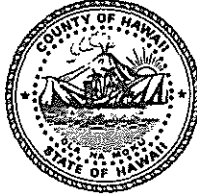


Stephen K. Yamashiro
Mayor



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 293 080 442

October 6, 1997

Mr. Kim Artur Maier
P.O. Box 621
Kailua-Kona, HI 96745

Dear Mr. Maier:

Ohana Dwelling Unit Permit No. 3831 (OHD 97-14)
New Duplex
Applicant: KIM ARTUR MAIER
Tax Map Key: (3) 7-4-014: 114

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

1. The Hawaii County Fire Department had no comments.
2. The Department of Public Works did not provide any comments.
3. The Department of Water Supply in their memo of September 22, 1997 commented:

"For your information, there is an existing service lateral that will accommodate a 5/8 inch meter for the proposed structure which is adequate for only one dwelling. The maximum daily water allotment allowed through a 5/8 inch meter is one unit of water at 600 gallons per day per unit. Water is available for the ohana request from an existing 8-inch high pressure waterline along Palani Road fronting the property. When water is available, an additional dwelling requires a second service to be installed at the applicant's expense. Based on the single structure containing the ohana and primary dwelling, the Department will defer the installation requirement and request the applicant remit the facilities charge and capital assessment fee of \$3,375.00 and \$500.00, respectively for the second service. However, should water usage exceed the existing water allotment of 600 gallons per day, we reserve the right to request that the applicant, at their expense, install an additional meter."

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4. The Department of Health memorandum dated September 16, 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 cesspool is not allowed because of the lack of land area."
5. The notarized affidavit dated August 20, 1997 signed by Kim A. Maier states in part:

"I, Kim Maier do swear that I am the Applicant and Titleholder of the property TMK 7-4-014: 114 and that I am applying for an Ohana Permit for this property. I also swear that there are no land use restrictions or covenants applicable to the lot by the way of a deed or lease or other provision that would prohibit the construction or placement of an ohana dwelling or a second dwelling unit."
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 a duplex 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 October 6, 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 feet (20'-0") minimum.
Side Yards: Ten feet (10'-0") minimum.

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- 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. The facilities charge and capital assessment fee for the second water service shall be remitted to the Department of Water Supply prior to the issuance of the building permit.
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 Royden Yamasato of our Kona office at 327-3510.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

RHY:rld

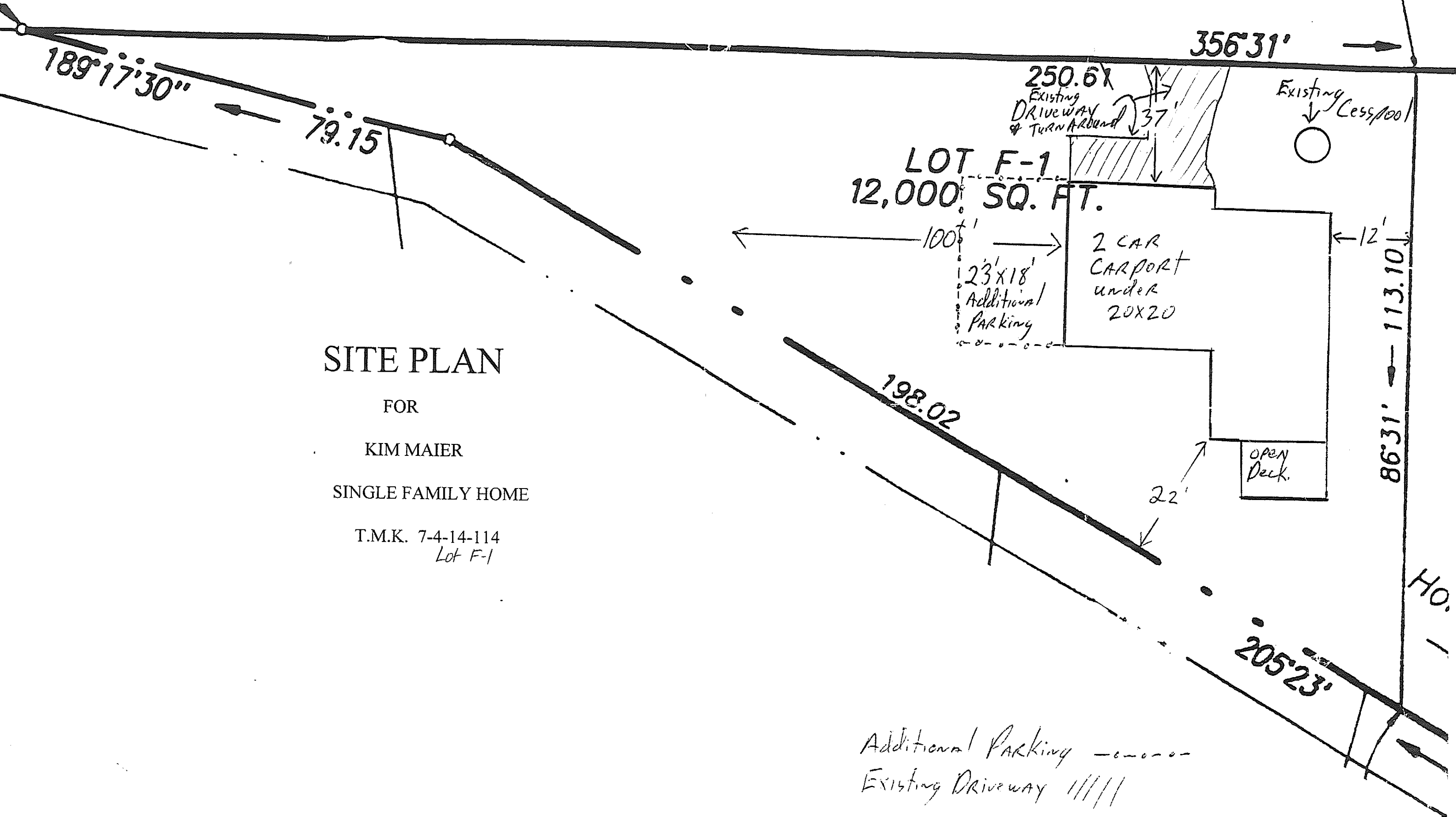
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xc: Department of Health,
Chief Sanitarian
Department of Public Works

Department of Water Supply
Real Property Tax Division
West Hawaii Office

F A L A N I

- "+ (Set)



SITE PLAN

FOR

KIM MAIER

SINGLE FAMILY HOME

T.M.K. 7-4-14-114
Lot F-1

Additional Parking - - - - -
Existing Driveway // // //