

CERTIFIED MAIL

January 28, 1993

Mr. Michael W.H. Pang
P. O. Box 2408
Kamuela, HI 96743

Dear Mr. Pang:

Ohana Dwelling Application (OD 93-31) 0973
Michael W.H. Pang; Jeffrey W.T. Pang; Russell W.K. Pang
TMK: 6-4-30:20, Lot 1

This acknowledges ohana dwelling application and related submittals received August 4, 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."

Condition (H) of Ord. No. 893 states that "Restrictive deed covenants for each lot shall be recorded with the Bureau of Conveyances together with any recordation of final subdivision plat maps. The covenant shall include a mandatory agricultural use provision for each lot as previously defined in condition C. The covenant shall require all dwellings to meet the definition of "farm dwelling" below. . . . "Farm dwelling" as used herein shall mean a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. The remaining portion of the lot shall be used for agricultural purposes only. The restrictive covenants contained herein shall run with the land and shall be incorporated into any deed, lease, agreement of sale, mortgage, or other instrument of conveyances executed for the subject property(ies);"

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The Planning Department has determined that the recorded deed and Ordinance No. 893 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 to amend the County Ordinance to have the restrictions amended 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 this office.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

cc: Corporation Counsel