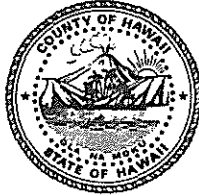


Stephen K. Yamashiro  
Mayor



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 293 080 402

July 18, 1997

Richard & Thelma Carvalho  
P.O. Box 432  
Kapaau, Hawaii 96755

Dear Mr. & Mrs. Carvalho:

Ohana Dwelling Unit Permit No. 3827 (OHD 97-10)  
Additional Single Family Dwelling  
Applicant: RICHARD & THELMA CARVALHO  
Tax Map Key: 5-5-011: 031

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

1. The Hawaii County Fire Department did provide any comments. However, the proposal must comply with their applicable requirements.

2. The Department of Health did not provide any comments, but the applicant is required to comply with their applicable requirements.

3. The Department of Water Supply provided the following comments:

"Reference is made to Rule 12-4(d)(2) of the Planning Department's Rules of Practice and Procedure. 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 fronting Parcel 57 and the subject parcel. Should there be any questions, the applicant can contact our Water Resources and Planning Branch at 961-8660."

4. The notarized letter or affidavit dated April 22, 1997 states in part:

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"Richard and Thelma Carvalho, being first duly sworn on oath, hereby deposes and says:

1. I hereby certify that my wife, Thelma Carvalho and I are owners of record of Lot 3-A-2, at Huala, North Kohala, Island and County of Hawaii, State of Hawaii, also identified by Tax Map Key: 5-5-011:031, (3rd Division); and

2. I also certify that there are no restrictions, covenants or other land use restrictions applicable to said lot by way of a deed or lease or other provision that prohibits the construction or placement of an ohana dwelling unit or a second dwelling on the subject property.

5. 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 designate the existing single family dwelling as an 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, if applicable. 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 existing ohana dwelling are satisfactory, but any new additions must comply with the following:  
  
Front and Rear Yard: Twenty-five feet (25'-0").  
Side Yards: Ten 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

Richard & Thelma Carvalho

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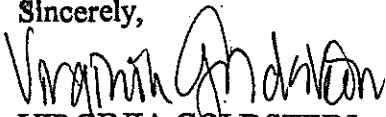
limited to those of the Zoning Code, Chapter 25, Effective: December 7, 1996, Department of Public Works, Department of Water Supply, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

5. Variations: 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

VKG

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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  
Subdivision File 96-108

Scanned Map  
Unavailable  
Due to Size

See File

