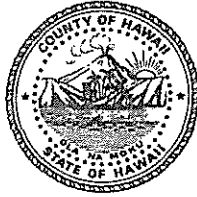


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL
Z 472 692 388

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

October 26, 1999

Ms. Eileen Millar
MSC 180
65-1158 Mamalahoa Hwy. #8A
Kamuela, Hawaii 96743

Dear Ms. Millar:

Ohana Dwelling Unit Permit No. 3848 (OHD 99-007)
Duplex Conversion
Applicant: EILEEN MILLAR
Tax Map Key: 6-6-007:004

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

1. The Department of Public Works memorandum dated September 14, 1999, states:

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

- "1. The proposed addition on the subject property is located within Flood Zone A according to the Flood Insurance Rate Map by the Federal Emergency Management Agency. Flood Zone A is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations have not been determined.
- "2. All construction within Flood Zone A shall meet the requirements of Chapter 27 of the Hawaii County Code.

"Please refer questions to Kelly Gomes at ext. 8327."

2. The Fire Department memorandum dated September 16, 1999, states: (See Exhibit A)

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3. The State Department of Health memorandum dated September 16, 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."

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 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, which shall be restricted to a maximum daily flow of 600 gallons as the existing service is.

"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.	Service Lateral Installation Charge (Install one meter on Alaneo Street, a County road)	<u>1,200.00</u>
	Total	\$4,575.00

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

5. The notarized Affidavit dated July 8, 1999, signed by Eileen Millar, states in part:

"I, Eileen Millar, am the titleholder of the property at 66-1761 Alaneo Street, Kamuela, Hawaii 96743 Tax Key (3) 6-6-07-04.

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"There are no provisions of any restriction, covenant or other land use restriction applicable to the above lot by way of deed or lease or other provision prohibiting the construction or placement of an ohana dwelling unit (sic) or a second dwelling unit."

6. The Real Property Tax Clearance form certified on August 12, 1999, indicates that all real property taxes have been paid up to June 30, 2000.
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 conversion 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, 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

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 detached 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 a duplex ohana dwelling shall be as stipulated in the appropriate zoned districts. Minimum setbacks for the proposed attached ohana dwelling are:

Front and Rear Yard: Twenty (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.

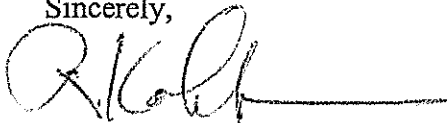
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5. Variances: Ohana dwelling units are prohibited on a building site which is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited 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 Pamela Harlow of our Kona office at 327-3510.

Sincerely,

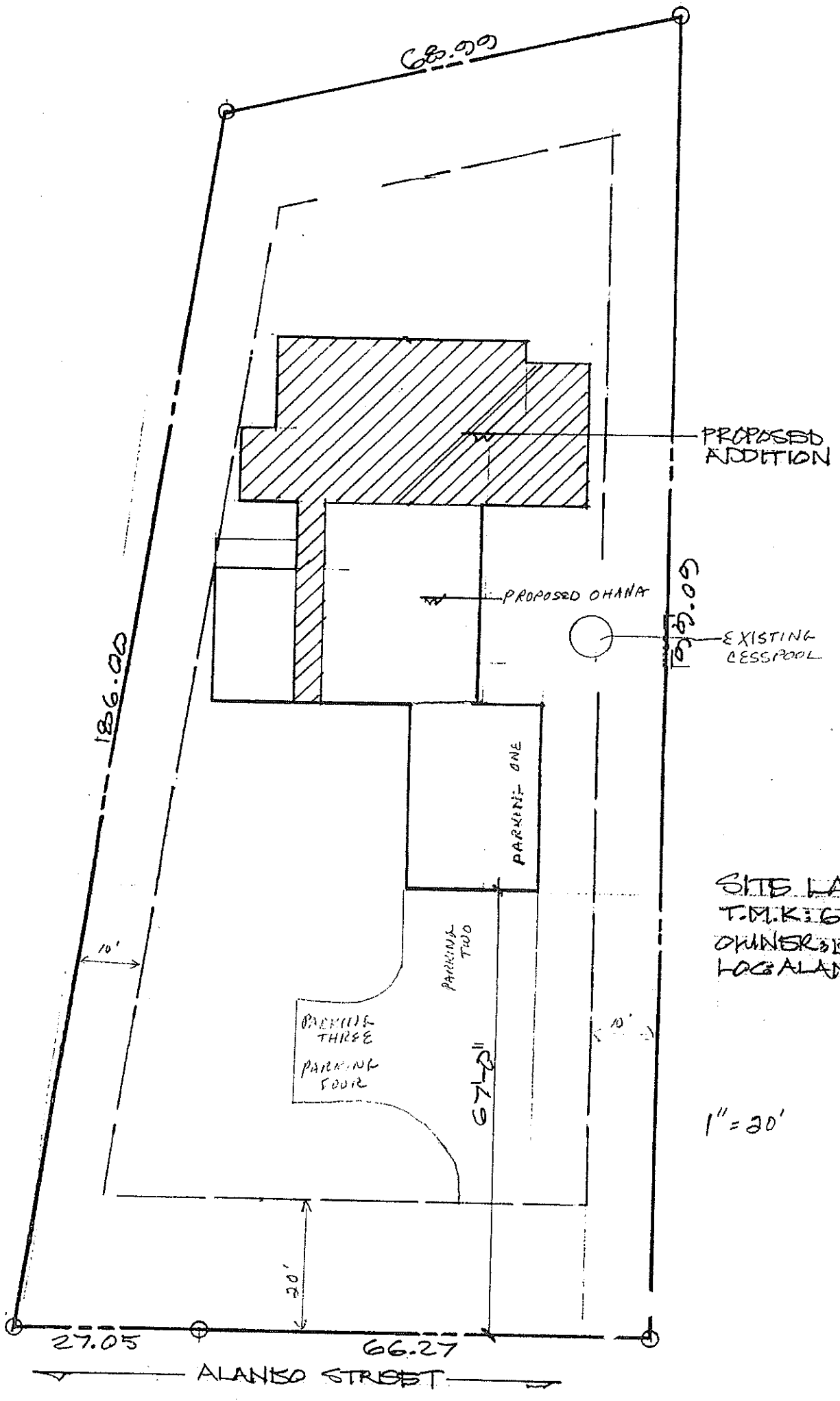


jr VIRGINIA GOLDSTEIN
Planning Director

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Enclosure

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



SITE LAYOUT
 T.M. KIG-6-007
 OWNER: ~~SILVEST~~
 LOGALANEO S

1" = 30'

ALANISO STREET