing specific options, however, please feel free to discuss your general options with my staff. On the other hand, there are also professionals (Planners, Registered Land Surveyors, Registered Engineers, etc.) in Hilo who may be able to assist you of your specific options.

Again, Parcel 2 is not comprised of Pre-existing lots.

Should you have any questions, please feel free to contact us.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

RKN:Inm

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xc: Tax Maps and Records Supervisor I  
Real Property Tax Division-Hilo  
Manager, DWS

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October 4, 2005

Stephen J. Menezes, Esq.  
Attorney At Law  
441 Kipuni Street  
Hilo, HI 96720

Dear Mr. Menezes:

**DETERMINATION OF PRE-EXISTING LOTS**  
**TMK: 3-2-03:02**

This is to acknowledge receipt of your letter of May 7, 2005, and documents regarding the subject matter.

Based on the information received from you and our research of the documents, the subject property consists of an unbuildable Remnant Lot (orange coded) between the two (2) Government Main Road Rights-of-Way and the Remainder (green coded) is still one (1) lot.

Therefore, the property is one (1) legal lot of record.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,

CHRISTOPHER J. YUEN  
Planning Director

ETC:lnm

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Enc. Map

xc: Tax Maps and Records Supervisor I  
Real Property Tax Division-Hilo  
Manager-DWS

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