

CERTIFIED MAIL

November 28, 1990

Mr. Christopher Douglass  
73-1090 Olu Olu Street  
Kailua-Kona, HI 96740

Dear Mr. Douglass:

Ohana Dwelling Application (OD 90-247)  
Christopher Douglass  
TMK: 7-3-45:40

The ohana dwelling application and related submittals received May 10, 1990 were reviewed under Article 25, Regulations for Ohana Dwelling.

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 Amended Declaration of Covenants and Restrictions dated October 20, 1969 and recorded on December 8, 1969 in Liber 6801 at Page 416 includes restrictions, covenants and conditions. The aforesaid recorded Warranty Deed states:

(1) That no more than one single family dwelling house, together with appurtenant garage and servants' quarters and other outbuildings, shall be constructed or permitted upon said lot; that no house shall have a ground floor area of less than 800 square feet;"

Based on this, the above provision precludes an ohana dwelling on the subject tax map key parcel. Consequently, we have no choice but to deny your ohana dwelling application.

Mr. Christopher Douglass

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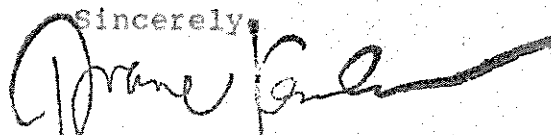
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The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

1. A non-refundable filing fee of two hundred dollars (\$200).
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.
  - 9 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 questions, please feel free to contact this office.

Sincerely,



DUANE KANUHA  
Planning Director

DEC 3 1990

WLM/MO/WRY:etn

cc: Corporation Counsel