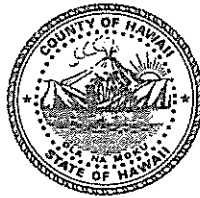


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

CERTIFIED MAIL

7099 3220 0000 4868 7726

County of Hawaii

May 12, 2000

PLANNING DEPARTMENT

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

Mr. Inocencio S. Obedoza  
Mrs. Victoria Obedoza  
Mr. Wayne Obedoza  
74-5088 Kai Opua Street  
Kailua-Kona, Hawaii 96740

Dear Messrs. and Mrs. Obedoza:

Ohana Dwelling Unit Permit No. 3856 (OHD 99-009)  
Amendment from Additional Single Family Dwelling to Duplex Conversion  
Applicants: INOCENCIO S. OBEDOZA  
VICTORIA OBEDOZA  
WAYNE OBEDOZA  
Tax Map Key: 7-4-009:038

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

1. The Department of Public Works memorandum dated April 24, 2000, states:  
  
"We have reviewed the subject application forwarded by your memo dated March 28, 2000 and have no comments or objections to the request.  
  
"Questions may be referred to Kelly Gomes at ext. 8327."  
  
2. The Department of Water Supply memorandum dated April 27, 2000, 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. However, the applicant's existing meter does not front their property. A service like that is classified as *out of bounds* and has certain requirements, which will be detailed in Item 3 below.

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"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. Capital Assessment Fee  
(One 2<sup>nd</sup> service in N. Kona water system at  
\$500.00 each) 500.00
- c. Service Lateral Installation Charge 1,200.00  
(Install one meter on Laimana Road,  
a County road)

**Total (Subject to Change) \$5,075.00**

"3. When paying the above charges, sign a *Policy and Conditions of Water Service* form since the parcel does not front our waterline and is considered *out of bounds*. Further, furnish proof of their easement for that portion of private property or County road between the meter placement on the County road and the parcel. Lastly, the applicant is responsible for all costs for the installation of the private consumer line, which will run from the Department's meter on the County road to the subject parcel, a distance of approximately 200 feet.

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

3. The Fire Department memorandum dated April 5, 2000, states:

"We have no comments regarding the above-referenced Ohana Dwelling Unit Application."

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4. The State Department of Health memorandum dated April 10, 2000, 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."

5. The notarized Affidavit dated November 19, 1999, signed by Victoria Obedoza, states in part:

"I, Victoria Obedoza, am the titleholder of the property at 74-5088 Kai Opua Road, Kailua-Kona, Hawaii 96740 Tax Key (3) 7-4-9-38.

"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 unite (sic) or a second dwelling unit."

6. The Real Property Tax Clearance form certified on May 9, 2000, indicates that all real property taxes have been paid up to June 30, 2000.

In view of the above, by this letter, you are hereby granted permission to construct an attached ohana dwelling unit within the existing single-family dwelling subject to the following conditions:

1. The ohana dwelling unit shall comply with Chapter 25, Article 6, Division 3, Section 25-6-30 through 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.

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Mrs. Victoria Obedoza

Mr. Wayne Obedoza

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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 May 12, 2001. 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 an attached 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 feet (20'-0") minimum.  
Side Yards: Ten feet (10'-0") minimum.


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- 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.
  - 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,



VIRGINIA GOLDSTEIN  
Planning Director

PLH:rld

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Mr. Wayne Obedoza  
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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  
Fire Department

Scanned Map  
Unavailable  
Due to Size

See File

