

CERTIFIED MAIL

October 15, 1991

Mr. and Mrs. Robert G. Bloom, Jr.
307 Kuikahi Street
Hilo, Hawaii 96720

Dear Mr. and Mrs. Bloom:

Ohana Dwelling Application (OD 91-436) 2376
Robert G. Bloom, Jr., et al
Tax Map Key: 2-7-20:11

The ohana dwelling application and related submittals 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 Warranty Deed dated October 2, 1972 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9004 at Page 290 includes restrictions, covenants and conditions which states:

"(2) No structure shall be erected, altered, placed or permitted to remain on any one residential lot of the granted premises as said lots are presently shown on said map of said Tract, other than one detached single-family dwelling and garage, servants' quarters and other outbuildings incidental to residential use of the lot." [Emphasis supplied.]

The Planning Department has determined that the above stated covenants have a restriction that only one detached single-family dwelling can be constructed on the property. Pursuant to Article 25 of the Hawaii County Code, we therefore regret to inform you that the request to construct an ohana dwelling on the subject tax map key parcel is being denied. Your option is to take appropriate steps with the covenantee to have the restriction removed or waived or appeal our determination through the procedures set forth below.

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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 questions, please feel free to contact Masa Onuma or William Yamanoha of this office.

Sincerely,



NORMAN K. HAYASHI
Planning Director

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cc: Corporation Counsel