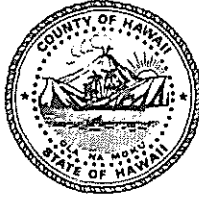


Stephen K. Yamashiro
Mayor



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
P 364 305 275

February 20, 1997

Ms. Kay J. Johnson
P.O. BOX 2097
Pahoa, Hawaii 96778

Dear Ms. Johnson:

OHANA DWELLING PERMIT NO. 3814 (OHD 97-02)
Applicant: Kay J. Johnson
Proposed Ohana Dwelling Unit Within the First Floor of
Existing 2-story Dwelling
Tax Map Key: (3) 1-4-010:058, Lot 104

The subject Application For Ohana Dwelling Unit Permit has been reviewed by the following agencies:

1. The Department of Public Works Ohana memorandum dated February 3, 1997 states:

"NO COMMENTS".

2. The Department of Health (DOH-HILO) memorandum dated February 5, 1997 states in part:

"The Department of Health would not be able to support the application for the proposed Ohana dwelling at this time. The applicant's engineer needs to submit a Certificate of Construction and as-built septic system expansion before recommendation of approval can be given."

3. The Department of Water Supply (DWS) memorandum dated December 23, 1996 states in part:

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"Reference is made to Rule 12-4(d)(2) of the Planning Department's Rules of Practice and Procedure. The property is not serviced by a public water system which meet the requirements of the Department of Water Supply.

The nearest Department of Water Supply's water system facility is at the end of an existing 8-inch waterline along Beach Lots Road, approximately 2,100 feet from the property."

4. The Hawaii County Fire Department (HFD) memorandum dated February 5, 1997 states:

"We have no comments on the above-referenced Ohana Dwelling Unit Permit."

5. The signed and notarized affidavit dated January 15, 1997, by Kay J. Johnson or from titleholder of TMK: (3) 1-4-010:058, states in part:

"THE FOLLOWING IS A NOTARIZED AFFIDAVIT STATING THAT PROVISIONS OF ANY RESTRICTION, COVENANT OR OTHER LAND USE RESTRICTIONS APPLICABLE TO THE LOT BY WAY OF A DEED OR LEASE OR OTHER PROVISION DO NOT PROHIBIT THE CONSTRUCTION OR PLACEMENT OF AN OHANA DWELLING UNIT OR A SECOND DWELLING UNIT."

6. The ohana dwelling is subject to and shall comply with Ordinance No. 96 47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure Rule 12 relating to Ohana Dwelling Units.

In view of the above, by this letter, you are hereby granted permission to construct and establish the proposed ohana dwelling within the first floor of an existing two (2) story dwelling. Dwelling, subject to the following condition(s):

1. The ohana dwelling is subject to and shall comply with Ordinance No. 96 47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure, Rule 12 relating to Ohana Dwelling Units.

Non-transferability: The permit for the ohana dwelling unit shall be personal to the applicant until construction of the ohana dwelling unit has been completed. The permit shall not be transferable or assignable to any other person prior to its completion.

Prohibition of Advertising, Sales, Transfers: No person shall advertise or represent to the public that a permit to construct an ohana dwelling unit is transferable with the sale of the property on which the permit has been granted.

2. Building Permit: The applicant is required to confer and submit a Certificate of Construction for the existing as-built septic system expansion and comply with the State Department of Health requirements in Hilo and secure a building permit from the Department of Public Works, Building Division in Hilo, to establish and construct the proposed ohana dwelling unit within the first floor of the existing two (2) story dwelling on or before February 20, 1998. Please bring or attach a copy of this Permit to help the reviewing agencies to understand and expedite the review and processing of the building construction plans and building permit application to construct the additional building improvements and establish the Ohana dwelling on the subject parcel.
 - a. A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written time extension request shall be filed with the Planning Director not less than forty-five (45) days prior to the expiration date of the ohana dwelling unit permit. The Planning Director shall render a decision on the time extension request prior to the expiration date of the permit.
 - b. The applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement.
3. Requirements for Height, Building Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):
 - a. Maximum Height Limitation: The proposed ohana dwelling unit shall be limited to and within the first floor of the existing two (2) story dwelling.
 - b. Minimum Building Site Area (Lot Size): The subject lot exceeds the minimum building site area (lot size) of 10,000 square feet.

- c. Minimum Yards (Setbacks): The minimum front, rear and side yard requirements for any additions to expand the ohana dwelling's floor area shall be as stipulated in the appropriate zoned district plus an additional five (5) feet from all property lines. Minimum setbacks for the proposed ohana dwelling unit are:

Front and Rear Yard: Twenty-five feet (25'-0") minimum.
Side Yards: Fifteen feet (15'-0") minimum.


- d. Off-Street Parking: An ohana dwelling unit shall be provided with a minimum of two (2) off-street parking spaces which comply with the requirements of Section 25-4-53, Chapter 25, Effective: December 7, 1996.
4. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department; including but not limited to those of the Zoning Code, Chapter 25, Effective: December 7, 1996, Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.
5. Variances: Ohana dwelling units are prohibited on a building site which is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.
- a. No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an ohana dwelling unit.
- b. An ohana dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

Ms. Kay J. Johnson
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February 20, 1997

Thank you for your patience and understanding.

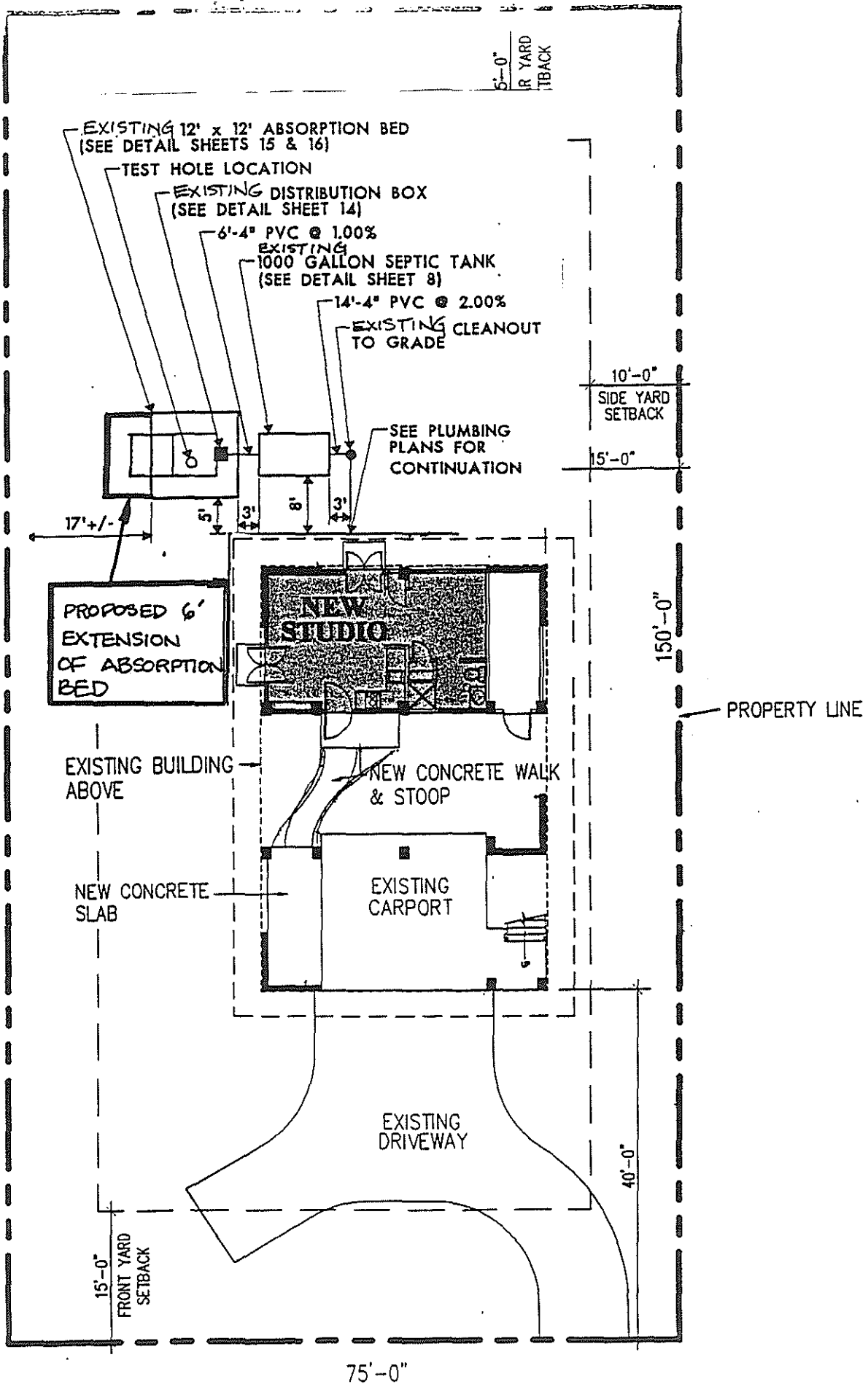
Should you have any questions regarding the above, please feel free to contact this office.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

WRY/VKG:cmr
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xc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply



PLOT PLAN