

November 4, 1994

Mr. Robert A. Peterson  
73-4569 Kohanaiki Road  
Kailua-Kona, HI 96740

Dear Mr. Peterson:

Ohana Dwelling Application (OHD 94-282)  
Robert A. Peterson  
Tax Map Key: 7-3-8: 71, Lot 6

3666

This acknowledges the ohana dwelling application and related submittals received October 31, 1994. We are returning all submittals for the following reasons.

Chapter 25, Article 25, Section 25-270 of the Hawaii County Zoning Code states in part that:

"The purpose of this article is to describe the conditions under which an "ohana dwelling", as defined in Section 25-4 of this chapter, shall be permitted in furtherance of the legislative intent of Act 229, Sessions Law of Hawaii 1981..."

Section 25-4 of the same chapter defines the meaning of "ohana dwelling" as follows:

"(42) "Ohana dwelling" means a second dwelling unit permitted to be built as a separate or an attached unit on a lot where a dwelling unit is permitted pursuant to the provisions of article 25 of this chapter."

The site plan submitted for reviewal indicates an existing dwelling, an existing farm dwelling and an existing barn to be converted into the proposed ohana dwelling unit. The proposed ohana unit will then be the third dwelling unit on the subject property.

Therefore, the Planning Department has determined that the ohana does not comply with the definition of "ohana dwelling" as stated above. Pursuant to Article 25 of the Hawaii County Zoning Code, we regret to inform you a request to construct the conversion of the existing barn into an ohana dwelling unit on the subject tax map key parcel is hereby denied. Your option is to appeal our determination through procedure set forth below.

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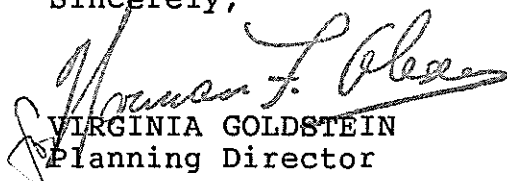
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The Director's decision is final, except that within thirty (30) days after receipt of this letter, you may appeal the decision in writing to the Board of Appeals in accordance with the following procedures:

1. a non-refundable filing fee of two hundred dollars (\$200).
2. Ten (10) copies of the petition for the appeal incorporation 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 further questions, please feel free to contact this office at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

GB:mjh/5519D