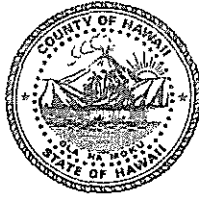


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL

7099 3220 0000 4869 9378

PLANNING DEPARTMENT

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

March 1, 2000

Mr. Jeffrey Scott Murphy
75-1027 Henry Street, PMB #102
Kailua-Kona, Hawaii 96740

Dear Mr. Murphy:

Ohana Dwelling Unit Permit No. 3850 (OHD99-011)
Two New Single-Family Dwellings
Applicant: JEFFREY SCOTT MURPHY
Tax Map Key: 7-3-022:097

Please accept our sincere apologies for this tardy decision on your Ohana Dwelling Unit Application submitted on December 2, 1999. At the present time there is a shortage of staff. This personnel shortage will be resolved and result in more timely responses to future inquiries. Your patience is appreciated.

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

1. The Department of Public Works memorandum dated December 30, 1999, states:

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

"Two driveways will not be permitted on the subject parcel. The Hawaii County Code will permit two driveways if a lot's street frontage is at least 106 feet. The subject parcel has a street frontage of approximately 93.5 feet."

2. The first State Department of Health memorandum dated December 30, 1999, states:

"The land area can support 1 Septic Tank System. A Septic Tank System can be designed to handle up to 1,000 gallons of wastewater per day."

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Mr. Jeffrey Scott Murphy

Page 2

March 1, 2000

3. The second State Department of Health memorandum dated December 23, 1999, states:

"The proposed Septic Tank System would need to be designed by a Registered Professional Engineer licensed by the State of Hawaii. Please submit the plans to our office for approval."

4. The Department of Water Supply memorandum dated February 14, 2000, states:

"This memorandum serves to amend our February 1, 2000 memorandum to your Department. Please disregard it and use this one.

"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 on Page 2.

"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 2nd service in N. Kona water system at
\$500.00 each) 500.00

c. Service Lateral Installation Charge 1,200.00
(Install one meter on Hawaii Belt Road,
a State Highway)

Total (Subject to Change) \$5,775.00

Mr. Jeffrey Scott Murphy

Page 3

March 1, 2000

"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, 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 State highway to the subject parcel, a distance of approximately 800 feet.

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

5. The notarized Affidavit of Titleholder dated November 15, 1999, signed by Jeffrey Scott Murphy, states in part:

"Subject Property

"Owner: Jeffrey Scott Murphy
73-1201 Ahulani Street
Lot #48 Kona Coastview Subdivision
At Kalaoa 3rd -- North Kona Hawaii, Hawaii
Tax Map Key: (3) 7-3-22:97

"Warranty Deed: State of Hawaii Bureau of Conveyances Recorded
July -09-1999 8:01 AM Doc No # 99-109325
Seller: Norman N. Starr
Buyer: Jeffrey Scott Murphy

"I Jeffrey Scott Murphy am the Titleholder of the above-mentioned property."

6. The notarized Affidavit of No Restrictions to Ohana dated November 15, 1999, signed by Jeffrey Scott Murphy, states in part:

"Subject Property

"Owner: Jeffrey Scott Murphy

"Address: 73-1201 Ahulani Street
Lot #48 Kona Coastview Subdivision
At Kalaoa 3rd -- North Kona Hawaii, Hawaii
Tax Map Key: (3) 7-3-22:97

"Covenants- Recorded:

Mr. Jeffrey Scott Murphy

Page 4

March 1, 2000

"Conditions- State of Hawaii Bureau of Conveyance's Recorded
"Restrictions- August 28-1991 12:50 PM, Doc No #91-117267

"Warranty Deed: State of Hawaii Bureau of Conveyances Recorded
July-09-1999 08:01 AM, Doc No #99-109325

"To whom it may concern:

"The above-mentioned Covenants, Conditions, and Restrictions, which are a legally binding portion of the above-mentioned Warranty Deed, **Do Not** prohibit the construction or placement of a second dwelling or Ohana unit on the above-mentioned property. There are no known other provisions that prevent the construction or placement of a second dwelling unit or Ohana."

7. The Real Property Tax Clearance form certified on November 15, 1999, indicates that all real property taxes have been paid up to December 31, 1999.
8. 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 detached ohana dwelling unit subject to the following conditions:

1. 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.

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.

Mr. Jeffrey Scott Murphy

Page 5

March 1, 2000

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 March 1, 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 a duplex 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-five feet (25'-0") minimum.
Side Yards: Fifteen feet (15'-0") minimum.
 - c. Off-Street Parking: An ohana dwelling unit shall be provided with a minimum of two (2) off-street parking spaces which comply with the

Mr. Jeffrey Scott Murphy

Page 6

March 1, 2000

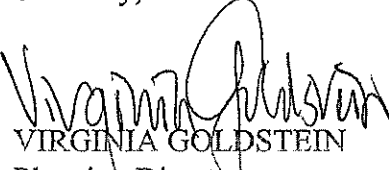
requirements of Section 25-4-53, Chapter 25, Effective:
December 7, 1996.

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. 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.

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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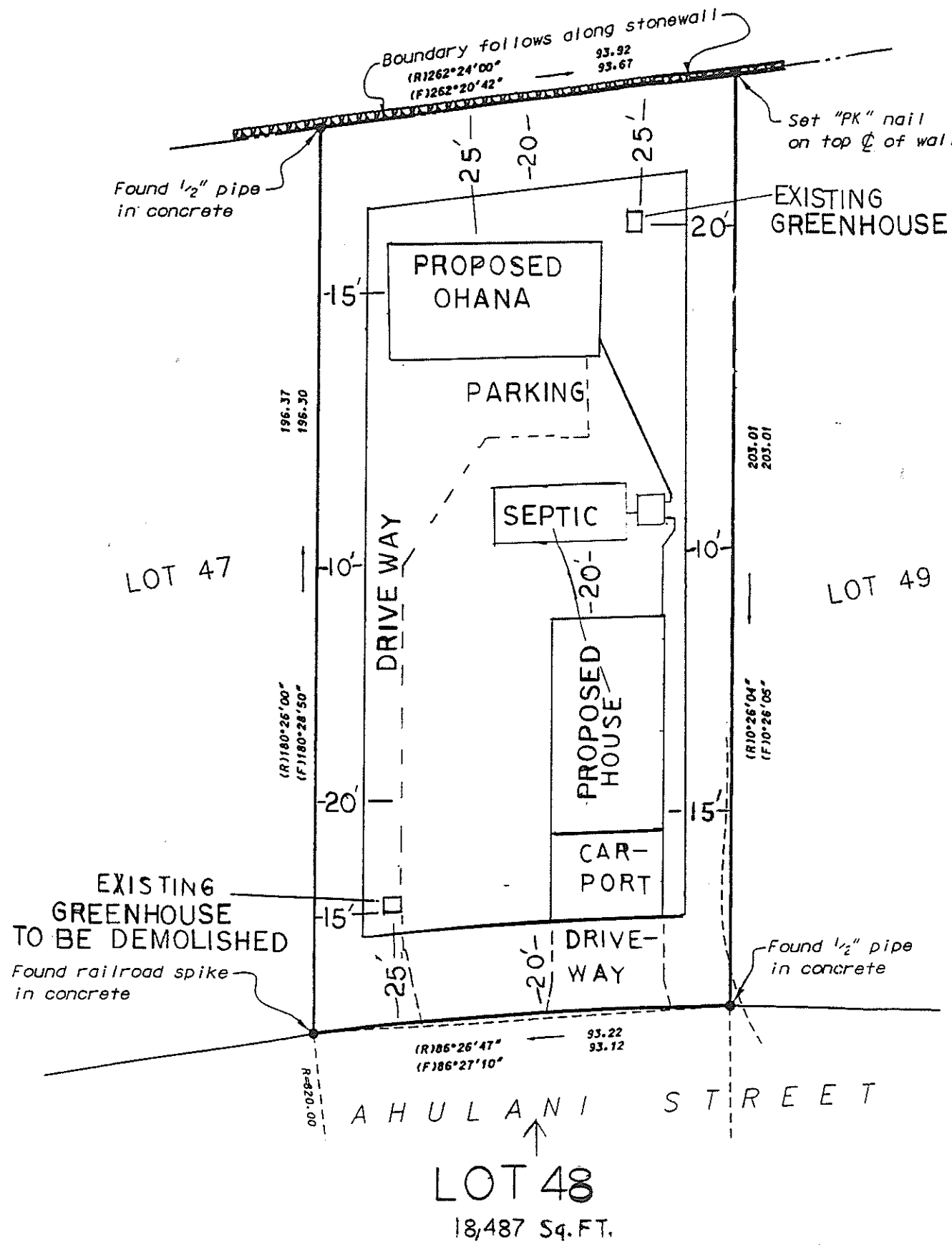
xc: West Hawaii Office

Mr. Jeffrey Scott Murphy

Page 7

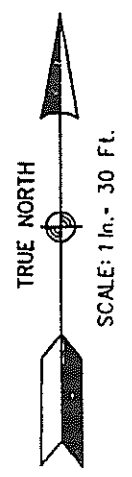
March 1, 2000

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



LOT 48
 KONA COASTVIEW SUBDIVISION
 Unit 3
 AT KALAOA 3rd., NORTH KONA, HAWAII, HAWAII
 TMK: (3) 7-3-22:97

PROPERTY IS VACANT LOT
OTHER THAN 2 GREEN-
HOUSES



PLOT PLAN

9-25-99