

CERTIFIED MAIL

June 1, 1992

Mr. Keith E. Nakao
325 Anela Street
Hilo, Hawaii 96720

Dear Mr. Nakao:

Ohana Dwelling Application (OD 92-177) 2707
Ken Y. Nakao and Harriet E. Nakao
TMK: 2-4-15:126, Lot 14

This acknowledges ohana dwelling application and related
submittals received April 2, 1992.

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."

Pursuant to April 9, 1964, copy of recorded warranty deed
received from you with ohana dwelling application, states, page 3,

"The Grantees do hereby covenant and agree as follows:...

1...."excepting, however the owner of Lot 1 of said subdivision,
which lot is not bound by these restrictions."

3. "That the above described premises, and every portion
thereof, shall be used for private residence purposes only,
including private garage and/or servant's quarter's 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 shall be
constructed, placed or maintained upon said premises during
said term."

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The Planning Department 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 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 to appeal our determination through procedure set forth below.

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.

The denial of your ohana dwelling application was due to a deed restriction that only one single family dwelling may be constructed on the property. Therefore, it should be pointed out that even if the Board of Appeals disposes the petition in your favor, its decision is meaningless.

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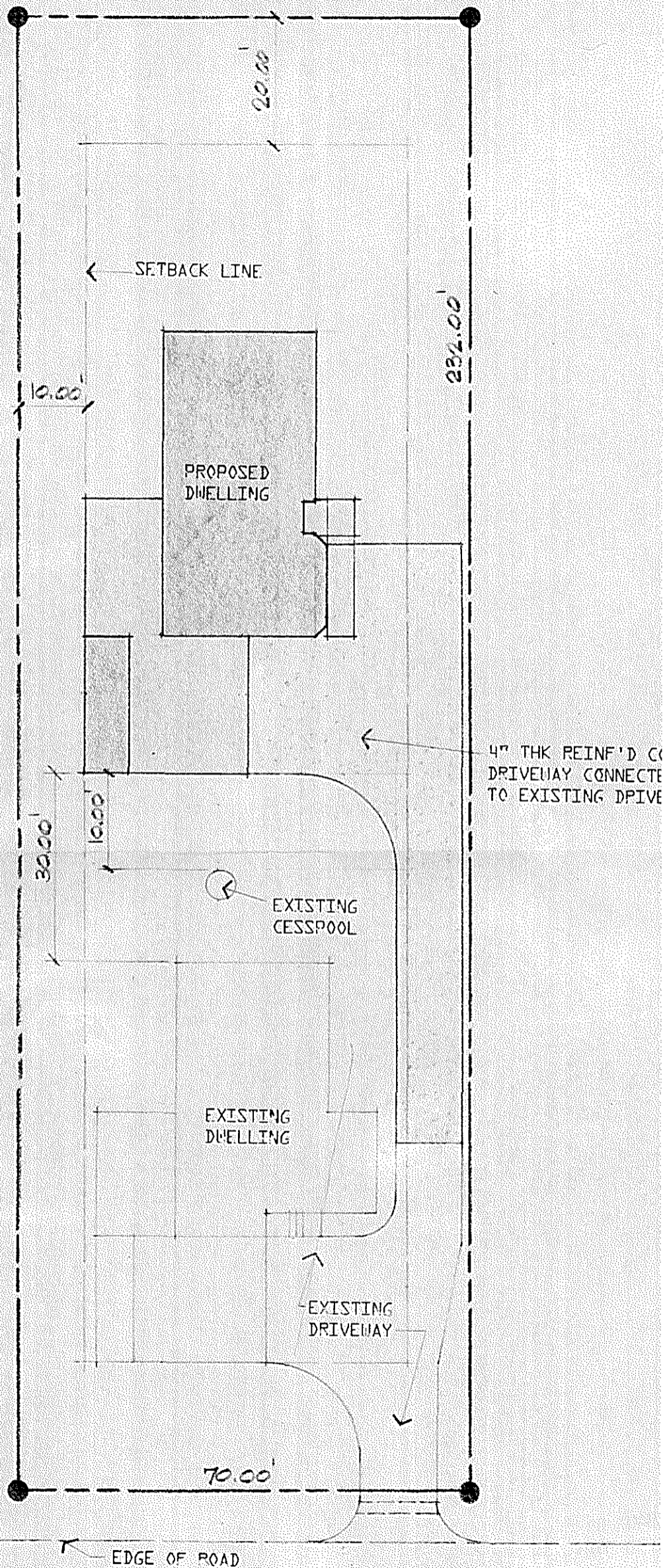
Should you have any questions, please feel free to contact this office at 961-8288.

Sincerely,

A handwritten signature in black ink that reads "Norman K. Hayashi". The signature is written in a cursive, slightly slanted style.

NORMAN K. HAYASHI
Planning Director

GB/MO:eti
5436D-3
cc: Corporation Counsel



SITE PLAN

SC. = 1" = 20'-0"

LOT #14 16,240 sq