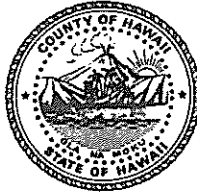


Stephen K. Yamashiro
Mayor



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 417 370 159

October 26, 1998

Ms. Colleen E. Moore
Mr. Ronald A. Gallaher
78-617 Ihilani Place
Kailua-Kona, Hawaii 96740

Dear Ms. Moore & Mr. Gallaher:

Ohana Dwelling Unit Application (OHD 98-007)
Ohana Dwelling Permit No. 3842
Duplex Conversion
Applicants: Colleen E. Moore & Ronald A. Gallaher
Tax Map Key: 7-8-017: 023

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

1. The State Department of Health memorandum dated September 11, 1998 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."
2. The Fire Department memorandum dated September 15, 1998 states:

"We have no comments on the above-referenced Ohana Dwelling Unit Application."
3. The Department of Public Works memorandum dated July 27, 1998 states:

"We have reviewed the subject application and have no comments."

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4. The Department of Water Supply memorandum dated September 30, 1998 states:

"We have reviewed the subject application and have the following comments. Our records show that although there is an existing dwelling, the parcel does not have a water service with the Department. The Department's nearest system is a 4-inch waterline on Walua Road, approximately 2,400 feet from the front of the applicant's parcel. Therefore, as a condition of the application, the applicant should comply with the following conditions:

1. Install a 1 1/4 inch service lateral to accommodate a 1-inch meter along Walua Road. Drawings for this installation, prepared by a professional engineer, registered in the State of Hawaii, shall be submitted to the Department for our review and approval. Upon approval of the drawings, a contractor, licensed to do such work, shall do the construction at the applicant's expense.

2. Payment to the Department of the following:

a.	Facilities charge for two units of water through a 1-inch meter	\$8,438.00
b.	North Kona Capital Assessment fee for 2nd unit of water	\$ 500.00
c.	Credit deposit	<u>\$ 50.00</u>
	Total	\$8,988.00

3. Sign an "Out of Bounds Agreement" with the Department and obtain necessary private, County of Hawaii, and State Highway easements to install the consumer waterline."

5. The notarized affidavit dated July 30, 1998 signed by Ronald A. Gallaher states in part:

"Moore, Colleen E / Gallaher, Ronald A being duly sworn on oath depose and say:

Are the sole and only fee owners and Titleholders of the property located at 78-617 Ihilani Place, TMK# 7-8-017-023-0000-001, county of Hawaii Preliminary title report dated Sept 8th 1994, states there are no provisions of any restrictions, covenant or other land use restrictions applicable to the lot by way of deed or lease or provision do not prohibit the construction or placement of an Ohana dwelling unit or a second dwelling unit."

6. The Real Property Tax Clearance form certified on August 7, 1998 indicates that all real property taxes has been paid up to June 30, 1998.

Ms. Colleen E. Moore & Ronald A. Gallaher

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7. The ohana dwelling unit 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 dwelling unit subject to the following conditions:

1. The ohana dwelling shall unit 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 unit shall be applied for and secured from the Department of Public Works, Building Division on or before October 26, 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 unit 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 duplex 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 duplex ohana dwelling shall be as stipulated in the appropriate zoned districts. Minimum setbacks for the proposed duplex ohana dwelling are:

Front and Rear Yard: Twenty feet (20'-0") minimum.
Side Yards: Ten feet (10'-0") minimum.
 - 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.
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.

Ms. Colleen E. Moore & Ronald A. Gallaher

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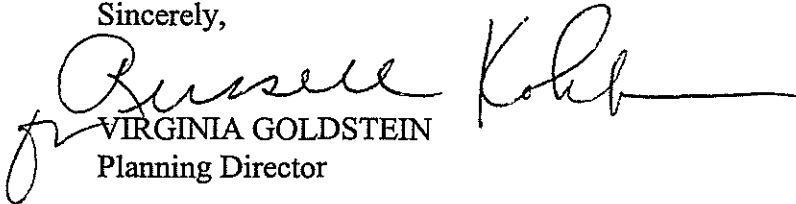
October 26, 1998

- 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

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

Scanned Map
Unavailable
Due to Size

See File

