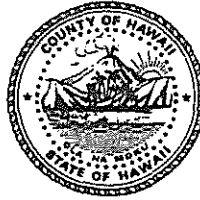


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL
P 364 305 333

PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

November 17, 1997

Mr. and Mrs. Ralph K. Simmons
251 Kuleana Loop
Hilo, Hawaii 96720

Dear Mr. & Mrs. Simmons:

OHANA DWELLING PERMIT NO. 3822 (OHD 97-16)
Applicants: Mr. & Mrs. Ralph K. Simmons
Titleholders: Mr. & Mrs. Ralph K. Simmons
Tax Map Key: (3) 2-4-053:037

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 October 14, 1997, states in part:

"Two driveways will not be permitted on the subject parcel. The Hawaii County Code will permit two driveways if a lot's street frontage is at least 106 feet. The subject parcel has a street frontage of 80.21 feet."
2. The applicant shall install a septic system and comply with the State of Hawaii Department of Health (DOH-HILO) memorandum dated October 14, 1997, which states:

"The subject lot is located in the Critical Wastewater Disposal Area. Only one cesspool is allowed on the lot. The cesspool may service two dwelling units with a total of five (5) bedrooms."
3. The applicant shall comply with the stipulation and conditions in the Department of Water Supply (DWS) memorandum dated November 5, 1997, which states in part:

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"For your information, the property is serviced by an existing 5/8-inch water meter, which is adequate for only one dwelling at 600 gallons per day. Inasmuch as this application is proposing an additional detached dwelling, the installation of a separate 5/8-inch meter by the applicant is required in accordance with Department regulations.

Therefore, the Department has no objection to the application, subject to the applicant being responsible for the installation of a second service, by applying at our customer service section along with the remittance of following charges:

1.	Facilities Charge	\$ 3,375.00
2.	Service Lateral Installation Charge	\$ <u>1,200.00</u>
	TOTAL	\$ 4,575.00

Should there be any questions, the applicant can contact the Water Resources and Planning Branch at 961-8660."

4. The memorandum from the Hawaii County Fire Department (HFD) dated October 20, 1997, states:

"Recommend 2A 10BC rated fire extinguisher."

5. The original and notarized affidavit, dated September 17, 1997, included with the Ohana Dwelling application states in part:

"We, Ralph and Arlene Simmons the applicants, are the Titleholders of the affected property, 251 Kuleana Loop, Tax Map Key 2-4-53:37.

There are no provision of any restriction, covenant, deeds or lease or other provisions applicable to the lot, do not prohibit the construction or placement of an Ohana Dwelling Unit or a second Dwelling Unit."

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 to construct and establish the Ohana Dwelling Unit within the existing storage building subject to the following conditions:

Mr. and Mrs. Ralph K. Simmons

Page 3

November 17, 1997

1. The proposed Ohana Dwelling Unit 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 November 17, 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 adjacent the existing storage building may service a total of five (5) bedrooms.
- b. Water consumption for the permitted additional water meters are limited to 600 gallons per day.
- c. 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.
- d. 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 (A-1a) and designated Urban "U" by the State Land Use Commission 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. 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.

Mr. and Mrs. Ralph K. Simmons
Page 5
November 17, 1997

- 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 regarding the above, please feel free to contact this office at 961-8288.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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

Scanned Map
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Due to Size

See File

