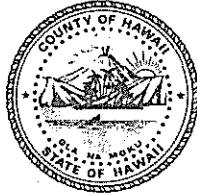


Stephen K. Yamashiro
Mayor



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

7099 3220 0000 4869 7381

April 5, 2000

Mr. Thomas A. Nelson
1988 Kalaniana'ole Avenue
Hilo, Hawaii 96720

Dear Mr. Nelson:

OHANA DWELLING PERMIT NO. 3853 (OHD 99-010)

Applicant: THOMAS A. NELSON

Titleholder: THOMAS A. NELSON

Request: Additional Single Family Dwelling

Tax Map Key: (3) 2-1-017:016, Lot 15

TMK: 2-1-17:006

The subject Application For Ohana Dwelling Unit Permit and Special Management Area Use Permit Assessment Application (SMAUPAA) were reviewed by the agencies and includes the following respective comments:

1. The Department of Public Works (DPW) memorandum dated January 3, 2000, states in part:

"We have reviewed the subject application forwarded by your letter dated December 20, 1999 and have the following comment.

The subject dwelling is located within flood zone AE according to the Flood Insurance Rate Map by the Federal Emergency Management Agency. All construction within this flood zone shall meet the requirements of Chapter 27 of the Hawaii County Code."

003579

APR 06 2000

2. The Department of Water Supply (DWS) memorandum dated March 13, 2000, states in part:

"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 objection 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 Station:
 - a. Facilities Charge (One 2nd service at \$3,375.00) \$3,375.00
 - b. Service Lateral Installation Charge
(Install one meter on Kalaniana'ole Avenue,
a County road) 1,200.00

Total \$4,575.00

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

3. The State of Hawaii Department of Health (DOH-HILO) memorandum dated January 6, 2000, states:

"The subject proposal is located in a Critical Wastewater Disposal Area. The Department of Health would support any sewer requirements made by the County of Hawaii. (sic) If it is determined that the sewer line is not accessible, any developments on this lot would require all wastewater be disposed into a Septic Tank System."

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4. No oral or written comments were received from the Hawaii County Fire Department.
5. The original and notarized affidavit dated October 25, 1999, included with the Ohana Dwelling application states that:

"I Thomas Arne Nelson, am the titleholder of the land and dwelling situated at 1988 Kalaniana'ole Avenue, Hilo, Hawaii, TMK #2-1-017-006-0000.

Any restriction, covenant or other land use restrictions applicable to the lot, TMK #2-1-017-006-000, by way of a deed or lease or other provision do not (sic) prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit."

6. Declaration of Exemption from SMA Rules: Pursuant to the February 23, 2000 letter, the Planning Director has determined that the proposed ohana dwelling and related site improvements on the subject TMK property are exempt from the SMA rules and regulations.

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 April 5, 2001.

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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.

- a. The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
- 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

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 20,000 square feet is zoned Single-Family Residential (RS-15) by the County and Urban "U" by the State. The subject lot (Lot 15) exceeds the minimum building site area (lot size) of 15,000 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 respective minimum front, rear, and side yard requirements for the proposed additional (ohana) dwelling on the subject TMK property shall be as follows: front yard -minimum thirty (30'-0") feet required (Note: Includes proposed 5'-0" wide future right-of-way); rear yard-minimum twenty-five (25'-0") feet required, and, side yard(s)-minimum fifteen (15'-0") feet required.

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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. 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. Variations: 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.

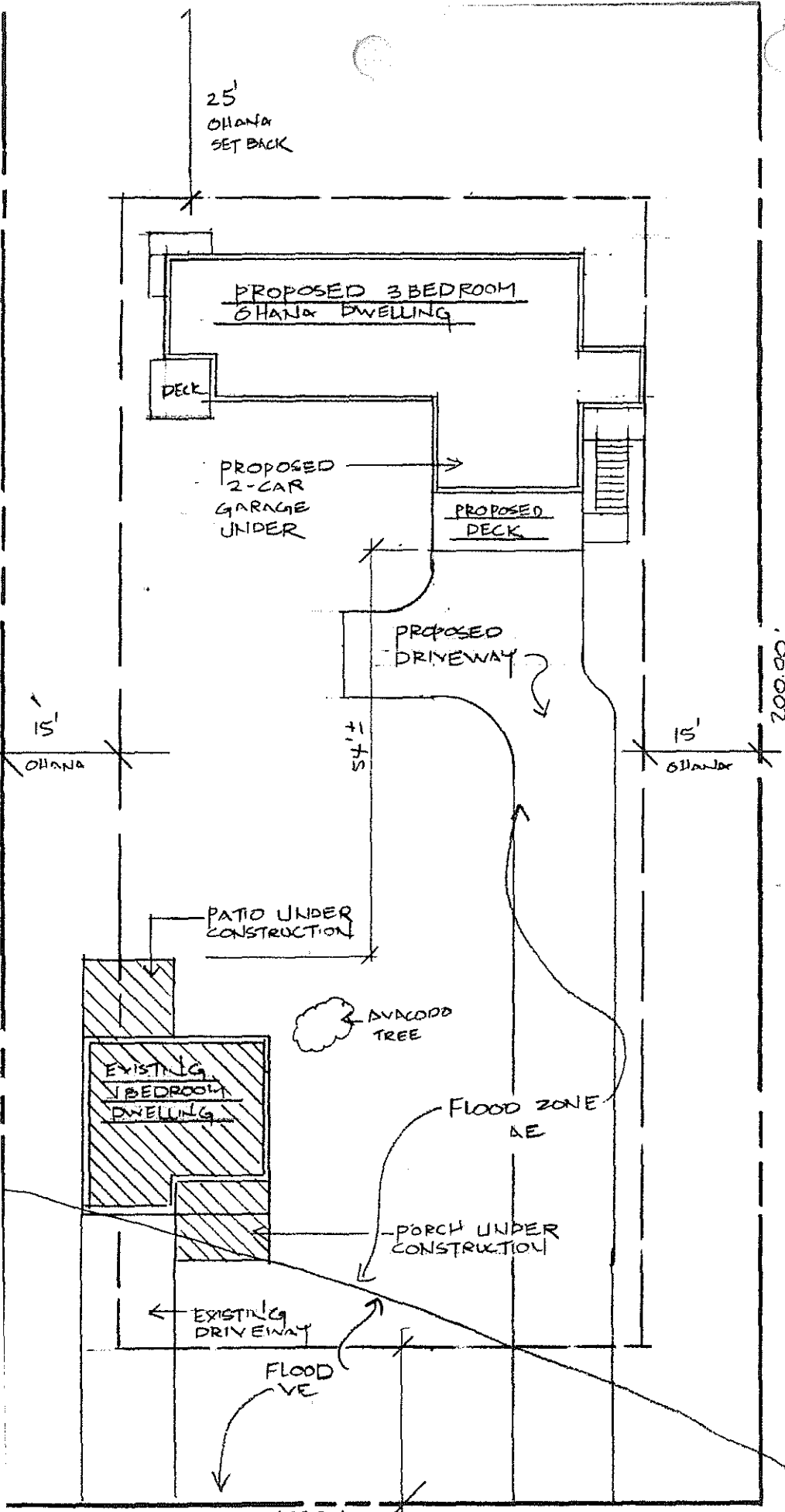
Should you have any questions regarding the above, please feel free to contact this office at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

WRY:gp
F:\WP60\WRY\FORMLETT\OHDAPP21017006.NELSON

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



SITE PLAN
SCALE = 1" = 20'

A PROPOSED OHANA DWELLING
FOR: MR. TOM NELSON
TRUSTEES
LOCATION: KEAUKAHA, HI