

CERTIFIED MAIL

September 15, 1992

Mr. Sadao Kaneshiro  
1379 Ala Hoku Place  
Honolulu, Hawaii 96819

Dear Mr. Kaneshiro:

Ohana Dwelling Application (OD 91-486)  
Tax Map Key: 6-4-11:33, Lot 86

This acknowledges ohana dwelling application and related submittals received September 6, 1991 and July 14, 1992.

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 Deed dated January 20, 1971, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 7376 at Page 375 includes restrictions, covenants and conditions which states:

"SUBJECT FURTHER the the premises hereunder shall be subject to the condition that it shall be used for residential purposes and that the residential unit shall be built of new material and the floor area thereof shall not be less than 750 square feet and that no quonset hut, second-hand houses or any similar structures shall be placed on the premises." (Emphasis supplied)

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, 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 restrictions removed or waived or appeal our determination through procedure 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 William Yamanoha of this office.

Sincerely,



NORMAN K. HAYASHI  
Planning Director

WRY:eti  
6131D-4  
cc: Corporation Counsel  
West Hawaii Office