November 10, 1982

Mr. Justin Yamamoto
P. O. Box 4733
Kailua-Kona, HI 96740

Dear Mr. Yamamoto:

Ohana Dwelling Application (OD 82-23)
Justin Yamamoto
Tax Map Key 7-3-36:13

We regret to inform you that after reviewing your application and comments received from the affected agencies, the Planning Director is hereby denying your ohana dwelling application. The reason(s) for the denial are as follows:

> Section 2.3 of Ordinance No. 804, governing Regulations for Ohana Dwellings, states, "That at the time of application for a County Building Permit for a second dwelling unit, the subject lot or land parcel 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."
>
> Exhibit A to the warranty deed which you furnished contains a restrictive covenant which states in part "...no building other than a private dwelling house designed and built for the use and occupancy of a single family...shall be constructed, placed or maintained upon said premises during said term." The Planning Department interprets the above provision as precluding your submitted proposal. Your options are to take steps with the covenantees to have the restriction removed or waived, or to appeal our determination through the procedures 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:

NOV 12 1982

1. A non-refundable filing fee of one hundred dollars ($100).

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 appellants'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 further questions, please feel free to contact this office at 961-8288. We are returning any duplicate sets of construction drawings submitted with your application.

Sincerely,

for SIDNEY FUKE
Planning Director

CR:ds
Enc.

cc: Chief Engineer
Dept. of Health,
Chief Sanitarian