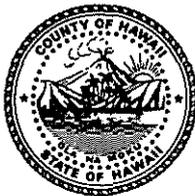


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
Z 416 229 136

June 16, 1995

Mr. John K. Maute
P. O. Box 6041
Kamuela, HI 96743

Dear Mr. Maute:

Ohana Dwelling Permit (OHD 94-310)
John K. Maute
Tax Map Key: 3-6-3:109, Lot 1

TMK: 3-6-5:109

The subject application has been reviewed by the concerned agencies and note:

1. The subject tax map key parcel is served by an acceptable street;
2. The subject application can meet with the State Department of Health wastewater treatment and disposal systems requirements;
3. The copy of document(s) received relating to subject tax map key parcel to establish title and exhibits contained therein do not include any deed restriction or covenant to prohibit construction of requested ohana dwelling; and,
4. The site plan denotes two off-street parking stalls on the property.

In view of the above, by this letter, you are hereby granted permission to construct the Ohana Dwelling (94-310), subject to the following condition(s):

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- (a) The building permit for the Ohana Dwelling shall be applied for and secured from the Department of Public Works, Building Division.

Please bring or attach a copy of this Permit to expedite processing the building plans and building permit application to construct the ohana dwelling.

- (b) Off-street parking space for two vehicles is designated on the submitted site plan to fulfill the off-street parking requirement. The off-street parking spaces may not be employed for storage or other use unless and until approved alternative on-site parking arrangements are established.
- (c) All construction drawings together with approved site plan drawn to scale submitted with the ohana dwelling building permit application shall denote location and identify required two (2) off-street parking spaces.
- (d) This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements, including but not limited to those of the Planning Department, Department of Public Works, and State Department of Health.

Please note that the Ohana Permit has a statutory base relating to Chapter 46, Hawaii Revised Statutes (HRS), and Chapter 25, of the Hawaii County Code, the Zoning Code. Zoning also has a statutory base which includes Chapter 205, HRS as well. Obtaining an Ohana Permit does not relieve you from compliance with Chapter 205.

Chapter 205, HRS, does not authorize residential dwellings as a permissible use in the Agricultural District as classified by the State Land Use Commission, unless the dwelling is related to an agricultural activity or is a "farm dwelling." Again, with or without an Ohana Dwelling Permit you must comply with Chapter 205, HRS.

Farm dwelling is defined in Section 205-4.5(a)(4) as "a single family dwelling located on and used in conjunction with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling."

Penalty for violation of Section 205-4.5, Hawaii Revised Statutes, is a fine of not more than \$5,000. If any person who is cited for a violation of the law fails to remove the violation within six months

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of such citation and the violation continues, such person is subject to a citation for a new and separate violation. There shall be a fine of not more than \$5,000 for any additional violation.

Should you have any questions regarding the above, please feel free to contact Rodney Nakano of my staff at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

RKN:mjs
LMaute02.rkn

xc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division

