

CERTIFIED MAIL

April 6, 1989

Mr. and Mrs. Ronald Gambrell  
P.O. Box 10091  
Hilo, Hawaii 96720

Dear Mr. and Mrs. Gambrell:

Ohana Dwelling Application (OD 89-14)  
Ronald Gambrell, et al  
TMK: 2-7-20:23

We reviewed ohana dwelling application and related submittals received January 11 and February 21, 1989.

The copy of Warranty Deed dated April 11, 1986, recorded April 17, 1986 in the Bureau of Conveyances, State of Hawaii, in Book 19433, Page 110 is subject to restrictive covenants.

Section 25-271 (3), Article 25, Regulations for Ohana Dwelling, of the Zoning code, states "That at the time of application for a County Building Permit for a second dwelling unit, the subject lot or land is not restricted by a recorded covenant or a recorded lease provision (in a lease having a term of not less than fifteen years) which prohibits a second dwelling unit."

The copy of Schedule "A" being portion of instrument dated January 15, 1963, recorded in Liber 4458 at Page 31, states:

- "(2) No structure shall be erected, altered, placed or permitted to remain on any on residential lot as presently shown on said map of said Tract, other than one detached single-family dwelling and garage, servant's quarters and other outbuildings incidental to residential use of the lot."; and,
- "(8) At the end of said period said restrictions shall automatically be extended for further periods of ten years each unless during any ten-year period the same are change in whole or in part by the agreement of the owners of a majority of said lots as shown on said File Plan."

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The Planning Department interprets above as precluding your request to construct an ohana dwelling (2 new single family dwellings) on the subject parcel. Therefore, we regret to inform you that your request to construct an ohana dwelling on the subject parcel is denied. The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

1. A non-refundable filing fee of one hundred dollars (\$100).
2. Ten (10) copies of the petition for the appeal incorporating the following:
  - a. The name, address, and telephone number of the appellant and the name, title, and address of the appellant's representative.
  - b. A description of the property involved in the appeal, including the tax map key number of the property, and the appellant's interest in the property.
  - c. A plain statement of the nature of the appeal and the relief requested.
  - d. A statement explaining:
    - 1) How the decision appealed from violates the law; or
    - 2) How the decision appealed from is clearly erroneous; or
    - 3) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
  - e. A clear and concise statement of any other relevant facts.

Should you have any further questions, please feel free to contact this office at 961-8288.

Sincerely,

  
DUANE KANUHA  
Planning Director

WRY:etn  
cc: Chief Engineer, DPW  
Chief Sanitarian, DOH