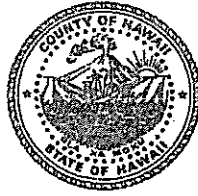


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

December 15, 2003

Mr. Eddie Y. Corpuz
P.O. Box 26
Ookala, Hawaii 96774

Dear Mr. Corpuz:

SUBJECT: Ohana Dwelling Permit Application 2003-019

Applicant: Eddie Y. Corpuz
Land Owner: Eddie Y. Corpuz
Proposal: Construct A New Attached
Ohana Dwelling Unit
Tax Map Key: (3) 3-9-006:012

Your Application for an Ohana Dwelling Unit Permit is being **denied** as explained below.

By way of a copy of the covenants, conditions and restrictions of O'okala subdivision received from the O'okala Community Association we find that, despite your notarized affidavit to the contrary, the language of your deed precludes ohana dwelling units in your subdivision. The section in question reads:

- "1.6 Permitted Structures. All structures to be constructed on lots shall conform to the requirements set forth below and no construction shall begin until design review has been completed as provided below. **No ohana dwellings are permitted on said lots.**" (emphasis added)

Any person aggrieved by the decision of the director in the issuance of an ohana dwelling permit decision, except for a decision regarding the duration of a permit under section 25-6-39.2, may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision. A form for that purpose is included with this letter if you should choose to use it.

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DEC 17 2003

Mr. Eddie Y. Corpuz
Page 2
December 15, 2003

If you should have any questions, please feel free to contact Jonathan Holmes of this office at 961-8288.

Sincerely,

A handwritten signature in cursive script that reads "Chris Yuen".

CHRISTOPHER J. YUEN
Planning Director

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Enclosure

COUNTY OF HAWAII
BOARD OF APPEALS

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR

(Type or legibly print the requested information)

APPELLANT: _____

APPELLANT'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

TELEPHONE: (Bus.) _____ (Home) _____

APPELLANT'S INTEREST IN THE PROPERTY: _____

APPELLANT'S NATURE OF APPEAL AND REQUEST: _____

LAND OWNER: _____

TAX MAP KEY: (land in question) _____ AREA OF PROPERTY: _____

STATE LAND USE DESIGNATION: _____ COUNTY ZONING: _____

STREET ADDRESS OF PROPERTY: _____

APPELLANT'S REPRESENTATIVE: _____

REPRESENTATIVE'S SIGNATURE: _____ DATE: _____

REPRESENTATIVE'S ADDRESS: _____

TITLE: _____ TELEPHONE: (Bus.) _____

THIS PETITION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) PAYABLE TO THE COUNTY DIRECTOR OF FINANCE AND:

1. The Original and ten (10) copies of this completed petition with the following:
 - a. A description of the property involved in the appeal in sufficient detail for the public to precisely locate the property.
 - b. A statement explaining the nature of the appeal and the relief requested.
 - c. A statement explaining:
 - (i) How the decision appealed from violates the law; or
 - (ii) How the decision appealed from is clearly erroneous; or
 - (iii) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
 - d. A clear and concise statement of any other relevant facts.
2. Proof of Service by the Appellant on the Planning Director for an appeal from the Planning Director's decision relating to the Zoning Code.
3. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 8-11(d) of the Board of Appeals Rules of Practice and Procedure.