

CERTIFIED MAIL

July 21, 1994

Mr. Kalani Delovio  
H.C. 1 Box 7 R  
Captain Cook, HI 96704

Dear Mr. Delovio:

Ohana Dwelling Application (OHD 94-130)  
Kalani S. Delovio and Sandra L. Delovio  
Tax Map Key: 8-8-18:13, Lot 32

3602

This acknowledges the ohana dwelling application and related submittals received on March 15, 1994 and May 9, 1994.

Section 25-271 (3) of the Zoning Code, Governing Regulations for Ohana Dwellings, specifies "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 units."

The copy of the recorded Warranty Deed dated April 19, 1989 and recorded on May 1, 1989, in the Bureau of Conveyances of the State of Hawaii in Liber 23126 at Page 39 includes restrictions, covenants, and conditions which states:

- "2. The premises and every portion thereof, shall be used for private residence purposes only, including private garage and other similar purposes reasonably incidental to the occupation of such property as a private residence and for no other purpose." [Emphasis supplied]

The Planning Department has determined that the above stated covenants have a restriction that no more than a private residence can be constructed on the property. Pursuant to Article 25 of the Hawaii County Zoning Code, we therefore regret to inform you of a request to construct an 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, waived, or appeal our determination through procedure set forth below.

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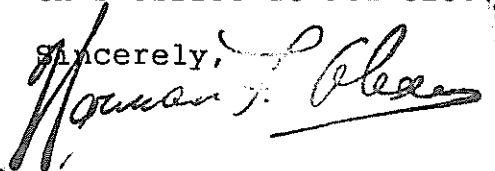
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The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

1. A non-refundable filing fee of two hundred dollars (\$200).
2. Ten (10) copies of the petition for the appeal incorporation 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 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 this office at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

GB:kn:lcm  
4436D

cc: Corporation Counsel

Scanned Map  
Unavailable  
Due to Size

See File

