

CERTIFIED MAIL

August 20, 1991

Mr. Russell T. Okunami
269 Kapualani Street
Hilo, Hawaii 96720

Dear Mr. Okunami:

Ohana Dwelling Application (OD 91-255)
Tax Map Key: 2-4-12:61, Lot 11

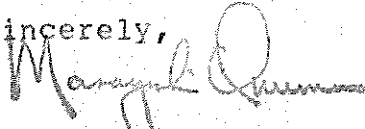
The date and heading in certified letter dated July 12, 1991 of file OD 91-255 is hereby revised to read:

July 25, 1991

Ohana Dwelling Application (OD 91-255)
Tax Map Key: 2-4-12:61, Lot 11

We apologize for the oversight and any inconvenience. Should you have any questions, please feel free to contact Masa Onuma or William Yamanoha of this office.

Sincerely,


NORMAN K. HAYASHI
Planning Director

WRY/MO:eti
1190D

AUG 21 1991

CERTIFIED MAIL

July 12, 1991

Mr. Russell T. Okunami
269 Kapualani Street
Hilo, Hawaii 96720

Dear Mr. Okunami:

2250

Ohana Dwelling Permit (OD 91-255)
Tax Map Key: 2-4-12:61, Lot 11

This acknowledges ohana dwelling application and related submittals received July 11, 1991.

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 Correction Deed dated November 3, 1965 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 5186 at Page 502 includes restrictions, covenants and conditions which states:

"No structure shall be erected, altered, placed or permitted to remain on any one residential lot of the granted premises, other than one detached single-family dwelling and garage, servants' quarters and other outbuildings incidental to residential use of the lot."

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.

JUL 29 1991


Mr. Russell T. Okunami
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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 Masa Onuma or William Yamanoha of this office at 961-8288.

Sincerely,


NORMAN K. HAYASHI
Planning Director

WRY/MO:eti
2552D-1
cc: Corporation Counsel