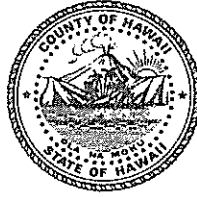


Stephen K. Yamashiro  
Mayor



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 095 324 948**

October 6, 1999

Mr. Jered Cargman  
64-1040 Mamalahoa Highway  
Kamuela, Hawaii 96743

Dear Mr. Cargman:

OHANA DWELLING PERMIT NO. 3847 (OHD 99-005)  
Applicant: JARED CARGMAN  
Titleholder: JARED CARGMAN  
Two New Single Family Dwellings  
Tax Map Key: (3) 4-5-010:115

The subject Application For Ohana Dwelling Unit Permit was reviewed by the agencies and includes the following respective comments:

1. The Hawaii County Fire Department (HFD) memorandum dated September 8, 1999 which states in part:

"Fire apparatus access roads shall be in accordance with UFC Section 10.207..."

"Fire extinguisher shall be in accordance with UFC Standard 10-1."

In view of the HFD requirements, the detailed building construction plans and building permit application to construct the two new single family dwellings shall be reviewed and approved by the Hawaii County Fire Department (HFD).

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2. The Department of Public Works (DPW) memorandum dated August 12, 1999, states in part:

"NO COMMENTS"

3. The Department of Water Supply (DWS) memorandum dated September 22, 1999, states in part:

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

For your information, an existing 5/8-inch meter services the property, 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 would normally be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed additional ohana dwelling at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities must be constructed. Currently, sufficient funding is not available and no time schedule is set.

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

In view of the above, it appears there is sufficient annual rainfall in the area and to the subject TMK parcel. Therefore, the designated ohana dwelling on the subject portion of the subject TMK parcel may use a private water catchment system for potable water and fire protection and is subject to the conditions listed below.

4. The State of Hawaii Department of Health (DOH-HILO) memorandum dated August 17, 1999, states:

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

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5. The signed original and notarized affidavits dated "7-1-99", included with the Ohana Dwelling application state that:

"I hereby, verify that I, Gerald B. Cargman, aka Jered Cargman, am titleholder of TMK 4-5-10:115."

"I, Gerald B. Cargman, aka Jered Cargman, hereby stat that provisions of any restriction, covenant or other land use restrictions applicable to TMK 4-5-10:115 by way of a deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit."

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.

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 September 29, 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 on the subject parcel.

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- a. The permitted ohana dwelling constructed on the subject TMK parcel not serviced by a County water system shall be provided with and maintain a private rain catchment system which includes a minimum 6,000-gallon storage capacity for domestic consumption or potable uses. This private rain catchment system shall adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.

The permitted ohana dwelling shall be provided with and maintain a private water supply system which includes an additional minimum 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage capacity on the property, shall meet with the approval of the Hawaii County Fire Department.

In the event that the permitted ohana dwelling is provided with water service (individual meter) from the Department of Water Supply or an approved water system, the lots shall utilize said water service and the owners shall assume pro-rated costs for such improvements as determined by the Department of Water Supply.

- 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.

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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. Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 5.000 acres is zoned Agricultural (A-5a) and Urban "U" by the State. 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 property exceeding an acre in size. The proposed dwelling unit is required to 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 thirty-five (35'-0") feet and side yards - minimum twenty-five (25'-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.

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- 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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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

