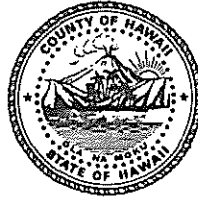


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
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 293 080 394

July 2, 1997

Michael Bray, Thomas Bray & Linda Micu
P.O. Box 1387
Kamuela, Hawaii 96743

Dear Applicants:

Ohana Dwelling Unit Permit No. 3826 (OHD 97-8)

Additional Single Family Dwelling

Applicants: MICHAEL BRAY

THOMAS BRAY

LINDA MICU

Tax Map Key: 6-6-004: 109

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

1. The Hawaii County Fire Department memorandum dated May 16, 1997 states:

"We have no objections to the above-referenced Ohana Dwelling Unit Application."
2. The Department of Health memorandum dated May 20, 1997 states:

"The subject proposal is located in a Critical Wastewater Disposal Area. 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 cesspool is not allowed."
3. The Department of Public Works did not provide any comments, but their requirements must be complied with.
4. The Department of Water Supply memorandum dated June 27, 1997 states:

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"For your information, there is an existing 5/8 inch meter servicing the property which is adequate for one dwelling. An additional service for the proposed ohana dwelling must be installed in accordance with the Department's prevailing rules and regulations. Water can be made available from an existing 8-inch waterline along Kawaihae Road fronting the property. Should there be any questions, the applicant can contact our Water Resources and Planning Branch at 961-8660."

5. The notarized letter or affidavit dated May 2, 1997 states in part:

"Now comes Michael Bray, a single person, whose address is P.O. Box 1387, Kamuela, HI 96743 who deposes and sayeth as follows:'

"That he is a titleholder of the above-referenced property, and that he is the applicant for an Ohana Dwelling Unit Permit.'

"That there are no covenants, restrictions, prohibitions, or other land use restrictions applicable to the lot by way of deed or lease or other provision which prohibit the construction or placement of an ohana dwelling unit or a second dwelling thereupon.'

"That a copy of the attached "Application for Ohana Dwelling Unit Permit" has been sent by certified mail to all owners of property within three hundred feet of the perimeter boundary of the lot, and that a list of the selfsame property owners, together with the Tax Map Keys of their respective parcels is attached hereto."

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 July 3, 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.
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.

Michael Bray, Thomas Bray & Linda Micu

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July 2, 1997

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

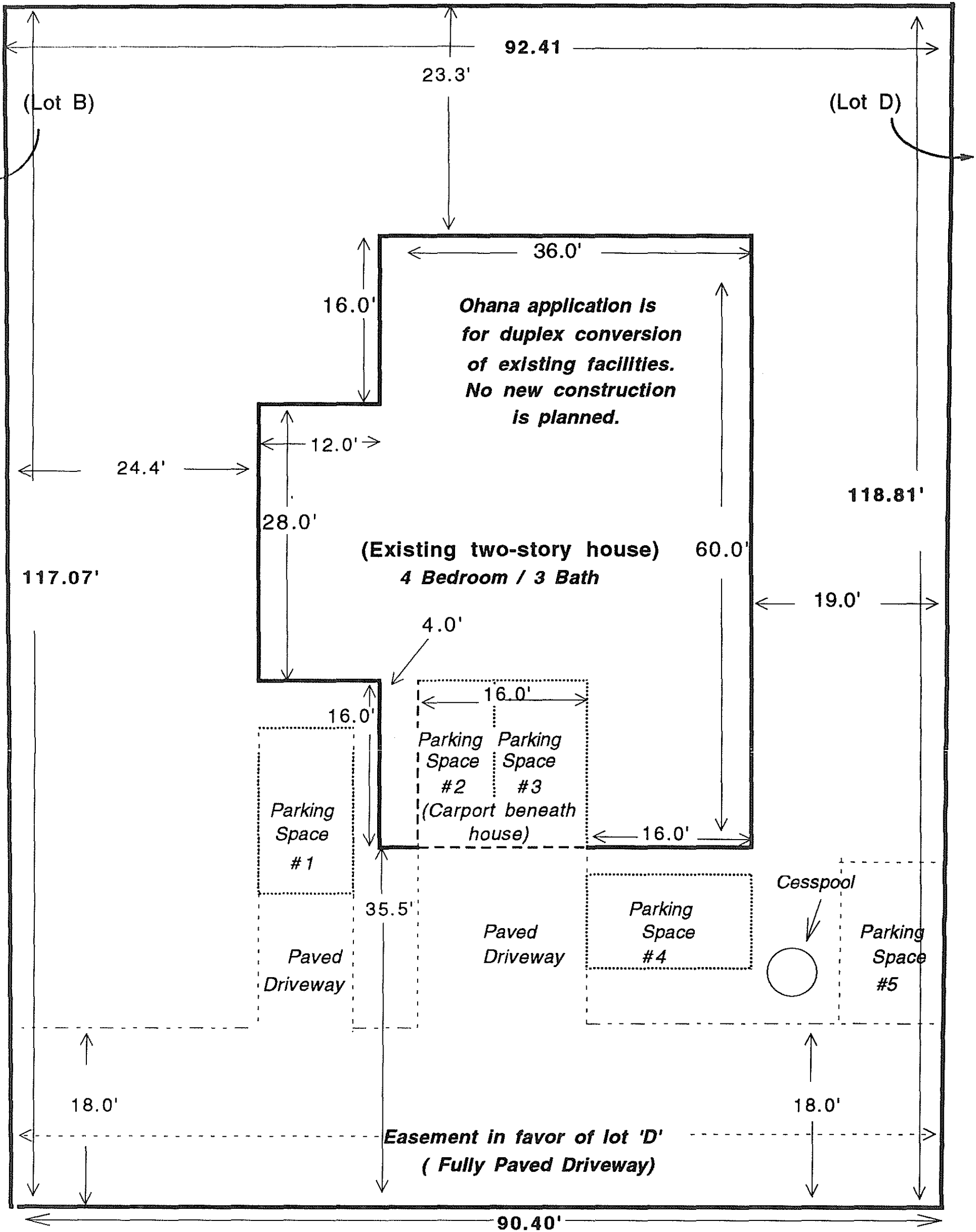
Sincerely,


for VIRGINIA GOLDSTEIN
Planning Director

SSO:rlid

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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



APPLICANTS/OWNERS:

Michael Bray
 Thomas P. Bray
 Linda M. Micu

SCALE: 1" = 10'

SITE PLAN

OHANA PERMIT APPLICATION
 TYPE: Duplex Conversion
 TMK: 3-6-6-004-109