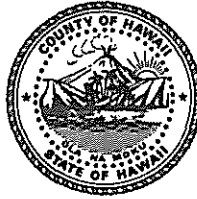


Stephen K. Yamashiro
Mayor



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 293 080 459

May 22, 1997

Terrance & Mary Foot
P.O. Box 370
Kapaau, HI 96755

Dear Mr. & Mrs. Foot:

Ohana Dwelling Unit Permit No. 3823 (OHD 97-6)
Additional Single Family Dwelling
Applicant: Terrance & Mary Foot
Tax Map Key: 7-7-009: 022

The subject application for Ohana Dwelling Unit Permit has been reviewed by the following agencies:

1. The Department of Public Work memorandum dated April 7, 1997 states:

"Two driveways will not be permitted unless the street frontage is 106 feet or over (existing is 75 feet) per Sec. 22-62 of the Hawaii County Code."
2. The Hawaii County Fire Department (HFD) memorandum dated April 8, 1997 states:

"We have no objections to the above-referenced Ohana Dwelling Unit Application."
3. The Department of Health (DOH-Hilo) memorandum dated April 11, 1997 states:

"The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. A second Individual Wastewater System is not allowed because of the lack of land area."

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4. All other requirements of the Department of Water Supply.
5. The notarized letter or affidavit dated March 20, 1997 signed by the applicant states in part:

"The below signed applicants, Terrance W. Foot and Mary W. Foot, are the titleholders of 77-6418 Nalani Street, Kailua-Kona, Hi., 96740, TMK# (3) 7-7-09:22."

"There are no provisions of any restriction, covenant or other land use restriction applicable to TMK# (3) 7-7-09: 22 by way of a deed or lease or other provision prohibiting the construction or Placement of an ohana dwelling unit or a second dwelling unit on the above TMK# located at 77-6418 Nalani Street in Sunset subdivision.

6. The ohana dwelling shall comply with Chapter 25, Article 6, Division 3, Section 25-6-30 thru Section 25-6-39.7 and Rule 12, Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

In view of the above, by this letter, you are hereby granted permission to construct an additional single family ohana dwelling unit subject to the following conditions:

1. The ohana dwelling shall comply with Chapter 25, Article 6, Division 3, Section 25-6-30 thru Section 25-6-39.7 and Rule 12, Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.

Non-transferability:

- (a) A permit for an ohana dwelling unit shall be personal to the applicant and shall not be transferable or assignable to any other person until construction of the ohana dwelling unit has been completed and final approval has been issued by the chief engineer.
 - (b) 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 building permit for the construction of the ohana dwelling shall be applied for and secured from the Department of Public Works, Building Division on or before May 16, 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 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 of 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 detach ohana dwelling unit shall not exceed a maximum height limit of twenty-five (25) feet regardless of the maximum height limitation of the zoned district.
 - 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 a detached ohana dwelling shall be as stipulated in the appropriate zoned districts plus an additional five (5) feet from all property lines. Minimum setbacks for the proposed ohana dwelling 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.

Terrance & Mary Foot

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4. This Ohana Dwelling Unit 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.

Thank you for your patience and understanding.

Should you have any questions, please feel welcome to contact Scot Oshiro or Royden Yamasato of our Kona office at 327-3510.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

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xc: Department of Health,
Chief Sanitarian
Department of Public Works
Real Property Tax Division
West Hawaii Office
Department of Water Supply

Scanned Map
Unavailable
Due to Size

See File

