

CERTIFIED MAIL

October 26, 1992

Ms. Olivia Corpuz  
664D Wainaku Avenue  
Hilo, Hawaii 96720

Dear Ms. Corpuz:

Ohana Dwelling Application (OD 92-339)  
Gavino Corpuz and Olivia Corpuz  
Tax Map Key: 2-4-21:136, Lot 38 *0869*

We regret to inform you that after reviewing your application, the Planning Director is hereby denying your ohana application. The reason(s) for the denial are as follows:

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 recorded deed dated September 22, 1971, in the State of Hawaii, in the Bureau of Conveyances at Liber 7824 and Page 142 includes restrictions which states:

"(1) Residential Purposes. The premises described herein and every portion thereof shall be used for private residence purposes only (except public roads and recreational area) 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, not exceed 18 feet in height from the high point of the lot, shall be constructed, placed or maintained upon said premises during said term."

The Planning Department interprets the above condition as precluding subject ohana application and therefore regret to inform you a request to construct ohana dwelling on the subject 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 further questions, please feel free to contact Gilbert Bailado of this office at 961-8288.

Sincerely,



NORMAN K. HAYASHI  
Planning Director

GB:eti  
6871D-4  
cc: Chief Engineer, DPW  
Chief Sanitarian, DOH

OCT 27 1992