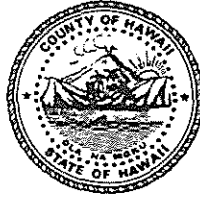


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL
P 364 305 237

PLANNING DEPARTMENT

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

January 16, 1998

Mr. and Mrs. Marcelo Ayoso
P.O. Box 155
Kapaau, Hawaii 96720-96755

Dear Mr. and Mrs. Ayoso:

OHANA DWELLING PERMIT NO.3835 (OHD 97-18)
Applicant: GERALDINE AYOSO
Titleholders: MARCELO AYOSO, ET AL.
ADDITIONAL SINGLE FAMILY DWELLING
Tax Map Key: (3) 5-3-010:080

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 28, 1997, states in part:

"No comment"

2. The applicant shall comply with the State of Hawaii Department of Health (DOH-HILO) memorandum dated October 27, 1997, which 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."

3. The applicant shall comply with the conditions of the Department of Water Supply (DWS) memorandum dated December 23, 1997, which states in part:

"For your information, the property is serviced by an existing 5/8-inch water

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Mr. and Mrs. Marcelo Ayoso

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meter, which is adequate for only one dwelling a 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 installing a second service by applying at our Customer Service Station along with the remittance of following charges:

1.	Facilities Charge	\$ 3,375.00.
2.	Service Lateral Installation Charge	<u>1,900.00</u>
	TOTAL	\$ 5,275.00

Should there be any questions, the applicant can contact the Water Resources and Planning Branch at 961-8990."

4. No comments were received from the Hawaii County Fire Department (HFD).
5. The original and notarized affidavit, dated October 7, 1997, were included with the Ohana Dwelling application:

"We Marcello Loy Ayoso and Geraldine AS Ayoso being first duly sworn on oath deposes and say:

1. THAT we are resident (sic) of the State of Hawaii
2. THAT we are the title holders of that certain parcel of land described as; TMK: (3) 5-3-10-80, Halaula, North Hawaii. (sic)
3. THAT provisions of any restrictions, covenant or other land use restriction applicable to the parcel of land described above by way of a deed or lease or other provision do not prohibit the construction placement of an ohana dwelling unit or second dwelling unit on said parcel."
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

Mr. and Mrs. Marcelo Ayoso

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and Procedure Rule 12 relating to Ohana Dwelling Units.

In view of the above, by this letter, you are hereby granted permission for the Ohana Dwelling Unit subject to the following conditions:

1. The proposed Ohana Dwelling unit 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 ohana dwelling unit on or before December 15, 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 maintained and limited to 1,000 gallons per day of wastewater. A total of five (5) bedrooms are allowed.
- b. The applicant shall pay the required facilities charge and service lateral installation charges to the DWS, Water Resources and Planning Branch in Hilo on or before January 16, 1999. Water consumption for the main dwelling unit and Ohana Dwelling unit are limited to 600 gallons per dwelling unit 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, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

- a. Height limit: The height limit for the proposed ohana dwelling unit shall be twenty-five (25'-0").
- 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 "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. The minimum building yards are as follows: front/rear yards- minimum twenty-five (25'-0") feet and side yards-minimum fifteen (15'-0") feet.
- 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 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.

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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.

Additional time by the DWS to further review and comment on the ohana dwelling application was necessary. 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
Unavailable
Due to Size

See File

