

CERTIFIED MAIL

May 8, 1992

Mr. John Granahan  
74-5099 Kumakani Street  
Kailua-Kona, Hawaii 96740

Dear Mr. Granahan:

(00 92-57)  
Ohana Dwelling Application 2657  
John Granahan  
TMK: 7-4-14:90, Lot 90

This acknowledges ohana dwelling application and related submittals received February 11, 1992.

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 years) which prohibits a second dwelling unit."

The warranty deed which you furnished includes restrictive covenants running with the land dated March 19, 1975, and recorded in Liber 10525 at Page 25.

Covenant A(1) "No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and having a ground floor area, exclusive of open lanais or porches and garages, of not less than 800 square feet."

The Planning Department interprets the above condition as precluding subject ohana application and therefore regret to inform you a request to construct ohana dwelling on the subject 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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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 this office.

Sincerely,

  
NORMAN K. HAYASHI  
Planning Director

GB/MO:eti  
5226D-1  
cc: Corporation Counsel

Scanned Map  
Unavailable  
Due to Size

See File

