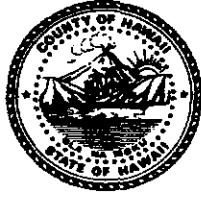


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

**CERTIFIED MAIL**

7099 3220 0000 4868 8150

August 16, 2000

Mr. Thomas Powers  
73-1006 Ahikawa Street  
Kailua-Kona, Hawaii 96740

Dear Mr. Powers:

Ohana Dwelling Unit Permit No. 3861 (OHD 00-008)  
Additional Single-Family Dwelling  
Applicant: THOMAS POWERS  
Tax Map Key: **7-3-023:074** **TMK: 7-3-028:007**

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

1. The Department of Public Works memorandum dated June 6, 2000, states:

"We have reviewed the subject application 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 and there is at least 30 feet separation between the two driveway approaches. The subject parcel has a street frontage of 99.18 feet and the proposed driveway does not have the required separation from the existing driveway.

"Please refer questions to Kelly Gomes at ext. 8327."

2. The Department of Water Supply memorandum dated July 13, 2000, states:

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

"The application shows that the ohana unit will be furnished with water from a catchment system. Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that the water service for the ohana unit will be from a catchment system. Further, should the application be approved, the applicant is reminded that water is not available from the Carl Matsumoto Water System.

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

3. The Fire Department memorandum dated June 6, 2000, is attached.

4. The Department of Health memorandum dated May 31, 2000, 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 the Wastewater Branch in Honolulu for approval."

5. The notarized Affidavit dated May 11, 2000, signed by Thomas P. Powers, states in part:

"1. I, Thomas P. Powers, declare and affirm that : I am the sole owner and mortgagee of property located at Kalaoa, Hawaii, mailing address:

73-1006 Ahikawa Street  
Kailua-Kona, Hawaii 96740  
TMK: 7-3-28:7  
Lot 43

"2. I further declare that there are no provisions or restrictions in the covenants of Coastview Subdivision that would prohibit or restrict the building of a second dwelling on the property."

6. The Real Property Tax Clearance form certified on May 16, 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 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 and Practice of 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 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 August 16, 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 detached ohana dwelling unit shall be as stipulated in the appropriate zoned districts plus an additional five (5) feet. Minimum setbacks for the proposed detached ohana dwelling are:  
  
Front and Rear Yard: Thirty (30'-0") minimum.  
Side Yards: Twenty (20'-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, Ordinance No. 96-160, 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 gallons for domestic consumption or 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 the State Department of Health requirements related to water testing and water purifying devices.
  - b. Any farm dwelling 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.

Mr. Thomas Powers

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August 16, 2000

- a. No variance from the requirements of Chapter 23 and 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.

Please accept our sincere apologies for this tardy confirmation of your Ohana Dwelling Unit Permit Application approval. The Planning Department's West Hawaii office is currently processing a very high volume of applications. We are working to process these applications in a timely manner and appreciate your patience and understanding.

Should you have any questions, please feel welcome to contact Pamela Harlow of our West Hawaii office at 327-3510.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

PLH:rld

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Enclosure

Xc: West Hawaii Office

Scanned Map  
Unavailable  
Due to Size

See File

