

CERTIFIED MAIL

April 6, 1989

Mr. Steven G. Nelson
P.O. Box 2267
Kealahou, HI 96750

Dear Mr. Nelson:

Ohana Dwelling Application (OD 89-64)
Steven G. Nelson
Tax Map Key: 7-8-14:54, Lot 2

We reviewed ohana dwelling application and related submittals received February 27 and March 17, 1989.

The copy of Assignment of Lease with Consent is subject to covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the declaration dated February 26, 1982, recorded March 1, 1982 in Liber 16189, page 310 in the Bureau of Conveyances, State of Hawaii.

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 Declaration of Protective Provisions dated February 26, 1982, Article II, Restrictions, Section 1. Use, states:

"All Residential Lots shall be occupied and used only for residential purposes and only one (1) single-family dwelling (exclusive of outbuildings) shall be erected, placed, maintained or allowed on a Residential Lot. No building or structure on a Residential Lot shall be used as a tenement house, rooming house or apartment house or for or in connection with the carrying on of any business or trade whatsoever. No building shall exceed one (1) story in height."

The Planning Department interprets above as precluding your request to construct an ohana dwelling (duplex conversion) 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

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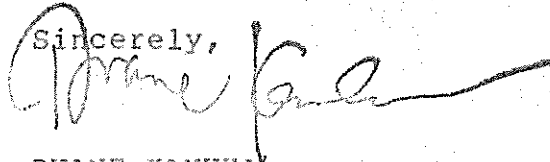
Mr. Steven G. Nelson
Page 2
April 6, 1989

(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
bcc:Rod/Rick