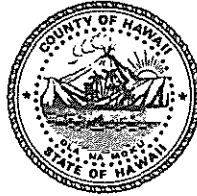


Stephen K. Yamashiro  
Mayor



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) 961-8742

**CERTIFIED MAIL**  
**P 101 317 738**

August 28, 1998

Mr. Arthur T. Sampaga  
105 Hoomalu Street  
Hilo, Hawaii 96720

Dear Mr. Sampaga:

OHANA DWELLING PERMIT NO. 3840 (OHD 98-005)  
Applicants: ARTHUR T. SAMPAGA  
Titleholder: ARTHUR T. SAMPAGA  
Proposed Additional Single Family Ohana Dwelling Unit  
Tax Map Key: (3) 2-4-042:049, Lot 50

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

1. The Department of Public Works (DPW) memorandum dated August 13, 1998, states in part:

"NO COMMENTS"

2. The Department of Water Supply (DWS) memorandum dated August 17, 1998, states in part:

"We have reviewed the subject application and have the following comments:

The property does not have an existing water service although water is available from the Department's existing six (6)-inch waterline on Hoomalu Street, which

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*plu by Arthur Sampaga*

fronts this parcel. This line already has on service lateral in place to service this parcel and a second one will be required for the ohana dwelling.

Since this application is proposing an additional detached dwelling, the installation of two (2) meters is required in accordance with Department regulations. Each meter shall be restricted to a maximum of 600 gallons per day.

1. Coordinate the placement of a new service lateral with the Department of Water Supply's Water Resources and Planning Branch.
2. Remit the following charges to the Department of Water Supply, which are subject to change, for the new service lateral and two (2) meters:
  - a. Facilities Charge \$3,375
  - b. Service Lateral Installation Charge 1,200
  - c. Credit Deposit (if applicable) 50

Total \$4,625

Upon receipt of the above charges, the Department will schedule the installation of a new 1 1/4-inch Type B copper service lateral, and cap the existing galvanized service lateral which would normally service this parcel.

Should there be any questions, please call our Water Resources and Planning Branch at 961-8660."

3. The Hawaii County Fire Department (HFD) memorandum dated August 14, 1998, states:

"We have no comments on the above-referenced Ohana Dwelling Application."
4. The State of Hawaii Department of Health (DOH-HILO) memorandum dated August 14, 1998 states:

"The Health Department found no environmental health concerns with regulatory implications in the submittals."

5. The original and notarized affidavit dated July 24, 1998 included with the Ohana Dwelling application states that:

"I Arthur T. Sampaga, APPLICANT, do hereby declare the following:

- 1) I am the owner or titleholder of the subject property TMK: (3) 2-4-42:049, Lot 50."

The notarized affidavit dated July 24, 1998, includes the following statement:

- 2) There are no provisions of any restriction, covenant or other land use restrictions applicable to (TMK) containing 15,000 square feet, by way of a deed or lease or other provisions which would prohibit the construction or placement of the proposed additional single family ohana dwelling unit.

My wife, Beryl M. Sampaga, has no objections to my filing of an APPLICATION FOR OHANA DWELLING UNIT PERMIT to the County Planning Department."

In view of the above, by this letter, you are hereby granted permission to construct a single family dwelling 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 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.

Mr. Arthur T. Sampaga

Page 4

August 28, 1998

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 August 28, 1999.

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 applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
  - b. 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.
  - c. 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") feet.
    - 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 proposed Ohana Dwelling unit shall be located on Lot 50 containing 15,000 square feet. The proposed ohana dwelling unit is required to comply with the minimum building yards of the Zoning Code, dated December 7, 1996. The minimum building


Mr. Arthur T. Sampaga  
Page 5  
August 28, 1998

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. All existing and additional parking spaces shall be arranged so as to be individually accessible.
4. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, 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.

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

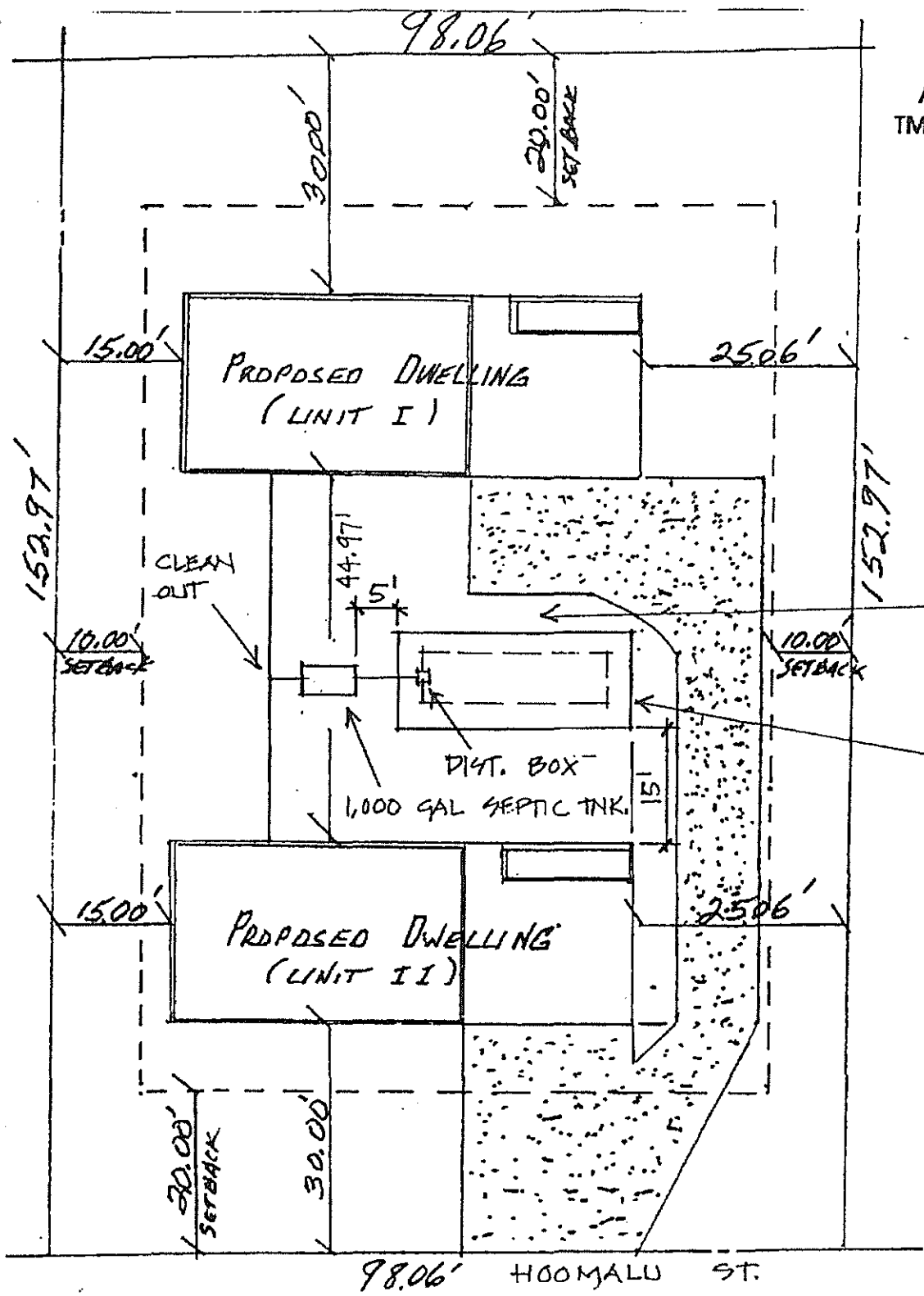
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Mr. Arthur T. Sampaga

Page 6

August 28, 1998

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



**SITE PLAN**  
 A. T. Sampaga  
 TMK (3) 2-4-42 : 49  
 LOT 50

1" = 20'

The only persons who may perform the work of constructing this septic system are those who hold one of the following current types of Hawaii State Contractor's Licenses: 'C-9' cesspool contractor, 'C-37' plumbing contractor, 'C-37A' sewer and drainline contractor, 'C-43' sewer, sewage disposal, drain and pipe laying contractor, or an 'A' general engineering contractor.