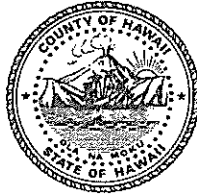


Stephen K. Yamashiro
Mayor



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
Z 472 692 374

October 5, 1999

Ms. Salvacion J. Castillo
P.O. Box 743
Kapaau, Hawaii 96755

Dear Ms. Castillo:

Ohana Dwelling Unit Permit No. 3846 (OHD 99-004)
Additional Ohana Dwelling
Applicant: SALVACION J. CASTILLO
Tax Map Key: 5-3-009: 027

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

1. The Department of Public Works memorandum dated August 11, 1999, states:

"No comments."

2. The Fire Department memorandum dated September 15, 1999, states:

"Water supply shall be in accordance with UFC 10.301:

"Sec. 10.301.(a) Type Required. The chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the chief.

"(b) special Hazards. In occupancies of an especially hazardous nature of where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, additional safeguards may be required

009040

Oct 06 1999

Ms. Salvacion J. Castillo

Page 2

October 5, 1999

consisting of additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers, suitable asbestos blankets, breathing apparatus, manual or automatic covers, carbon dioxide, foam, halogenated and dry chemical or other special fire-extinguishing systems. Where such systems are installed, they shall be in accordance with the applicable Uniform Fire Code Standards or standards of the National Fire Protection Association when Uniform Fire Code Standards do not apply.

“Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

“The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be protected as set forth by the respective county water requirements. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.

“(d) Fire Hydrant Markers. When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

“(e) Timing of Installation. When fire protection facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of construction. When alternate methods of protection, as approved by the chief, are provided, the above may be modified or waived.

“(f) All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), Class I,II,III (combination standpipe system) and combined systems, basement inlet pipes, and other fire protection systems and appurtenances thereto shall meet the approval of the fire department as to installation and location and shall be subject to periodic tests as required herein. Plans and specifications shall be submitted to the fire department for review and approval prior to installation.”

3. The State Department of Health memorandum dated August 11, 1999, 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."

Ms. Salvacion J. Castillo

Page 3

October 5, 1999

4. The Department of Water Supply memorandum dated September 17, 1999, states:

“We have reviewed the subject application and have the following comments.

"For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling at 600 gallons per day. This application is proposing an additional detached dwelling, so the installation of a separate 5/8 inch meter by the applicant is required in accordance with Department regulations. Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions:

1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter.

2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

a.	Facilities Charge (One 2nd service at \$3,375 each)	\$3,375.00
b.	Capital Assessment Fee (One 2nd service in N. Kona Water System at \$500 each)	500.00
c.	Service Lateral Installation Charge (Install one meter on a County road)	<u>1,200.00</u>
	Total	\$5,075.00

"Should there be any questions, please call our Water Resources and Planning Branch at 961-8665."

5. The Real Property Tax Clearance form certified on May 19, 1999, indicates that all real property taxes have been paid up to June 30, 1999.

6. The notarized affidavit dated July 22, 1999 states in part:

“Salvacion J. Castillo, whose residence is 53-479 Maulili Road, Upper Halaula, and mailing address is P.O.Box 743, Kapaau, Hawaii being duly sworn on oath deposes and says:

1. That I am trustee under the Salvacion J. Castillo Trust, having all powers under said trust agreement, including full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all lands of the trust estate and

Ms. Salvacion J. Castillo

Page 4

October 5, 1999

interests therein and The Salvacion J. Castillo Trust is the owner and title holder of the certain property located in Upper Halaula, North Kohala, Island of Hawaii, Hawaii, identified as Tax Map Key (3)5-3-009: 027.

2. That no provisions of any restriction, covenant or other applicable land use restriction by way of any deed or lease or other provision restrict unit on the property.”
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 an additional ohana dwelling 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 5, 2000. 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

Ms. Salvacion J. Castillo

Page 5

October 5, 1999

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 meets 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 an additional ohana dwelling shall be as stipulated in the appropriate zoned districts. Minimum setbacks for the proposed detached ohana dwelling are:

Front and Rear Yard: Twenty (25'-0") minimum.

Side Yards: Ten feet (15'-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.

Ms. Salvacion J. Castillo
Page 6
October 5, 1999

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 Roxanne Delaries of our Kona office at 327-3510.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

RLD

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

Scanned Map
Unavailable
Due to Size

See File

