

CERTIFIED MAIL

1992

January 9, 1991

Ms. Lori K. Hanashiro
27 Lei Street
Hilo, Hawaii 96720

Dear Ms. Kaneshiro:

Ohana Dwelling Application (OD 91-551) ²⁵⁷¹
Tax Map Key: 2-4-31:17, Lot 3

This acknowledges ohana dwelling application and related submittals received November 27, 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 Warranty Deed dated May 20, 1977 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12289 at Page 280 includes restrictions, covenants and conditions which states:

"(a) Each lot in the subdivision and every portion thereof shall be used for single residential and/or agricultural purposes.

(b) No dwelling house shall be erected upon said premises which shall contain less than one thousand two hundred (1,200) square feet of ground floor area."

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 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.

JAN 13 1992

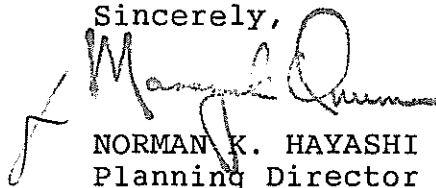
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The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

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

WRY/MO:eti
4221D-1
cc: Corporation Counsel

Scanned Map
Unavailable
Due to Size

See File

