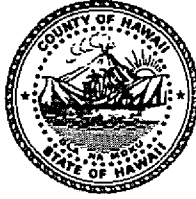


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
P 364 320 470

April 1, 1996

Mr. Klaus D. Conventz  
P. O. Box 2308  
Kailua-Kona, HI 96745-2308

Dear Mr. Conventz:

Ohana Dwelling Application (OHD 2477)  
G. Tom Thompson  
Tax Map Key: 7-7-17:12, Lot 27

91-475

Upon further review of the application by this office and the Corporation Counsel, we have the following to offer:

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 the recorded Warranty Deed dated October 2, 1986 and Restrictive Covenants dated February 26, 1969, recorded with the Bureau of Conveyances of the State of Hawaii in Liber 6440 at page 26 states that:

"1. The above described premises and every portion thereof shall be used for private residence purposes only including private garage and/or servants' quarters and other similar purposes reasonably necessary in connection with such private residence, and for no other purpose; and no building other than a private dwelling house designed and built for the use and occupancy of a single family . . . shall be constructed, placed or maintained upon said premises during said term." [Emphasis supplied.]

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The Planning Department upon consultation with the Office of the Corporation Counsel has determined that the above stated covenants have a restriction that no more than a single family dwelling can be constructed on the property. Pursuant to Article 25 of the Hawaii County Zoning 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 restrictions removed or waived or appeal our determination through procedure set forth below.

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:

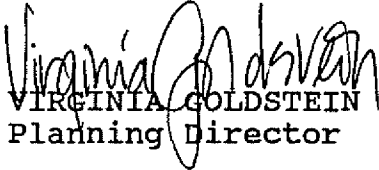
1. A non-refundable filing fee of two hundred dollars (\$200).
2. Ten (10) copies of the petition for the appeal incorporating the following:
  - a. The name, address and telephone number of the appellant and the name, title and address of the appellant's representative.
  - b. A description of the property 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.

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- e. A clear and concise statement of any other relevant facts.

Should you have any questions, please feel free to contact Ed Cheplic of this office at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

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xc: Corporation Counsel  
West Hawaii Office  
Mr. Gilbert B. Thompson