

CERTIFIED MAIL

January 28, 1993

Mr. Steven G. Nelson  
P. O. Box 2267  
Kealahou, HI 96750

Dear Mr. Nelson:

Ohana Dwelling Application (OD 93-30)  
Tazuko Outzen  
TMK: 7-3-24:72, Lot 3 0972

This acknowledges ohana dwelling application and related submittals received December 8, 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."

Furthermore, Chapter 25 of the Hawaii County Zoning Code, Article 8:

Section 25-150

"The A (agricultural) district provides for agricultural and very low density residential use . . ."

Section 25-152

"(a) The permitted uses in A districts shall be as follows:

- (1) One single family dwelling per building site."

The site plan submitted to this office for review shows three (3) proposed residences on the subject property. The ohana dwelling application allows for only two dwelling units or residences. You may want to consider revising the site plan to comply with the Zoning Code then resubmit your applications.

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The Planning Department has determined that the recorded deed language precludes the development of an ohana dwelling unit on subject tax map key parcel. 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.

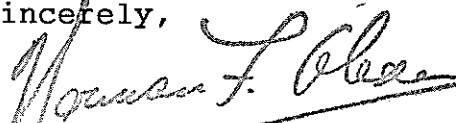
The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

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.

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Should you have any questions, please feel free to contact  
Gilbert Bailado of this office.

Sincerely,



*fr* VIRGINIA GOLDSTEIN  
Planning Director

GB:mjs  
7786D

cc: Corporation Counsel