

CERTIFIED MAIL

September 4, 1990

Ms. Valeria C. Marple
P.O. Box 4860
Kailua-Kona, HI 96745-4860

Dear Ms. Marple:

Ohana Dwelling Application
Valeria C. Marple
TMK: 7-3-11:6, Lot A-118

This acknowledges ohana dwelling application and related submittals received July 27, 1989.

Section 25-271 (3) of the Zoning Code, Governing Regulations for Ohana Dwellings, specifies "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 in the Bureau of Conveyances of the State of Hawaii in Liber 6801 at Page 416 includes restrictions, covenants and conditions. The aforementioned recorded Amended Declaration of Covenants and Restrictions 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;"

The Planning Department upon consultation with the Office of the Corporation Counsel has determined that the recorded deed language precludes the development of an ohana dwelling unit on subject tax map key parcel. Pursuant to Article 25 of the Hawaii County Zoning Code, we therefore regret to inform you a request to construct ohana dwelling on the subject tax map key parcel is denied. Your option is to take appropriate steps with the covenantee to have the restriction removed or waived or appeal our determination through procedure set forth below.

SEP 5 1990

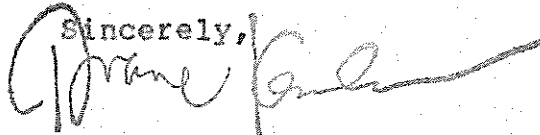
Ms. Valeria C. Marple
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The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

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.
 - 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 KANUPA
Planning Director

WLM/WRY/MO:etn
cc: Corporation Counsel

CERTIFIED MAIL

September 6, 1990

Ms. Valeria C. Marple
P.O. Box 4860
Kailua-Kona, HI 96745-4860

Dear Ms. Marple:

Ohana Dwelling Application (OD 90-251)
Valeria C. Marple
TMK: 7-3-11:6, Lot A-118

The subject heading of letter dated September 4, 1990 is hereby revised to read:

Ohana Dwelling Application (OD 90-251)
Valeria C. Marple
TMK: 7-3-11:6, Lot A-118

All correspondence and/or questions should refer to our file OD 90-251 or tax map key parcel number in the subject heading.

We apologize for the oversight and thank you for your patience and understanding.

Sincerely,



Duane Kanuha

DUANE KANUHA
Planning Director

WRY:etn

SEP 7 1990