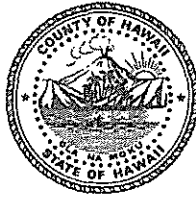


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

**CERTIFIED MAIL**

7099 3220 0000 4869 9613

**PLANNING DEPARTMENT**

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

April 24, 2000

Mr. Wolfgang V. Miller  
73-1040 Ahulani Street  
Kailua-Kona, Hawaii 96740

Dear Mr. Miller:

Ohana Dwelling Unit Permit No. 3852 (OHD 00-001)  
Additional Single-Family Dwelling  
Applicant: WOLFGANG V. MILLER  
Tax Map Key: 7-3-023:074

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

1. The Department of Public Works memorandum dated February 24, 2000, states:

"Department of Public Works Ohana Application Comments: No comments."

2. The Department of Water Supply memorandum dated February 17, 2000, states:

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

"The parcel is within the service limits of the Department's existing water system. However, the closest part is a 12-inch waterline in the Hawaii Belt Road, approximately 5,100 feet from the front of the applicant's parcel. Our records show that this property does not have an account with the Department, and therefore, does not have a water service with us. The Department can install one meter on the side of the Hawaii Belt Road, which would be considered as *out of bounds*. Such meters would require the applicant to be responsible for all of the installation costs of the private consumer line as well as obtaining any needed private easements. The private consumer line would run from the Department's meter on the Hawaii Belt Road to the subject parcel, a distance of approximately 5,100 feet.

"Therefore, the Department has no objections to the proposed application subject to the

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applicant understanding and accepting that the Department can provide water service to either the proposed house or the additional ohana dwelling, but not both dwellings. The two dwellings can not be serviced by one meter. Further, should the application be approved, both dwellings shall not obtain water from an existing departmental customer and water is not available from the Carl Matsumoto water system. The Department can not require the applicant to obtain water from us for one of their proposed dwellings and should they choose not to, then the only source of water for both of the proposed dwellings seems to be catchment. In any case, it seems that one of the proposed dwellings will be on catchment.

"By copy of this letter, we are notifying the applicant that water is available for either the existing dwelling or the proposed additional ohana dwelling. Should they be interested, they can contact us directly for the terms and conditions to obtain water service from the Department.

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

3. The Fire Department memorandum dated February 18, 2000, states:

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

4. The Department of Health memorandum dated February 8, 2000, states:

"Under current rules, 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 individual wastewater system is not allowed because of the lack of land area."

5. The notarized Affidavit dated January 21, 2000, signed by Wolfgang V. Miller, states in part:

"1) Wolfgang V. Miller, whose residence mailing address is:

73-1040 Ahulani St.

Kailua-Kona, HI 96740

being duly sworn on oath deposes and says: Wolfgang V & Judith K. Miller are owners and title holders of that certain property located at above address on the Big Is. of Hawaii. TMK: 7-3-23:74. Present mortgage is with Bank of Hawaii.

"2) That no provisions of any restriction, covenant or other applicable land use restriction by way if any deed or lease or other provision restrict the construction

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or placement of an Ohana unit or second dwelling on the property."

6. The Real Property Tax Clearance form certified on January 20, 2000, indicates that all real property taxes have been paid up to December 31, 1999.

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 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.
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 April 24, 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

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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 detached ohana dwelling shall be as stipulated in the appropriate zoned districts plus an additional five (5) feet. Minimum setbacks for the proposed attached ohana dwelling are:  
  
Front and Rear Yard: Twenty-five (25'-0") minimum.  
Side Yards: Fifteen feet (15'-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.
5. In reference to the Department of Water Supply's comments (concerning the catchment system), may we suggest the following:
  - a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallon storage capacity for domestic consumption or

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potable uses. This catchment system should 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.

- b. Any dwelling not serviced by a County water system should 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, should meet with the approval of the Hawaii County Fire Department.
6. 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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Enclosure

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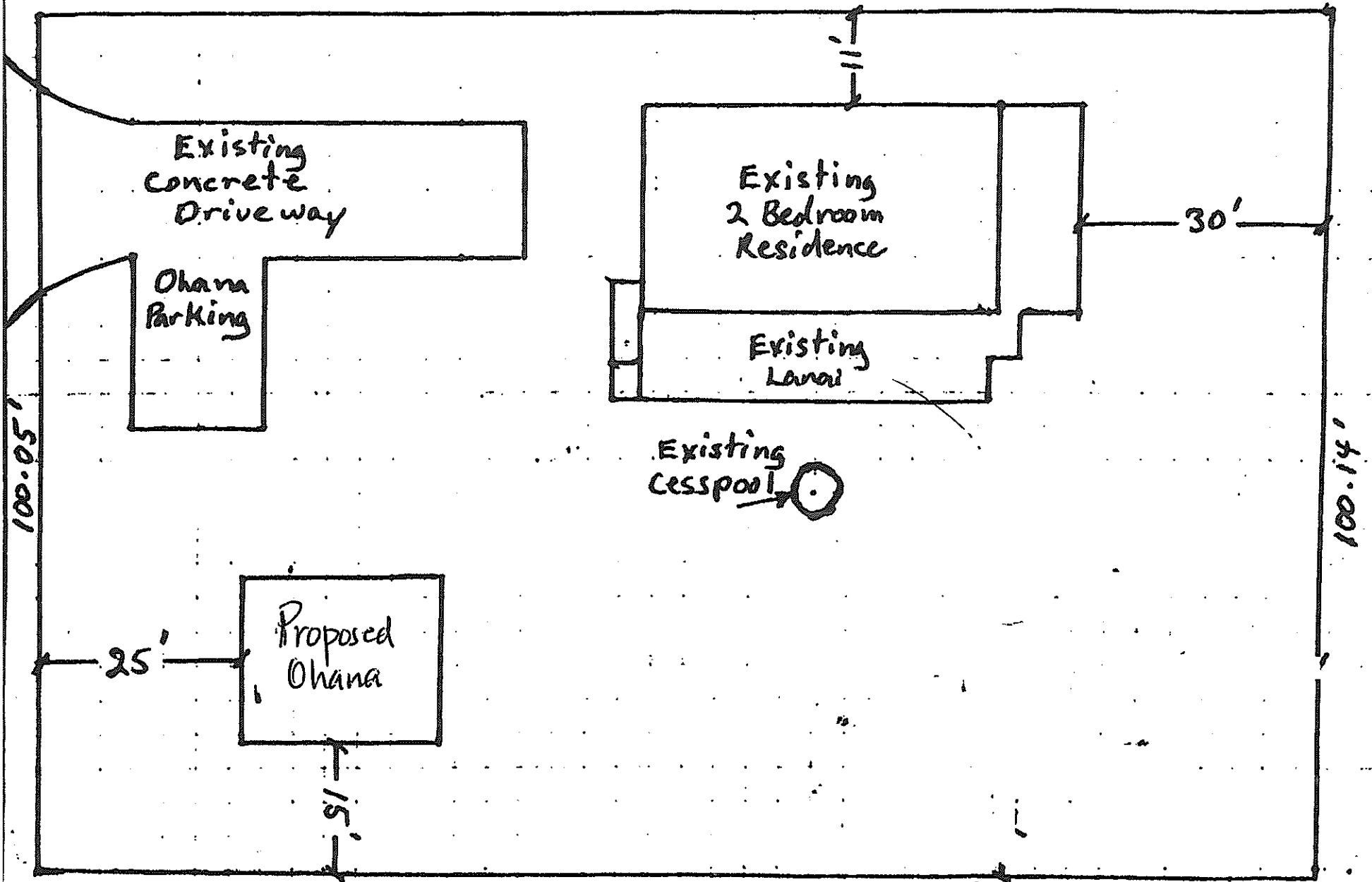
April 24, 2000

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

Property of:  
Wolfgang V. + Judith K. Miller  
157.52

Ahukani Street

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PLOT PLAN Scale:  $\frac{1}{16}'' = 1'$  159.56'