

Ret to CR

November 10, 1982

Ms. Wanda S. Dettling  
74-4950 Palani Road  
Kailua-Kona, HI 96740

Dear Ms. Dettling:

Ohana Dwelling Application (OD 82-33)  
Wanda S. Dettling  
Tax Map Key 7-4-07:15

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:

Ordinance No. 804, relating to Regulations for Ohana Dwellings, permits the construction of a second dwelling unit on a lot subject to certain provisions. One such condition 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."

Restrictive covenant (A) of Exhibit B to your warrant deed, which you furnished to this office states, in part, "...no building other than a single private dwelling house designed and built for the use and occupancy of a single family shall be constructed, placed or maintained upon each subdivision lot."

The Planning Department interprets the above restrictive covenant as precluding approval of your application. 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.

NOV 12 1982

Ms. Wanda S. Dettling  
Page 2  
November 10, 1982

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 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.

Sincerely,

  
for SIDNEY FUKÉ  
Planning Director

CR:ds

cc: Chief Engineer  
Dept. of Health,  
Chief Sanitarian  
Board of Appeals (via Norman)