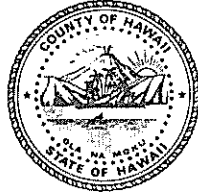


Stephen K. Yamashiro  
Mayor



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 6339**

May 8, 2000

Mr. Todd Fry  
7920 Princess Street  
La Jolla, CA 92037

Dear Mr. Fry:

**OHANA DWELLING PERMIT NO. 3855 (OHD 00-005)**

**Applicant: TODD FRY**

**Titleholder: TODD FRY**

**Request: Duplex Conversion**

**Tax Map Key: (3) 2-6-006:018**

The subject Applications 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 March 31, 2000, states in part:

"NO COMMENTS"

2. The Department of Water Supply (DWS) memorandum dated April 25, 2000, states in part:

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

004452

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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 detached (sic) 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 Halaulani Place,  
a County road)

1,200.00

**Total (Subject to Change)      \$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 March 7, 2000, states:

"The existing Septic Tank System needs to be evaluated by a licensed engineer to show that it can handle the expected additional wastewater flow. Please submit a report to our office for approval. A second individual wastewater system is not allowed due to lack of land area."

4. No oral or written comments were received from the Hawaii County Fire Department.

5. The original and notarized affidavit dated February 15, 2000, included with the Ohana Dwelling application states in part that:

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"I am the sole titleholder of the property at 30 Halaulani Place. (TMK 3-2-6-6-18) There is no landuse restriction, covenant or restriction on the deed which prohibits the construction or placement of an Ohana dwelling unit on this property.

There is a precedent for Ohana units in the neighborhood. Whether or not they were issued permits I do not know but there are 5 such units that I know of on my block."

6. Special Management Area Minor Use Permit No. 89, dated May 2, 2000, was approved by the Planning Director to allow the ohana duplex conversion. SMA Minor Permit No. 89 is subject to five (5) conditions. The applicant(s), their successor or assigns shall be responsible with all stated conditions of approval.

In view of the above, by this letter, you are hereby granted permission to construct a single family dwelling Ohana Dwelling Unit (Duplex Conversion) 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 May 3, 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 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 16,598 square feet is zoned Single-Family Residential (RS-15) by the County and Urban "U" by the State. The minimum building site area for a building site containing both the first dwelling and the ohana dwelling unit shall be 10,000 square feet.
- c. Minimum Yards (Setbacks): The proposed Ohana Dwelling unit shall be located on property exceeding 10,000 square feet. The proposed dwelling unit (duplex conversion) 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 ohana dwelling (duplex conversion) located on the subject TMK property shall be as follows: front yard -minimum thirty (30'-0") feet required (Note: Includes proposed 10'-0" wide future right-of-way); rear yard-minimum twenty-five (20'-0") feet required, and, side yard(s)-minimum fifteen (10'-0") feet required.

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- d. Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) paved off-street parking spaces which comply with the requirements of Section 25-4-53, Chapter 25, Effective: December 7, 1996. The required additional 2 off-street parking spaces for the ohana dwelling unit shall be arranged so as to be individually accessible. The proposed driveway location and driveway improvements are subject to DPW requirements.
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. 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.

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

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xc: Department of Health, Chief Sanitarian  
Department of Public Works  
Real Property Tax Division  
Department of Water Supply  
SMA Minor No. 89

Scanned Map  
Unavailable  
Due to Size

See File

