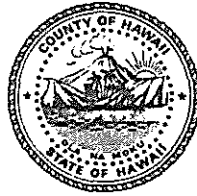


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

CERTIFIED MAIL

7000 0600 0024 2904 6921 PLANNING DEPARTMENT
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

November 20, 2000

George Jerry Rapoza
Crisceda Ruth Rapoza
77-6593 Kuakini Highway
Kailua-Kona, Hawaii 96740

Dear Mr. & Mrs. Rapoza:

Ohana Dwelling Unit Permit No. 3863 (OHD 00-012)
Duplex Ohana Dwelling
Applicants: GEORGE JERRY, & CRISCEDA RUTH RAPOZA
Tax Map Key: 7-7-014: 017

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

1. The Department of Public Works memorandum dated October 4, 2000, states:

"We have reviewed the subject application and have the following comment:

Please refer to the attached Building Division comments dated September 28, 2000.

If you have any questions please contact Kiran Emler of our Kona office at 327-3530."

Building Division Memorandum dated September 28, 2000 states:

"We oppose the approval of the application for the reasons noted below.

Permits M995912 & E996103 for the subject dwelling were never finalized."

2. The Department of Water Supply memorandum dated September 26, 2000, states:

012034

NOV 30 2000

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

"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. Water is available from the 12-inch waterline in Kuakini Highway, 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 nd service at \$3,375.00 each) | \$3,375.00 |
| b. | Capital Assessment Fee (One 2 nd service in N. Kona water system at \$500.00 each) | 500.00 |
| c. | Service Lateral Installation Charge (Install one meter on Kuakini Highway, a State highway) | <u>+1,900.00</u> |
| | Total | \$5,775.00 |

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

3. The Fire Department memorandum dated September 27, 2000, is states:

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

4. The Department of Health memorandum dated October 3, 2000, states:

"The subject lot(s) are located in a Non-Critical Wastewater Disposal Area where cesspools are allowed under the current rules. More than one cesspool is allowed provided 10,000 sq. ft. per cesspool is available. Each cesspool can dispose of 1,000 gallons per day of wastewater."

5. The notarized Affidavit dated September 11, 2000, signed by George J. Rapoza and Crisceda R. Rapoza, states in part:

"1. We, George J. and Crisceda R. Rapoza, declare and affirm that : We are the sole owners and mortgagees of property located at:

77-6593 Kuakini Highway
Kailua-Kona, Hawaii as identified as
TMK: 3-7-7-014: 017

"2. We further declare that there are no restrictions, covenant or other provisions that would restrict the construction or placement of an Ohana unit on the subject property.

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

In view of the above, by this letter, you are hereby granted permission to construct a duplex 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 November 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 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 duplex ohana dwelling unit shall not exceed a maximum height limit of twenty-five (35) 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 unit shall be as stipulated in the appropriate zoned districts. Minimum setbacks for the proposed duplex ohana dwelling are:

Front and Rear Yard: Thirty (20'-0") minimum.
Side Yards: Twenty (10'-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

George Jerry Rapoza
Crisceda Ruth Rapoza
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November 20, 2000

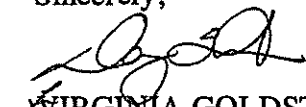
requirements of Section 25-4-53, Chapter 25, Effective:
December 7, 1996.

4. Plumbing Permit No. M995912 and Electrical Permit No. E996103 shall be finalized and closed with the Department of Public Works, Building Division.
5. Comply with Conditions No. 1 & 2 of the Department of Water Supply Memorandum dated September 26, 2000.
6. 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.
7. 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 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. Your patience is appreciated.

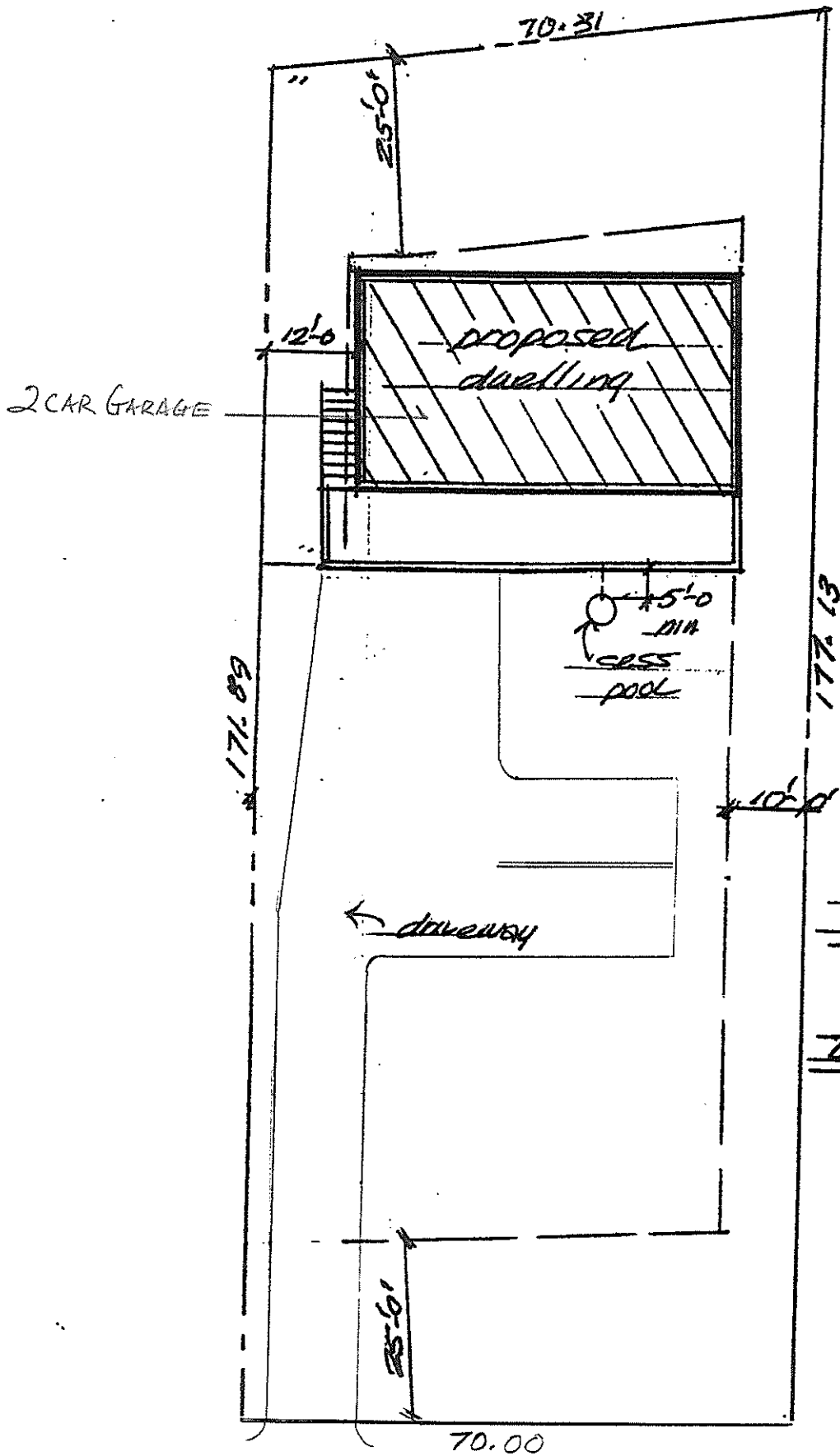
Should you have any questions, please feel welcome to contact Roxanne Delaries of our West Hawaii office at 327-3510.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

George Jerry Rapoza
Crisceda Ruth Rapoza
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RLD:rld
a:\77014017\rapozadapp.doc
xc: West Hawaii Office



Site plan
1/20" = 1'-0"
L.M.R. 7-7-19-1

KUAKINI HIGHWAY