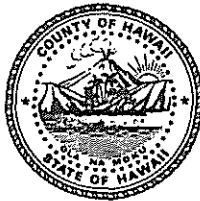


Stephen K. Yamashiro  
Mayor



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 364 305 218

October 2, 1997

Mr. Joseph David Richardson  
P.O. Box 2746  
Kamuela, Hawaii 96743

Dear Mr. Richardson:

OHANA DWELLING PERMIT NO. 3830 (OHD 97-11)

Applicant: Mr. Joseph David Richardson

Titleholder: Michael H. Miroyan, Et al.

Tax Map Key: (3) 6-9-005:024

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

1. The memorandum from the Department of Public Works dated July 31, 1997, states in part:  
  
"The subject parcel is located within Flood Zone "AE" according to the Flood Insurance Rate Map by the Federal Emergency Management Agency. Any new construction or substantial improvement within the subject property will be subject to the requirements of Chapter 27-Flood Control, of the Hawaii County Code."
2. The applicant shall install a septic system and comply with the State of Hawaii Department of Health (DOH-HILO) memorandum dated August 1, 1997, which states:

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"The subject lot is located in the Critical Wastewater Disposal Area where cesspools are not allowed because of water pollution concerns. As a condition for approval, the Department of Health will require that the existing cesspool be upgraded to a septic system."

3. The applicant shall comply with the conditions of the Department of Water Supply (DWS) memorandum dated August 4, 1997, which states in part:

"The property is serviced by an existing 5/8-inch meter at a maximum allotment of water at 600 gallons per day, which is adequate for one dwelling.

For your information, water availability in this area is limited to one 5/8-inch meter per existing lot of record. Additional water is not available.

Therefore, we recommend that the subject permit be denied pursuant to the above limited water availability."

4. The memorandum from the Hawaii County Fire Department (HFD) dated July 31, 1997, states:

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

5. The original and notarized affidavits, dated June 24, 1997, and June 26, 1997, and signed by Michael H. Miroyan, Titleholder, and by Deborah K. Miroyan, Titleholder, respectively, were included with the Ohana Dwelling application and both state:

"We, the undersigned, Michael H. Miroyan and Deborah K. Miroyan, husband and wife, do hereby declare that we are the lawful titleholders of the Property known as TMK#3/6-9-05:024. The property is further described as LOT 121 of the "PUAKO BEACH LOTS" lying and being at Lalamilo, Waimea, District of South Kohala, Island, County and State of Hawaii.

We hereby appoint Joseph David Richardson to act on our behalf, as our agent in processing an Ohana application of the above referenced property with the County of Hawaii Planning Department.

We further attest that there are no provisions or any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision that would prohibit the construction or placement of an Ohana Dwelling Unit or a second dwelling unit.

For informational purposes there does exist an "Agreement" (a copy of which is attached here to) between the Planning Department of the County of Hawaii and ourselves recorded on February 25, 1987, Book 20400, Page 406 regarding the use of an addition constructed on the property as "A Single Family Residence". This "Agreement" contains a provision that allows the County to otherwise permit a different use, such as Ohana and thereby does not prohibit the Ohana use."

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 for the duplex conversion subject to the following condition(s):

1. Zoning Code and Rules of Practice and Procedures: The proposed conversion of the existing single family dwelling into a duplex 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 comply with the State Department of Health requirements in Hilo and secure a building permit from the Department of Public Works, Building Division, to construct the proposed duplex on or before October 2, 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. The existing cesspool shall be upgraded to a septic system meeting State of Hawaii, Department of Health requirements.
  - b. Water consumption for the main dwelling unit and Ohana Dwelling unit shall be limited to 600 gallons per day.
  - c. The enclosed and completed Cancellation of Agreement and appropriate filing fee shall be submitted to the Planning Department on or before October 2, 1998.
  - d. 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.
  - e. 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. Minimum Building Site Area (Lot Size): The subject lot exceeds the minimum building site area (lot size) of 10,000 square feet.

- b. Minimum Yards (Setbacks): The minimum front yards and side yards required to construct the proposed "detached Ohana Dwelling unit" on the subject property zoned RS-15 shall comply with the minimum building yards of the Zoning Code, dated December 7, 1996 and shall comply with the following language extracted from the Zoning Code, dated December 7, 1996.
    - c. 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. Applicable Rules, Regulations and Requirements: 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.

Mr. Joseph David Richardson

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October 2, 1997

Thank you for your patience and understanding.

Should you have any questions regarding the above, please feel free to contact this office at 961-8288.

Sincerely,



for VIRGINIA GOLDSTEIN

Planning Director

WRY:cjf

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

cc: William Yamanoha

Scanned Map  
Unavailable  
Due to Size

See File

