

CERTIFIED MAIL

February 13, 1989

Mr. Terrence Neumann  
P.O. Box 390836  
Kailua-Kona, HI 96739

Dear Mr. Neumann:

Ohana Dwelling Application (OD 89-48)  
Paniolo Country Subdivision - Unit II  
Terrence F. Neumann  
TMK: 7-4-07:20, Lot 5

We reviewed ohana dwelling application and related submittals received February 2, 1989.

The copy of October 27, 1988 Quitclaim Deed recorded in Liber 22547, page 110 is subject to restrictions, covenants and conditions.

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 recorded Quitclaim Deed dated October 27, 1988, Exhibit "A", is subject to restrictions, covenants and conditions. The copy of Exhibit "C" recorded in Liber 13899, page 510, Restrictive Covenants, Paniolo Country Subdivision - Unit II, II. Development Standards, I. USE, states:

"County Zoning Regulations limit development to one residence or principal dwelling per lot. A guest facility, attached or in proximity, and related in character of design and materials to the main house, may be included as part of a single residence."

The Planning Department interprets above as precluding your request to construct an ohana dwelling (additional single family dwelling) 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:

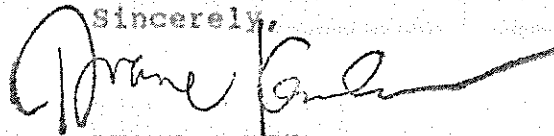
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1. A non-refundable filing fee of one hundred dollars (\$100).
2. Ten (10) copies of the petition for the appeal incorporating the following:
  - a. The name, address, and telephone number of the appellant and the name, title, and address of the appellant's 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 KANUSA  
Planning Director

WRY:etn

cc: Chief Engineer, DPW  
Chief Sanitarian, DOH