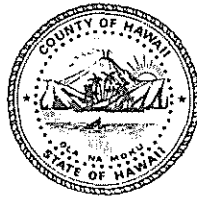


Stephen K. Yamashiro  
Mayor



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 5110

July 27, 2000

Mr. and Mrs. Morton A. Carter, Sr.  
1122 Puhau Street  
Hilo, Hawaii 96720

Dear Mr. and Mrs. Carter:

**OHANA DWELLING PERMIT NO. 3859 (OHD 00-010)**  
**Applicants: Morton A. Carter, Sr. & Gayle M. Carter**  
**Titleholders: Morton A. Carter, Sr. & Gayle M. Carter**  
**Request: NEW DUPLEX**  
**Tax Map Key: 2-4-40:176**

Please note that we have amended our July 20, 2000 letter as follows:

The subject Application for Ohana Dwelling was reviewed by the agencies and includes the following respective comments:

1. The Department of Public Works (DPW) memorandum dated July 13, 2000, states in part:  
  
"NO COMMENTS"
2. The Department of Water Supply (DWS) memorandum dated July 14, 2000, states in part:

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

007656

AUG 1 - 2000

Mr. and Mrs. Morton A. Carter, Sr.

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For your information, an existing 1-inch service lateral for a 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. Water is available from the 6-inch waterline in Hale-O-Kea Street, which fronts the subject parcel.

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 2<sup>nd</sup> service at \$3,375.00 each) \$3,375.00
  - b. Service Lateral Installation Charge  
(Install one meter on Hale-O-Kea Street, a County road) 1,200.00

Total \$4,575.00

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

3. The State of Hawaii Department of Health (DOH-HILO) memorandum dated June 27, 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 our office for approval.

4. The Hawaii County Fire Department memorandum dated July 10, 2000, states:

We have no comments regarding the above-referenced Ohana Dwelling Application.

Mr. and Mrs. Morton A. Carter, Sr.

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July 27, 2000

5. The original and notarized **AFFIDAVIT OF MORTON & GAYLE CARTER** dated June 9, 2000, included with the Ohana Dwelling application states in part:

**STATEMENT OF TITLE**

We, Morton Arthur Carter Sr. and Gayle Michele Carter are the titleholders of the property identified as Tax Map Key (3) 2-4-040:176 on Hale O Kea Street in the Hale O Lani Subdivision, Hilo, Hawaii and the site of the proposed ohana dwelling.

**STATEMENT OF PROVISIONS, RESTRICTIONS AND COVENANTS**

We, Morton Arthur Carter Sr. and Gayle Michele Carter further state that there are no provisions of any restrictions, covenants or other land use restrictions applicable to the deed for this property identified as Tax Map Key (3) 2-4-040:176 on Hale O Kea Street in the Hale O Lani Subdivision, Hilo, Hawaii, which prohibit the construction of an ohana dwelling or second dwelling unit on this property.

In view of the above, by this letter, you are hereby granted permission to construct a **new duplex** 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.

Mr. and Mrs. Morton A. Carter, Sr.

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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 (new duplex) on or before July 20, 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 time requirement.
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 **thirty-five (35'-0")** feet.
    - b. Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,318 square feet is zoned Single-Family Residential (RS-15) by the County and Urban (U) by the State. The subject property or Lot 8 exceeds the minimum 10,000 square feet building site area (lot size) requirement.

Mr. and Mrs. Morton A. Carter, Sr.

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July 27, 2000

- c. Minimum Yards (Setbacks): The proposed Ohana Dwelling unit shall be located on property exceeding 10,000 square feet. The proposed **new duplex** 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 (**new duplex**) located on the subject TMK property shall be as follows: front yard —minimum twenty (20) feet required; rear yard – minimum twenty (20) feet required; and, side yard(s) – minimum ten (10) feet required.
  - 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. 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.

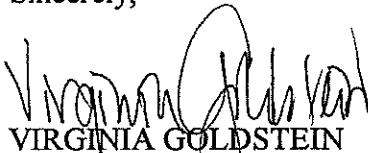
Mr. and Mrs. Morton A. Carter, Sr.

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July 27, 2000

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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c: Department of Health, Chief Sanitarian  
Department of Public Works  
Real Property Tax Division  
Department of Water Supply  
Ms. Irene Carvalho

Existing Residence,  
Parcel 115

Existing Residence, Parcel 117

Existing Res  
Parcel 119

161'-4 1/2"

30'-4 1/2"

15'-0"

Rear

Side

Side

Existing Residence  
Parcel 175

94'-11"

3 BR  
Unit I

PROPOSED  
DWELLING

1 BR  
Ohana  
Unit II

Existing Residence,  
Parcel 177

3 Car Garage

8'-7 1/2"

Private  
Sewage  
Disposal

concrete  
driveway

30'-0"

Front

Hale O Kea Street

PLOT PLAN

SCALE 1" = 20'

Proposed Plot Plan for  
Morton & Gayle Carter  
TMK: 3) 2-4-040-176  
Lot #8

Adjacent address: 1855 Hale O Kea St. (Parcel 177)

Location:

Hale O Lani Subdivision

Unit II

Hilo, HI

Ohana, Unit II

Ohana, Unit II Parking

Private Sewage Disposal