

CERTIFIED MAIL

April 5, 1993

Mr. Michael Sohriakoff  
77-6436 Leilani Street  
Kailua-Kona, HI 96740

Dear Mr. Sohriakoff:

Ohana Dwelling Application (OD 93-122)  
Michael W. Sohriakoff and Charlene A. Sohriakoff  
TMK: 7-7-20:50, Lot 4

This acknowledges ohana dwelling application and related submittals received February 17, 1993.

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 Covenants, Conditions and Restrictions submitted with the application states in part:

- "(a) Residential Purposes. All lots in the subdivision and every portion thereof shall be used only for private residential and agricultural purposes and the uses accessory thereto, including other similar purposes reasonably necessary in connection with such uses, and for no other purposes; and no building other than one private dwelling house designated and built for the use and

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Mr. Michael Sohriakoff  
April 5, 1993  
Page 2

occupancy of a single family and other accessory buildings shall be placed or maintained on each lot in the subdivision. Allowable accessory buildings provided that they meet with all Government regulations and provided that they conform to all covenants and design criteria applicable to Holualoa Subdivision I are as follows: Guest cottages, servants quarters, hothouses, shelters for animals allowed pursuant to these covenants and other structures reasonably necessary in connection with a private residence."

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

Mr. Michael Sohriakoff  
April 5, 1993  
Page 3

- 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 Gilbert Bailado of this office.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

GB:mjs  
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xc: Corporation Counsel