

CERTIFIED MAIL

December 20, 1990

Mr. Satoru Sato
P.O. Box 5081
Hilo, Hawaii 96720

Dear Mr. Sato:

Ohana Dwelling Application (OD 90-421)
Satoru Sato
TMK: 2-2-52:04

This acknowledges ohana dwelling application and related submittals.

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 Land Patent No. S-13,845 includes restrictions, covenants and conditions. The aforementioned Land Patent states:

"(b) That no more than one dwelling shall be constructed on each subdivided lot; provided, however, that accessory buildings, so long as they do not comprise dwelling units and so long as the same are erected in conformity with a plot plan and are of a character and design suitable to the area, will be permitted."

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.

Mr. Satoru Sato
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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,



NORMAN R. HAYASHI
Planning Director

WRY/MO:etn

cc: Corporation Counsel

*Sample - 7/19/89
Where is this memo?
AD application
(received) 8/12*

July 11, 1989

Mr. Satoru Sato
P.O. Box 5081
Hilo, HI 96720

Dear Mr. Sato:

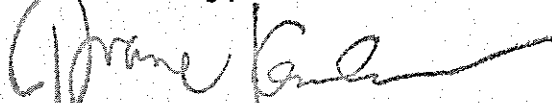
Ohana Dwelling Inquiry ~~00-89-233~~
TMK: 2-2-52:04

Please find enclosed with this letter a copy of a memorandum to this office from the Office of the Corporation Counsel regarding the above-referenced parcel.

Please be informed that per your July 10, 1989, telephone request, we will be submitting for the Planning Director's consideration your application for the construction of an Ohana dwelling on the subject property. We will be informing you of our decision within 60 days.

Should you have any further questions regarding this matter, please feel free to contact this office.

Sincerely,



DUANE KANUHA
Planning Director

DSA:syw

Enclosure

JUL 12 1989