

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 27, 2017

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

LOD S-24102

Oahu

Request Approval of Plans for Construction of New Residence, Diamond Head View Lots Unit Two, Increment One, Lot 56; Honolulu, Oahu, Hawaii, Tax Map Key: (1) 3-1-048:065

BACKGROUND:

In the 1960s, the Board of Land and Natural Resources approved the sale at public auction of multiple residential lots in the Diamond Head View Lots Subdivision, Unit Two, Increment One. The State developed the subdivision with infrastructure improvements, but the lots were sold without dwellings or other structures on them. The deeds by which the State conveyed the lots contained certain restrictive covenants regarding setbacks and building height designed to protect the view plane within the subdivision and of Diamond Head itself. The power to enforce the covenants was reserved to the Board.

As the residences originally constructed on the lots in the general area reach the limit of their useful lives, owners are seeking the necessary City and Board approvals to demolish the structures and rebuild. The current owners of subject lot ("Lot 56"), Wilfred K Nishi, Trustee, and Melody A. Nishi, Trustee ("Owner") plan to demolish the existing house and build a new residence. The deed conveying Lot 56 (**Exhibit A**) is recorded at the Bureau of Conveyances as Liber 5248, page 56, and identified as Land Office Deed No. S-24102 (**Exhibit B**). The architect representing the Owner provides a rendering¹ of the proposed new residence on Lot 56, which is attached as **Exhibit C**.

REMARKS:

The restrictive covenants for Lot 56 relating to construction are as follows:

- A. Subject to building setback lines as shown on plan attached hereto

¹ Architect has not applied for a building permit application at this time, intending to secure the Board acceptance of the design as detailed in this submittal before moving on to the next step.

and made a part hereof.

- B. The Board of Land and Natural Resources shall have the right to judge interference of view and to require modification in design to lessen such interference of views from neighboring lots; it being understood and agreed that:
1. No portion of any structure(s) shall be more than 15 feet above the highest approved finished grade at the building.
 2. No radio or television antenna shall extend more than more than 10 feet above the highest point of the roof. All lead-in wires shall be concealed. All other antenna shall be subject to approval.
- C. That accessory buildings may be constructed only with the prior written consent of the Chairperon of the Board of Land and Natural Resources.

Proposed Residence (Page number of Exhibit C is used in the following paragraphs for reference purposes.)

Lot 56 is subject to the set back lines as marked orange on page 3 of Exhibit C. In short, there is a 10-foot set-back on three sides, while the boundary fronting Paikau Street is subject to a 20-foot set-back. At the corner of Paikau Street and 22nd Avenue, the set back requirement is 30 feet.

As mentioned above, the entire existing building will be demolished and replaced by a 2-story residence on this sloping lot. Staff notes that the new residence will be in compliance with the building height restriction [page 7] of Lot 56.

An elevated swimming pool, portion of wall, and lanai are proposed inside the set-back area [Page 5].

On page 3 of the Building Requirements for the subdivision when it was auctioned in the 1960s (**Exhibit D**), “Variances”, it states, “the Board reserves the right, for good cause of which the Board shall be the sole judge, based upon a finding that strict compliance with all of the foregoing building requiriemens, including set-backs (emphasis added), would be unduly burdensome or impracticable with respect to any one or more lots, to waive or modify such provisions as related thereto as may be deed to be proper under the circumstances....”

On Pages 17 to 20 of Exhibit C, Owner’s architect presents images of the proposed residence from different viewing angles, including toward the Diamond Head Crater. The new residence does not appear to be blocking any view toward the crater or other part of the subdivision. In short, the new residence blends into the surrounding

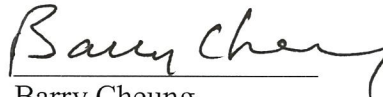
environment. Further, the new residence has a smaller building coverage as the main floor is not built up to the allowable building line [pages 5 & 7].

As described earlier, Owner's architect did not submit a building permit application with detailed drawing yet. Staff recommend the Board authorize the Chairperson approve the proposed residence as mentioned above, when the building permit application is submitted. In the event said application deviates from the residence proposed in this submittal, staff will return to the Board, if appropriate, for further action.

RECOMMENDATION: That the Board:

1. Find that the proposed new dwelling on Lot 56 mentioned above is compliant with the restriction stipulated in in Land Office Deed No. S-24102; and
2. Authorize the Chairperson to approve the forthcoming building permit application as described above.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

EXHIBIT A



TMK (1) 3-1-048:065

EXHIBIT A

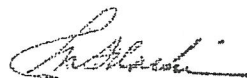
EXHIBIT B

66- 3641

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECEIVED FOR RECORD

LIBER 5248 PAGE 526

'66 FEB 1 PM 3:59



INDEXED REGISTRAR

Certified to be a true and correct copy
of the original presented for record.
MICHIKI ADACHI, Registrar.
By: *AKV* Clerk

RECORDATION REQUESTED BY:
DEPT. OF LAND AND NATURAL RESOURCES
LAND MANAGEMENT DIVISION
AFTER RECORDATION, RETURN TO:
DEPT. OF LAND AND NATURAL RESOURCES
LAND MANAGEMENT DIVISION
RETURN BY: MAIL () PICKUP (X)

D E E D

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the STATE OF HAWAII, hereinafter referred to as the "GRANTOR", by its Board of Land and Natural Resources, acting under authority in it vested by the laws of the State of Hawaii relating to public lands and all other laws applicable hereto, by and with the Board's approval given at its meeting held on January 29, 1965, did advertise and offer for sale at public auction on March 30, 1965, at the National Guard Armory, Fort Ruger, City and County of Honolulu, Island of Oahu, State of Hawaii, that certain parcel of land situate at Kapahulu, Honolulu, Oahu, State of Hawaii, and hereinafter more particularly described; and

WHEREAS, at said auction sale, MARVIN CLYDE SHELBY and DOROTHY ELIZABETH SHELBY, husband and wife, whose residence and post office address is Honolulu afore-said, hereinafter referred to as the "GRANTEES", were the highest bidders therefor;

NOW, THEREFORE, in consideration of the sum of FORTY-FIVE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$45,600.00), paid at the Department of Land and Natural Resources by said Grantees,

EXHIBIT "B"

the receipt whereof is hereby acknowledged, and for the further consideration of the Grantees complying with the terms, covenants and conditions of that certain Notice of Sale dated March 1, 1965, the Grantor hereby remises, releases and forever quits-claims to said Grantees, as Tenants by the Entirety, their assigns and the heirs, administrators, executors and assigns of the survivor of them, subject to the covenants, conditions, restrictions and reservations hereinafter set forth, all of its right, title, interest, claim and demand in and to the following parcel of land, described as follows:

DIAMOND HEAD VIEW LOTS
UNIT TWO, INCREMENT ONE

LOT 56

Kapahulu, Honolulu, Oahu, Hawaii

Being a portion of L.P. 8165, Part B on a portion of L.C. Aw. 8559-B, Apana 32 to William C. Lunalilo

Being also a portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lunalilo Estate by Deed dated June 17, 1884, and recorded in Liber 88 on Pages 223 and 224 (Land Office Deed 136), set aside as Fort Ruger Military Reservation, Tract 1, by Presidential Executive Order 6408, dated November 7, 1933 and subsequently restored to the possession, use and control of the Territory of Hawaii by Presidential Executive Order 10648 (Part I, Parcel 6) dated December 8, 1955.

Beginning at the north corner of this lot and on the southwesterly side of Paikau Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 1368.04 feet North and 4606.45 feet East, as shown on Government Survey Registered Map HSS Plat 2175, thence running by azimuths measured clockwise from True South:-

1. Along the southwesterly side of Paikau Street on a curve to the left having a radius of 822.00 feet, the chord azimuth and distance being: 337° 36' 13" 41.23 feet;

2. 336° 10' 26.50 feet along the southwesterly side of Paikau Street;
3. Thence along the westerly side of the intersection of Paikau Street and 22nd Avenue on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being: 21° 10' 42.43 feet;
4. 66° 10' 24.00 feet along the northwesterly side of 22nd Avenue;
5. Thence along the northwesterly side of 22nd Avenue on a curve to the right having a radius of 178.00 feet, the chord azimuth and distance being: 68° 04' 53" 11.89 feet;
6. Thence along the northwesterly side of 22nd Avenue on a curve to the right having a radius of 40.00 feet, the chord azimuth and distance being: 94° 22' 29" 33.02 feet;
7. Thence along the northwesterly side of 22nd Avenue on a curve to the left having a radius of 40.00 feet, the chord azimuth and distance being: 95° 33' 41" 31.51 feet;
8. 155° 37' 30" 72.05 feet along the Water Tank Site;
9. 248° 50' 124.28 feet along land owned by the State of Hawaii to the point of beginning and containing an AREA OF 11,285 SQUARE FEET.

RESERVING to the State of Hawaii, its successors and assigns, in perpetuity, an Easement for open Gunite storm drain ditch over, upon and across the above-described Lot 56, together with rights of ingress and egress thereto for maintenance, inspection, reconstruction and repair of said storm drain ditch; said Easement being shown on plan attached hereto and made a part hereof and more particularly described as follows:

Beginning at the south corner of this Easement, the southwest corner of the above described Lot 56, being the end of Course 7 of said Lot 56, and on the northwesterly side of 22nd Avenue, thence running by azimuths measured clockwise from True South:-

1. 155° 37' 30" 72.05 feet along the Water Tank Site;

2. 248° 50' 10.02 feet along land owned by the State of Hawaii;
3. 335° 37' 30" 74.01 feet;
4. Thence along the northwesterly side of 22nd Avenue on a curve to the left having a radius of 40.00 feet, the chord azimuth and distance being: 79° 46' 41" 10.32 feet to the point of beginning and containing an AREA OF 728 SQUARE FEET.

RESERVING to the State of Hawaii, its successors and assigns, in perpetuity, all minerals and surface and ground waters appurtenant to the land described, together with the right to enter, sever and remove minerals or to develop, capture, divert or impound water; provided, that the State shall pay just compensation to the surface owner for improvements taken as a condition precedent to the exercise of such reserved rights.

TO HAVE AND TO HOLD the same, together with all the rights, easements, privileges and appurtenances thereunto belonging, or in anywise appertaining or held and enjoyed therewith unto the said Grantees, as Tenants by the Entirety, their assigns and the heirs, administrators, executors and assigns of the survivor of them, forever, subject to the covenants, conditions, restrictions and reservations herein set forth.

AND the GRANTEES, for themselves, their assigns and the heirs, executors, administrators and assigns of the survivor of them, covenant with the Grantor and its successors as follows:

- (a) That the land hereby conveyed shall be used only for residence purposes for a period of ten (10) years from the date of issuance of this deed, or for fifteen (15) years from the date of sale, whichever period is shorter; provided, that any change in the use of the land herein conveyed after the said ten (10) or fifteen (15) years, as the case may be,

shall be in accordance with applicable State, county or city and county zoning requirements.

- (b) That should the Grantees, their heirs, administrators, executors and assigns, within five (5) years from the date of sale, decide to sell, assign, bargain, convey, lease or otherwise transfer or dispose of any interest in the land for other than security purposes, the State of Hawaii, within a reasonable period of time after receipt of notice of such determination, shall have the option to repurchase said land for the original sales price or the fair market value at the time of repurchase, whichever is lower. Any improvements affixed to the realty shall be purchased at their fair market value. At the time of repurchase, the fair market value of the land, and the improvements, if any, shall be determined by a qualified appraiser contracted by the State; provided, however, should the Grantees fail to agree upon the fair market value, they may appoint their own appraiser who together with the State's appraiser shall appoint a third appraiser, and the value shall be determined by arbitration and as provided in Chapter 188, Revised Laws of Hawaii 1955. The Grantees shall pay for their own appraiser and the cost of the third appraiser shall be borne equally by the Grantees and the State of Hawaii.

- (c) That the use and enjoyment of the premises shall not be in support of any policy which discriminates against anyone based upon race, creed, color or national origin.
- (d) Lot 56 is subject to building setback lines as shown on plan attached hereto and made a part hereof.
- (e) The Board of Land and Natural Resources shall have the right to judge interference of views and to require modification in design to lessen such interference of views from neighboring lots; it being understood and agreed that:
 - 1. No portion of any structure(s) shall be more than 15 feet above the highest approved finished grade at the building.
 - 2. No radio or television antenna shall extend more than 10 feet above the highest point of the roof. All lead-in wires shall be concealed. All other antenna shall be subject to approval.
- (f) That accessory buildings may be constructed only with the prior written consent of the Chairman of the Board of Land and Natural Resources.

IN WITNESS WHEREOF, the STATE OF HAWAII, the Grantor herein, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be

hereunto affixed and these presents to be duly executed this
25th day of January, 1966.

STATE OF HAWAII

By: *James P. Lewis*
Chairman and Member
Board of Land and
Natural Resources

And By: *R. L. Summers*
Member
Board of Land and
Natural Resources

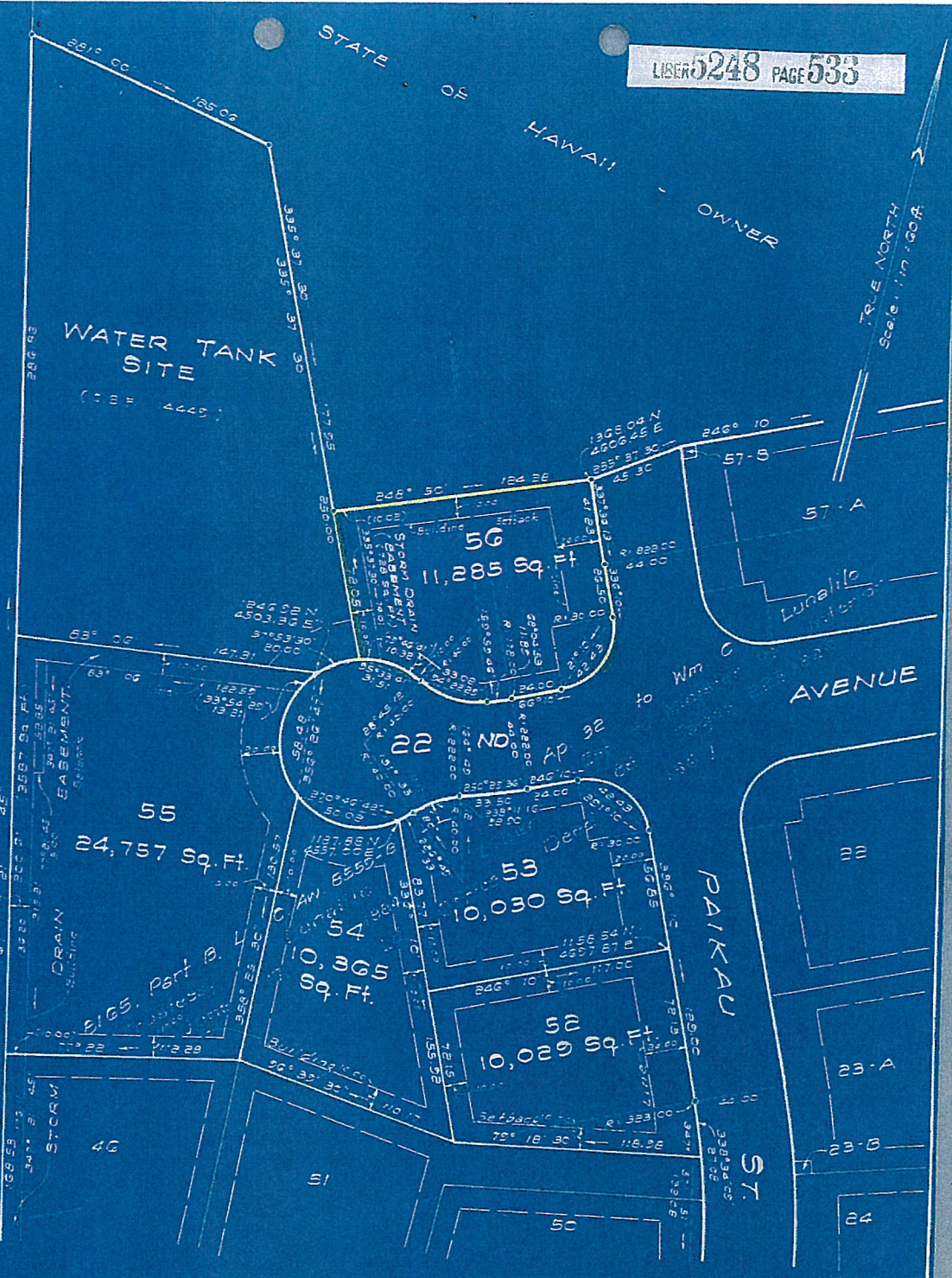
APPROVED AS TO FORM:

Clarence L. Law
Deputy Attorney General
Dated: *Jan 25, 1966*



mm
Proofed by: *mm*

DIAMOND HEAD RESERVATION
Order 1297 dated April 9, 1962
Governors Executive Order (C.S.F. 13,014)



DIAMOND HEAD VIEW LOTS
 UNIT TWO - INCREMENT ONE
 LOTS 52, 53, 54, 55 AND 56
 Kapahulu, Honolulu, Oahu, Hawaii
 Scale: 1 inch = 60 feet
 Coordinates referred to 'LEAHI' 4

Building Setback Lines
 added for an MA-5 1965
 by A. Tzee

B 30-16
 BK

X MAP 3-1-43
 MAHUI FILE
 FOLDER 1

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

Return to: Dept. of Land and
Natural Resources
Land Management Division

S-
2402

EXHIBIT C

NEW RESIDENCE

TMK: 31048065

ADM RETAIL PLANNING AND ARCHITECTURE, INC.

1311 Kapiolani Blvd Suite 608

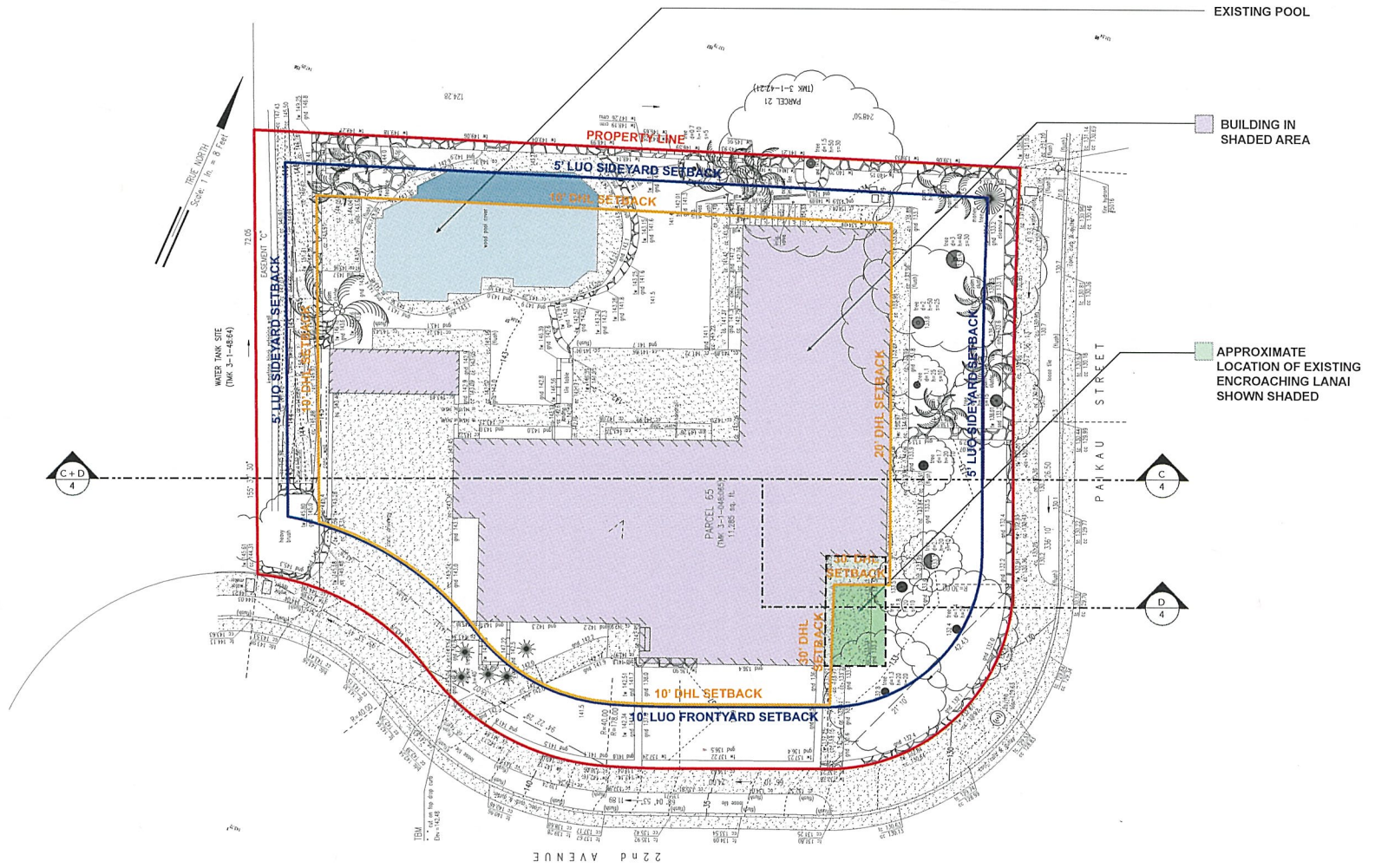
Honolulu, Hawaii 96814

T: (808) 597-1662

F: (808) 597-1667

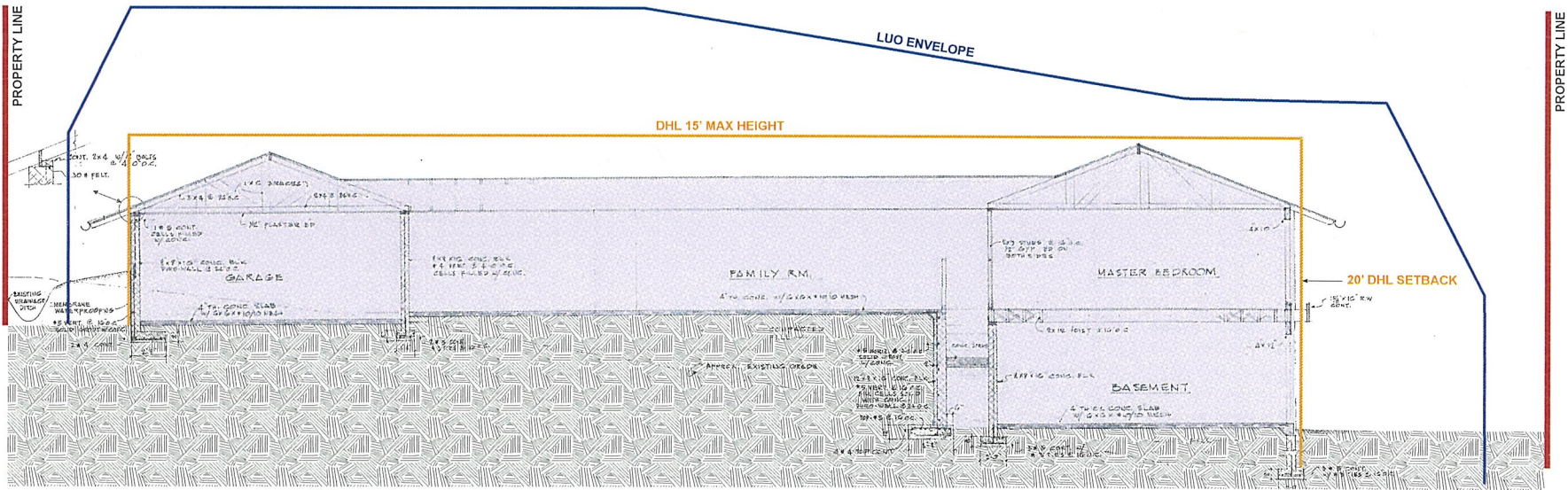
EXHIBIT "C"

- EXISTING SITE PLAN.....3
- EXISTING BUILDING SECTIONS.....4
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- PROPOSED VIEW FROM CUL DE SAC.....20

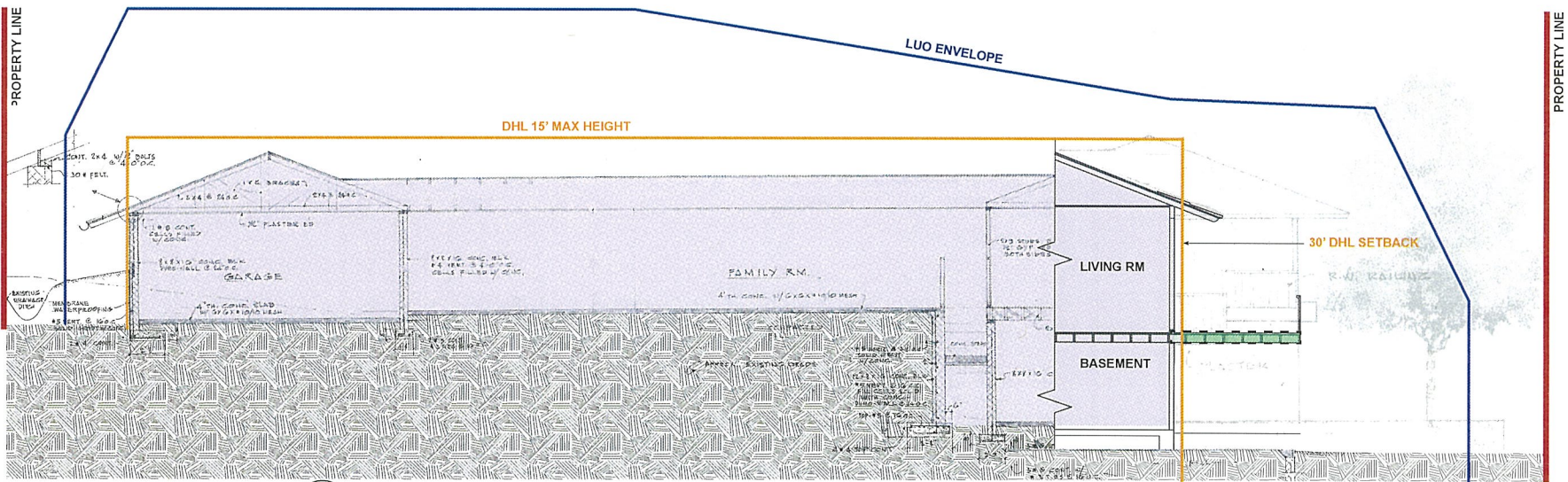


NEW RESIDENCE

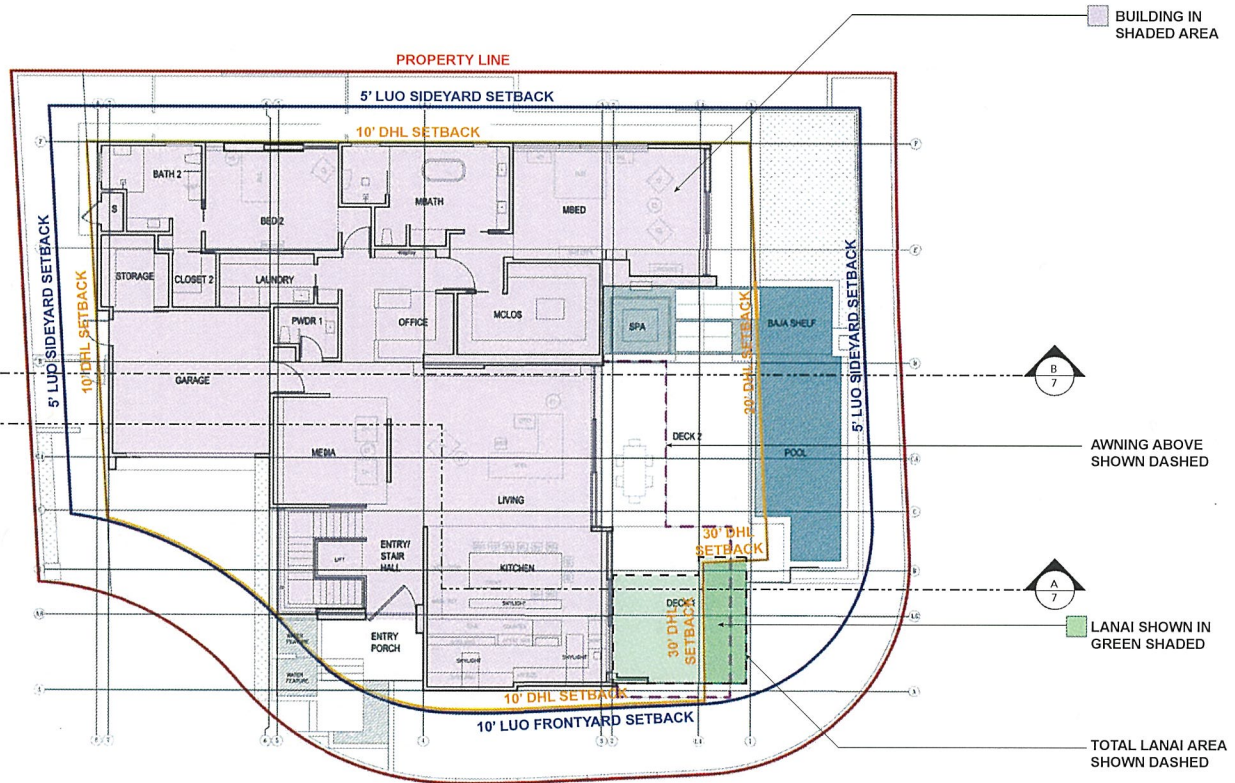




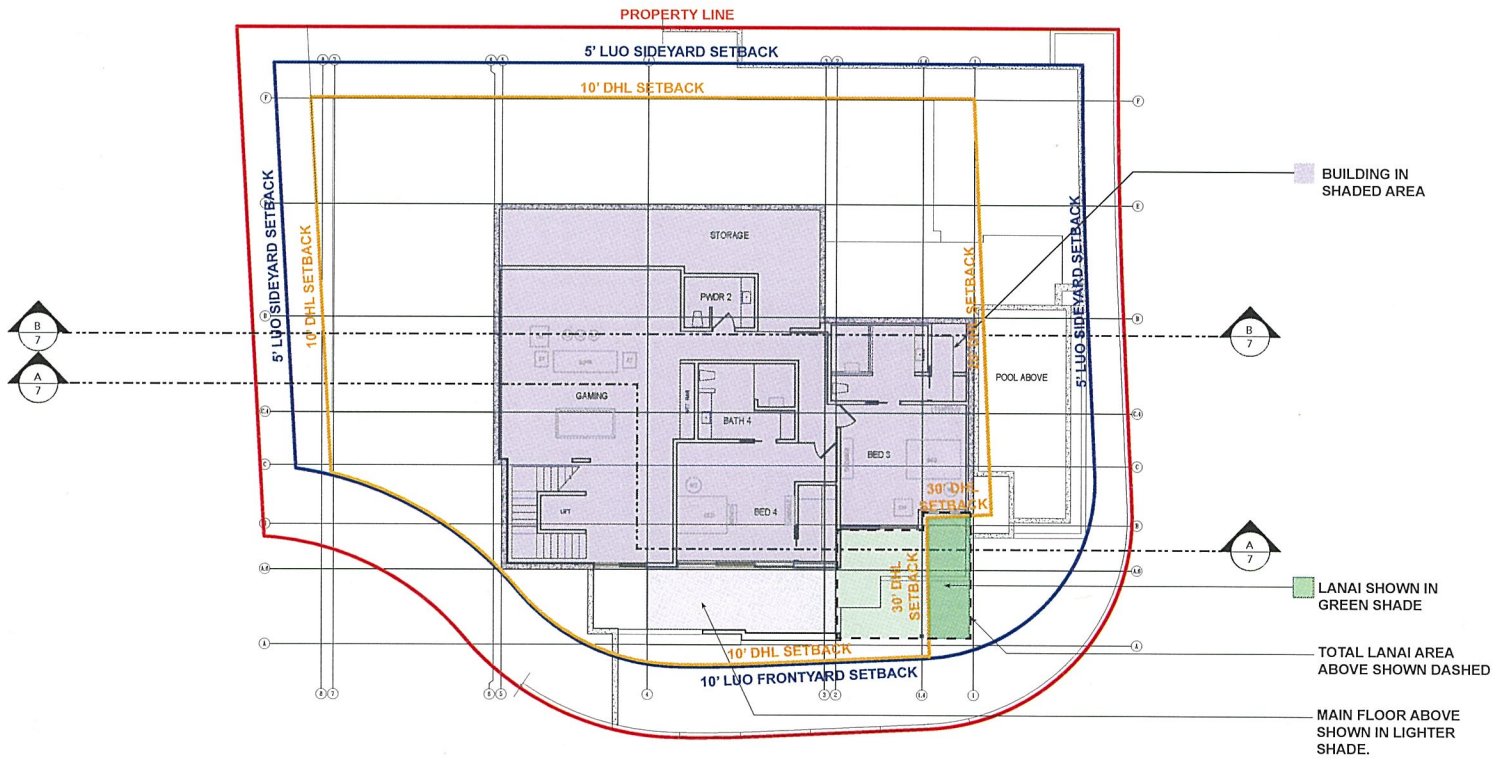
(C) BUILDING SECTION

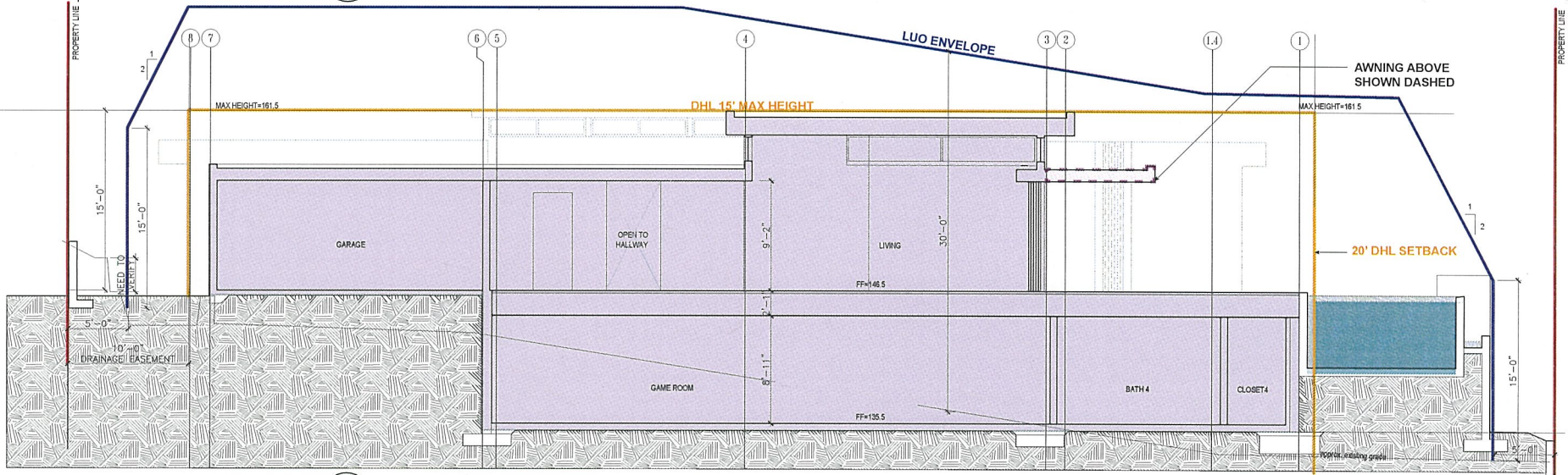


(D) BUILDING SECTION



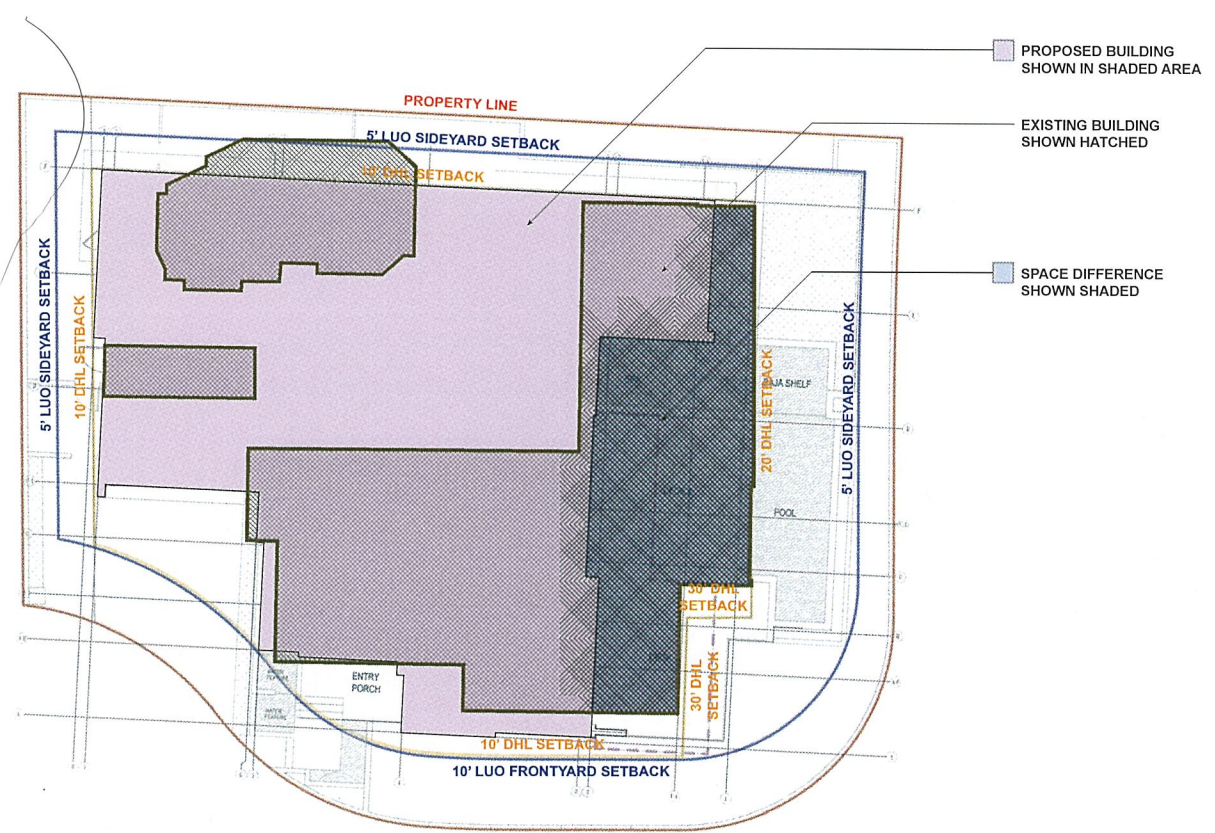
NEW RESIDENCE

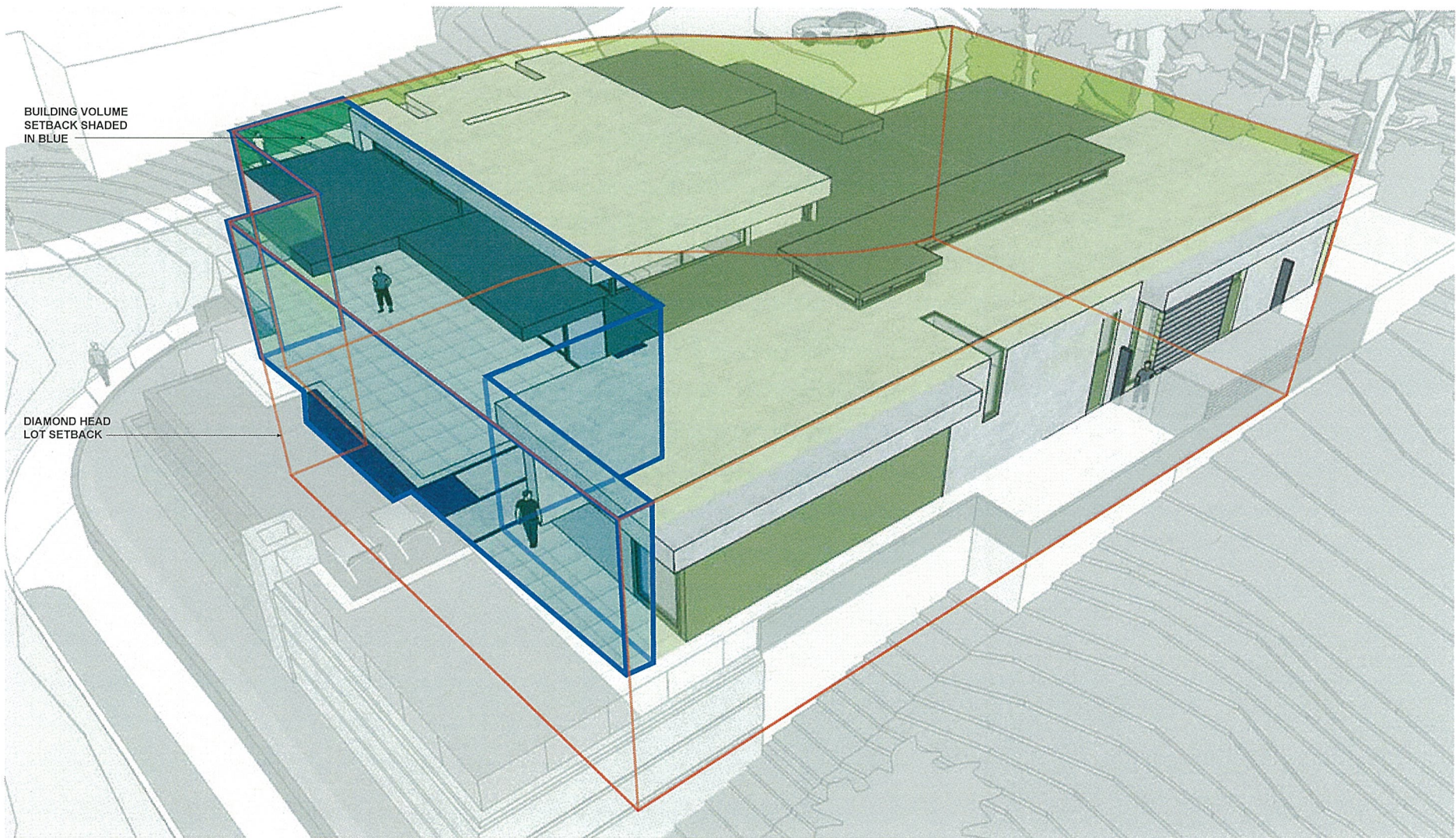




A BUILDING SECTION

B BUILDING SECTION





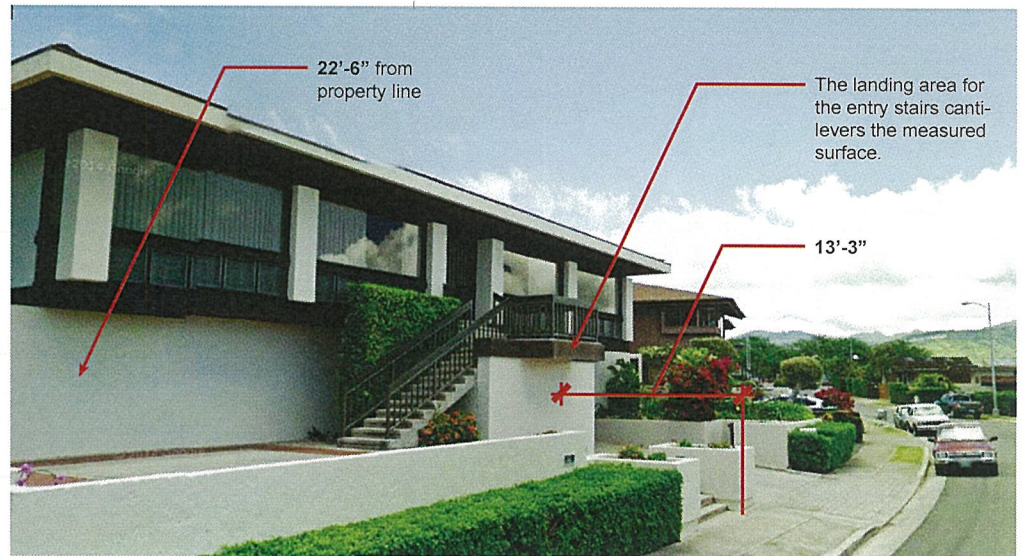
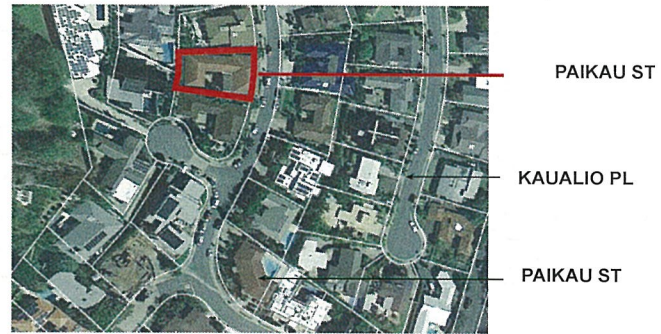
BUILDING VOLUME
SETBACK SHADED
IN BLUE

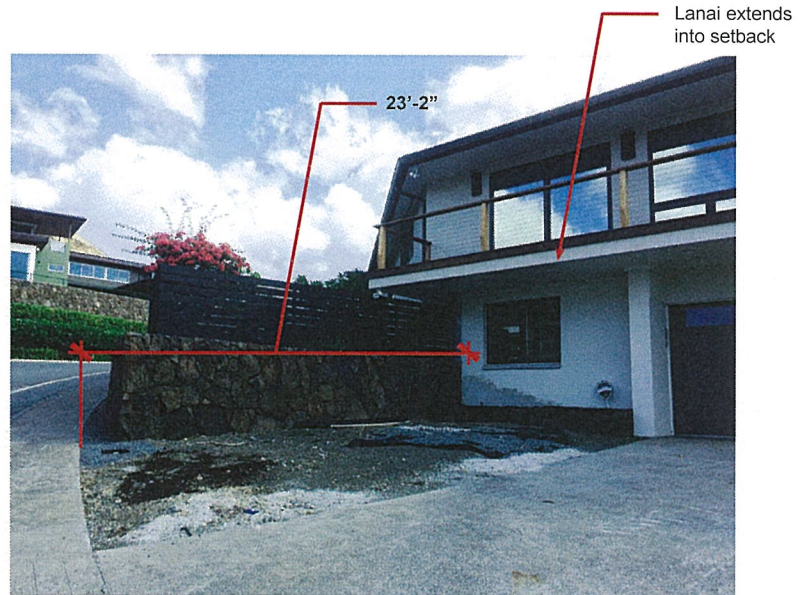
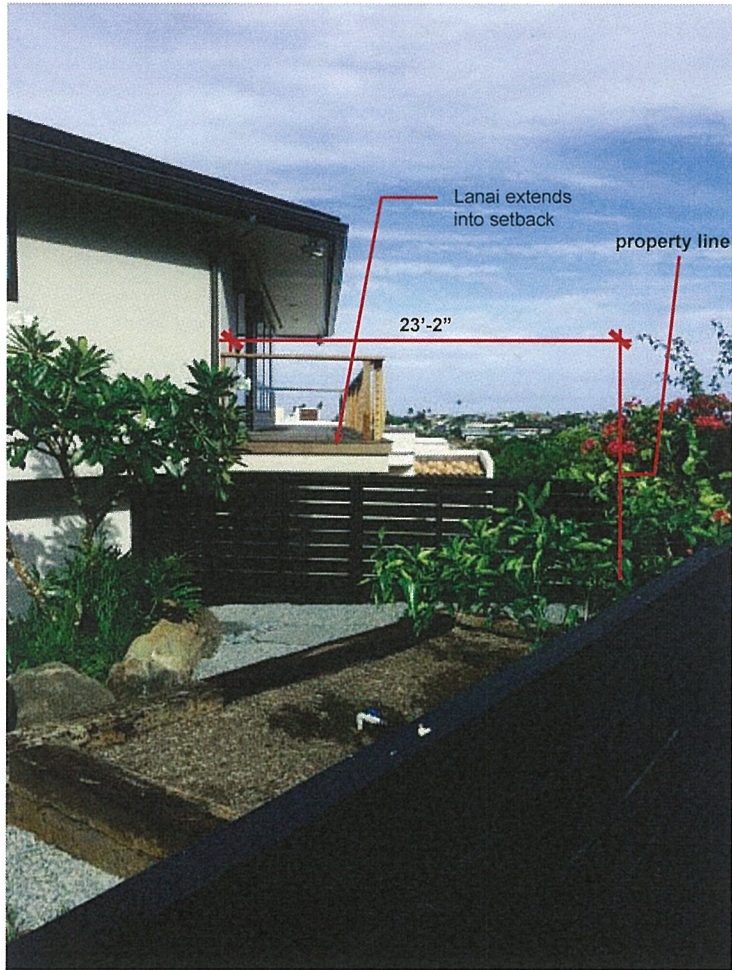
DIAMOND HEAD
LOT SETBACK

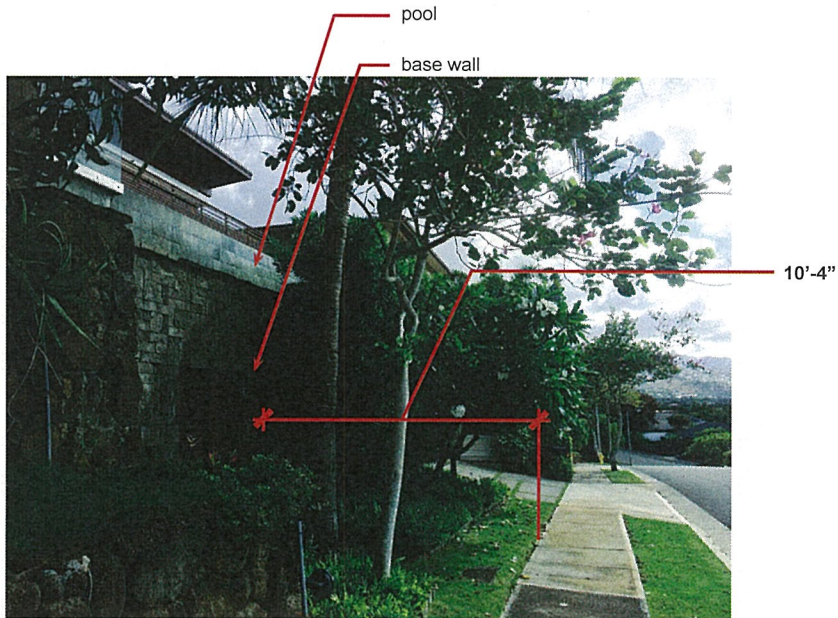
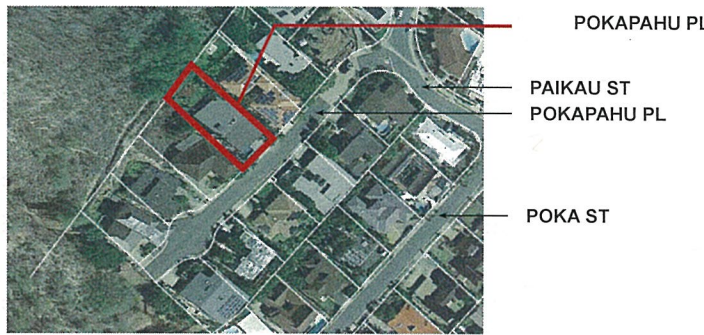


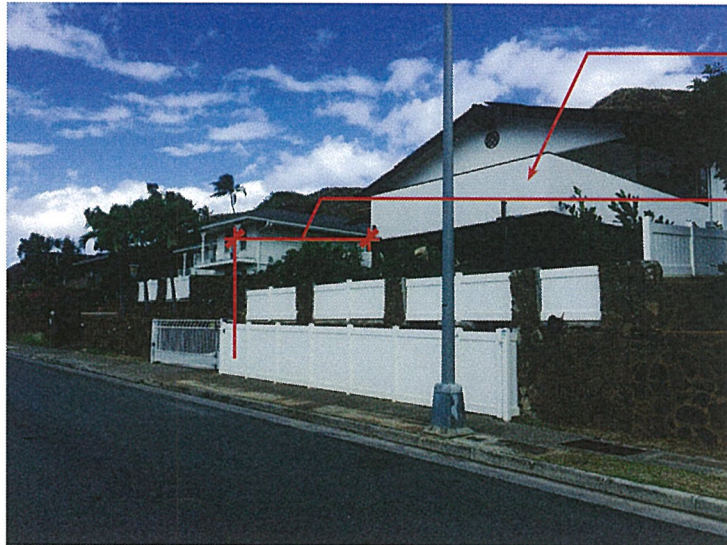
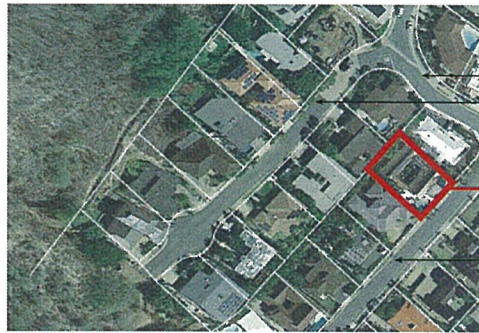
PROJECT LOCATION

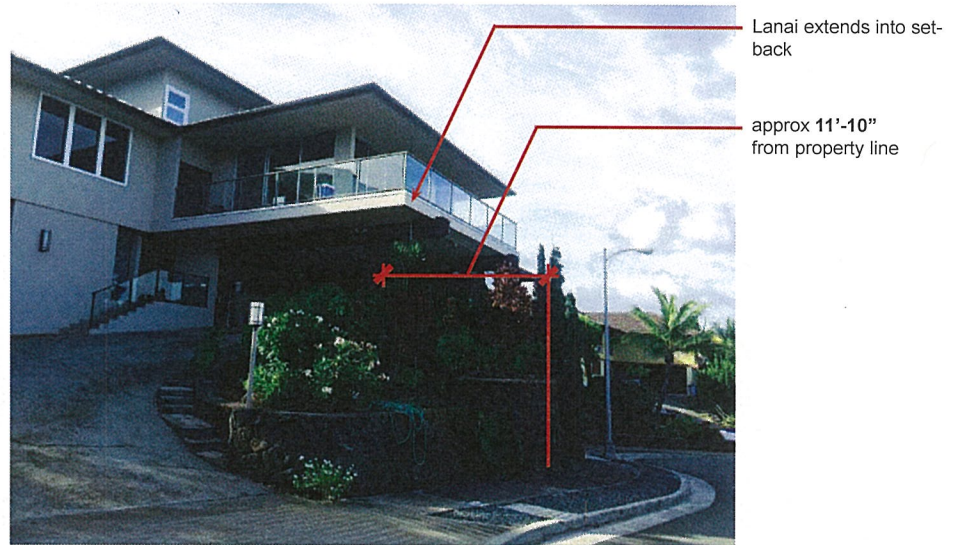
- ① — PAIKAU ST
- ② — PAIKAU ST
- ③ — POKAPAHU PL
- ④ — POKA ST
- ⑤ — POKAPAHU PL
- ⑥ — POKA ST

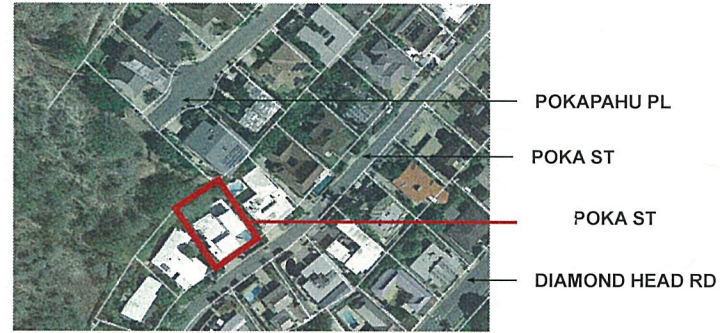
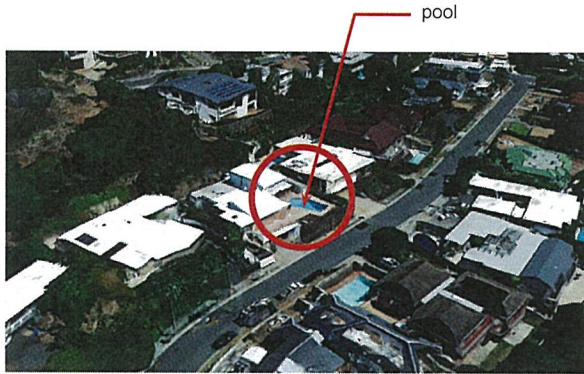


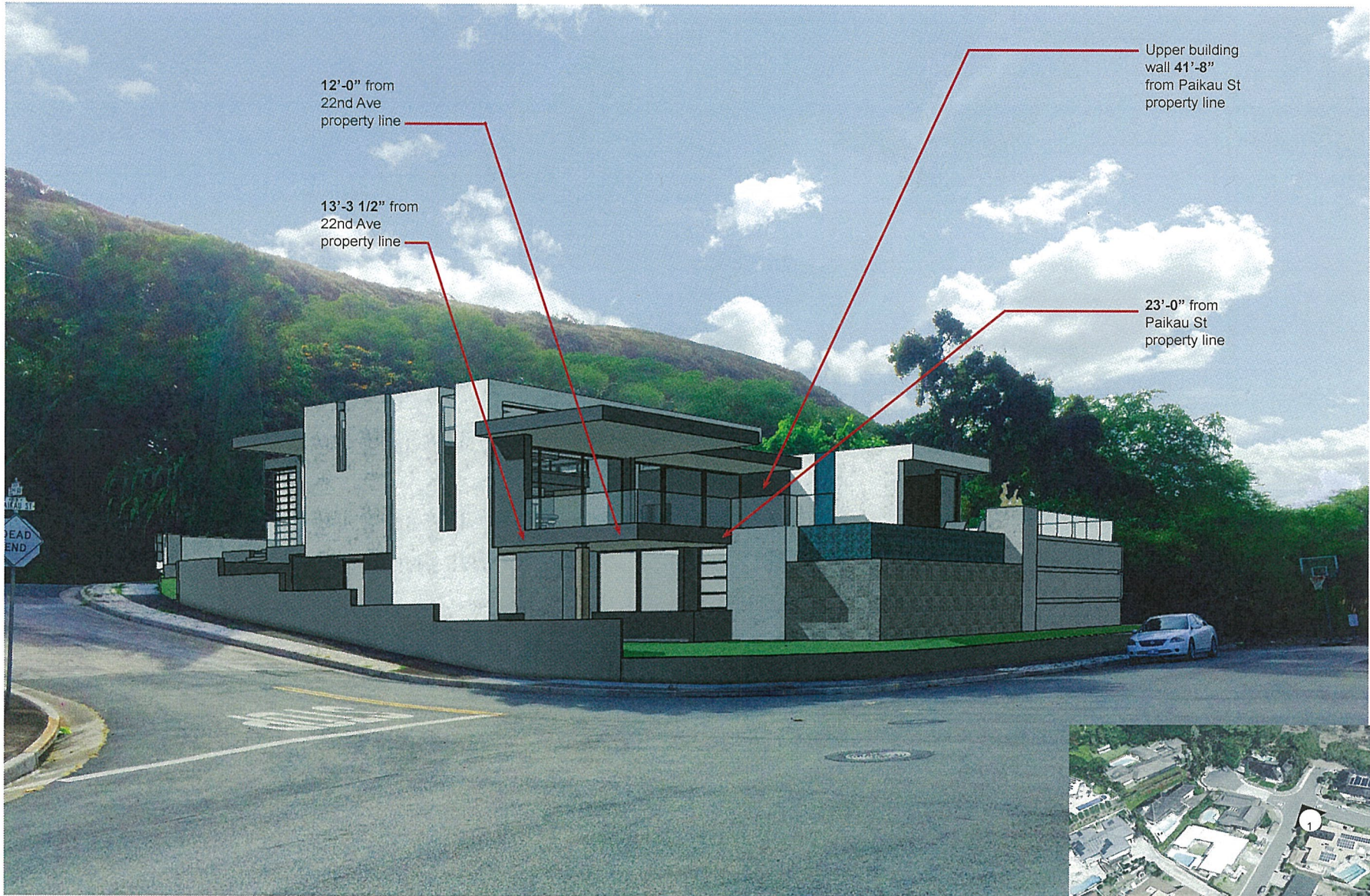












VIEW KEY MAP

PROPOSED VIEW (1) FROM PAIKAU ST AND

AVE CORNER

NEW RESIDENCE





PAGE 18
PROPOSED VIEW (2) FROM PAIKAU ST

NEW RESIDENCE



13'-3 1/2" from
22nd Ave
property line

23'-0" from
Paikau St
property line



PROPOSED VIEW (3) FROM ADJACENT CORNER

NEW RESIDENCE



VIEW KEY MAP



PROJECT LOCATION

1

PAIKAU ST

2

PAIKAU ST

3

POKAPAHU PL

4

POKA ST

5

POKAPAHU PL

6

POKA ST

EXHIBIT D

BUILDING REQUIREMENTS

DIAMOND HEAD VIEW LOTS
UNIT II, INCREMENT I

INTRODUCTION:

The Board of Land and Natural Resources, State of Hawaii, in response to many requests and in order to protect the interests of the purchasers, as well as of the public in general, is endeavoring to develop and maintain the general attractiveness of this subdivision as seen from all public areas, to assure each purchaser as much ^{undisturbed} ~~undisturbed~~ view, unobstructed breeze and privacy as possible, to promote aesthetic standards for the buildings and their relationship to each other, to public spaces and to the site, and to assist the purchaser with problems of access and siting.

To this end the Board of Land and Natural Resources has obtained the services of professional architects as consultants who, in the capacity of an Architectural Advisory Committee, will review each Purchaser's preliminary plans and final working drawings.

ARTICLE I. LAWS, CODES AND ORDINANCES

All work undertaken within the subdivision shall comply with the appropriate existing laws, codes and ordinances.

Where the requirements hereunder are more stringent than the applicable laws, codes and ordinances, the requirements hereunder shall govern.

ARTICLE II. GENERAL REQUIREMENTS

The purchaser of each lot shall, within a period of two (2) years next following the date of sale, construct on such lot a dwelling consisting of a principal building providing for a single-family dwelling unit and such accessory buildings as may be desired, in conformity with the following requirements:

1. The principal building shall contain not less than 1200 square feet of enclosed floor space, exclusive of garage, basement and open lanai, said dwelling to cost not less than \$20,000.00. All buildings whether for dwelling or accessory use shall be of new construction suitable for island living.
2. Preliminary plans to be followed by final plans and specifications for the foregoing dwelling, together with a plot plan showing building locations, shall be prepared by or under the direct and responsible supervision of a registered architect and shall be submitted to the Chairman of the Board of Land and Natural Resources for his approval, prior to the commencement of construction.
3. The preliminary drawings shall consist of:
 - a. Site Plan at a 1/16 inch = 1 foot, showing the existing and proposed topography.
 - b. Diagrammatic Site Plan at a 1/40 inch = 1 foot, showing the house, garage, driveway and major retaining walls in outline.
 - c. House Plan at a 1/8 inch = 1 foot, showing floor plans for each floor. Floor levels shall be indicated in numerals and shall refer to the City and County Datum, based on mean sea level.
 - d. Elevations at a 1/8 inch = 1 foot, showing each exposed side of the proposed structure(s), indicating proposed materials and colors for roofs, house walls and garden walls and fences.
 - e. Section at a 1/16 inch = 1 foot through the structure and property, commencing at the street and extending to the opposite end of the property.
 - f. Working Drawings: Before commencing with any work at the site, the purchaser shall submit to the Board of Land and Natural Resources for approval completed working drawings and specifications prepared by or under the direct and responsible supervision of a registered architect and so certified by him.
4. Any revision or amendment thereto shall also require prior approval by the Chairman before commencement of construction.

5. To assure construction in accordance with approved plans and specifications, the Chairman or his duly authorized representative shall have the right to make periodic inspections during the course of the construction of said dwelling.
6. Preliminary Drawings: The Board of Land and Natural Resources, upon receipt of a recommendation from the Architectural Advisory Committee, will approve the submitted preliminary drawings, provided that they comply with all of the requirements hereunder, and are, in the Board's opinion, suitable for this subdivision. Approval may also be made subject to other special conditions which the Board may deem appropriate in each particular case. Approval, however, will not be unreasonably withheld.
7. Working Drawings: The Board of Land and Natural Resources, upon receipt of a recommendation from the Architectural Advisory Committee, will approve the submitted working drawings provided that they comply with the conditions under which the preliminary drawings were approved and meet all requirements hereunder.
8. Variances: Individual solutions at variance with the General and Special Requirements, or substantial departure from the approved preliminary drawings, will be considered on their architectural merit and on their contribution to the objectives stated in the Introduction. The Board of Land and Natural Resources reserves the right, for good cause of which the Board shall be the sole judge, based upon a finding that strict compliance with all of the foregoing building requirements, including set-backs, would be unduly burdensome or impracticable with respect to any

one or more lots, to waive or modify such provisions as related thereto as may be deemed to be proper under the circumstances; provided, however, such waiver or modification shall not relieve the purchaser from the necessity of the erection of a suitable dwelling on the lot in question, nor shall the waiver or modification of a provision with respect to one lot waive such provisions for all lots.

ARTICLE III

SPECIAL REQUIREMENTS

1. Materials.

All materials used for structures shall be termite and fungus free.

2. Building Set-Backs.

Building set-backs have been established for all residential lots in the subdivision and these set-backs are indicated: (1) on an over-all map of the subdivision area which is on file at the Office of the Department of Land and Natural Resources, Honolulu, Hawaii, and at the Offices of the Land Agents on the Islands of Hawaii, Maui and Kauai, and (2) on the sketch of each lot which will be attached to the special sale agreement document. A 3-foot wide landscaping area has been established on all street front property lines within the subdivision. No construction, other than driveways and entry walks or steps will be allowed within this area. Where the lots are higher than the fronting roadway, garages and storerooms may be permitted within the set-back areas provided the maximum projecting height of the garage and storeroom above the top of cut slope adjoining the roadway does not exceed an average of four feet.

3. Garage.

To each principal building there shall be an attached double garage containing not less than 400 square feet of parking area under

roof. Detached double garages may be substituted in cases where attached garages to the principal buildings are not found feasible; provided, however, that every garage, whether attached or detached, the vehicular entrance to which faces a street, shall provide not less than an additional 100 square feet of covered floor space for use for service and storage facilities. Such additional area shall be adequately screened from street view.

4. Grading.

(a) The Purchaser shall accept the condition of the lot as is, as of the day of signing the Agreement to Purchase. All clearing, grading and site work required thereafter shall be done only in accordance with approved preliminary drawings and at the expense of the Purchaser.

(b) Fill material brought to the site shall be free of adobe, red dirt, termites and deleterious matter.

(c) The Purchaser shall obtain a grading permit for cuts and fills as required by the ordinances of the City and County of Honolulu, and shall abide by all requirements of these ordinances.

(d) Exposed cut areas shall be landscaped to prevent erosion.

(e) Surface run-offs shall be dispersed or channeled in such a manner as to prevent erosion, and wherever possible, shall be directed away from adjoining properties and toward streets or other storm drain structures.

5. Driveways.

(a) Driveways of a slope of 16% or more shall be paved with concrete.

(b) Drop Driveways shall be constructed prior to any work being done and shall be used during the construction period, in order to prevent damage to existing concrete gutters, curbs and sidewalks and any underground utility lines.

Any damage caused by the Purchaser, his contractor or agent, shall become the responsibility of the Purchaser.

6. Garden Walls and Fences.

(a) No garden wall or fence, whether or not used as a retaining wall, shall be higher than 6 feet at any point, as measured from the top of the wall to the existing or approved finished grade level.

(b) The street exposure of all garden and retaining walls shall be built of lava rock.

(c) All other fences and garden walls shall be subject to approval by the Board of Land and Natural Resources.

7. Refuse Can Enclosures.

Unless adequately screened, specific provisions for storage of refuse cans are made within the house or garage. Purchaser shall construct refuse can enclosures within 20 feet of a street entrance or driveway to conceal refuse cans from view, and shall follow the requirements for Garden Walls and Fences.

8. Electric Service.

(a) All electric and telephone lines shall be underground.

(b) The electric service conductor shall be rated for not less than 120/240 V, single phase, 3 wire, 115 amps.

(c) The telephone service conduit shall be rigid and not less than 3/4" in diameter.

9. Water Service.

The main service pipe from the water meter to the house shall not be less than 1 inch in diameter; provided, however, that a 1-1/2 inch diameter service pipe will be required if a lawn sprinkler system is contemplated or subsequently installed.

10. Sanitary and Water Piping.

All piping shall be concealed. All sanitary pipe joints, other than cast iron, shall be concrete packed.

11. Ground Termite Treatment.

(a) Soil under all concrete slabs on ground and under all building floors, whether on ground or over air space, and all footings and masonry foundation walls shall be treated against subterranean termites by a reliable, established and licensed termite control agency.

(b) Chemical used outside of the building or in accessible spaces under buildings shall be non-poisonous to human beings and pets.

12. Roofs.

(a) Pitched roofs surfaced with wood shakes or shingles, clay tile, copper, tern metal, or other approved materials are preferred. The minimum slope for such roofs shall be 3-1/2 to 12.

(b) No corrugated metal roofs will be allowed.

(c) No built-up roofs surfaced with gravel coral, mineral-surfaced roll roofing, or other materials will be allowed on the main building. Garages and accessory structures will be considered on their compliance with the over-all subdivision standards.

(d) Adequate provision shall be made to obtain true eave lines and to prevent the sagging of eave soffits.

(e) Variances, particularly for prominent sites, will be considered on the basis of the objectives stated in the Introduction.

13. Height of Buildings.

The Board of Land and Natural Resources reserves the right to judge interference of views, and may require adjustment in design to lessen such interference of views from neighboring lots. Two of the general guides to be used by the Board are:

(a) No portion of the structure shall be more than 15 feet above the highest finish grade at the building.

(b) No radio or television antenna shall extend more than 10 feet above the highest point of the roof. All lead-in wires shall be concealed. All other antenna shall be subject to approval.

14. Height of the Under House.

(a) Vertical support members of the main floor shall be not longer than 9 feet measured from the finished floor level to the finished ground grade at the foundation.

(b) The underhouse construction shall be concealed by enclosing walls. No open lattice work will be allowed.

(c) Because of the visual importance of the under house construction, individual solutions will be reviewed and approved on the basis of the objectives stated in the Introduction.

15. Utility Connections.

Stub-outs for underground utility connections to each lot are conveniently located and are shown on development plans and specifications on file at the Office of the Chairman of the Board of Land and Natural Resources. Tie-ins to such connections will be the responsibility of the purchaser of the lot.