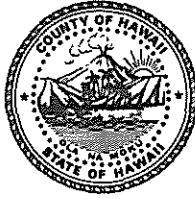


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL

February 27, 1995

Mr. David Bell  
12-445 Ole Ole Street  
Kehena Beach Subdivision  
Pahoa, HI 96778

Dear Mr. Bell:

Ohana Dwelling Application (OHD95-4)  
David Bell  
TMK: 1-2-31:127, Lot 114

This acknowledges your ohana dwelling application and related submittals received January 5, 1995.

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 (15) years) which prohibits a second dwelling unit."

Section 3.02(b) of the Declaration of Covenants, Conditions, and Restrictions which you submitted reads:

"No Ohana house, farm dwellings, duplex, separate guest house or any second building intended as a separate dwelling with its own cooking facility shall be allowed on any lot."

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.

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Mr. David Bell  
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February 27, 1995

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 questions, please feel free to contact Rodney Nakano of this office.

Sincerely,

VIRGINIA GOLDSTEIN  
Planning Director

RKN:pak  
LBellDa1.rkn

xc: Corporation Counsel