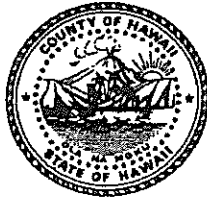


Harry Kim
Mayor



Christopher J. Yuen
Director

County of Hawaii

PLANNING DEPARTMENT

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

CERTIFIED MAIL

7000 0600 0024 2905 3158

January 17, 2001

Ms. Eve S. Fass
301 Holly Oak Lane
Alameda, CA 94502

Dear Ms. Fass:

OHANA DWELLING PERMIT NO. 00-014 (OHD 3868)

Applicant(s): Eve S. Fass

Land Owner(s): Eve S. Fass

Request: Additional Single Family Dwelling

Tax Map Key: 5-4-005:079

The subject Application for an Ohana Dwelling Unit Permit was reviewed by the required agencies and their respective comments are as follows:

1. The Department of Public Works (DPW) (memorandum dated January 2, 2000):

“We have reviewed the subject application forwarded by your memo dated December 18, 2000 and have no comments or objections to the request.”

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2. The Department of Water Supply (DWS) (memorandum dated December 27, 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 detached 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 Kapaau Road, 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 Type “A” 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. Service Lateral Installation Charge (Install one meter on Kapaau Road, County road)	<u>+1,200.00</u>
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 December 27, 2000):

“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.”

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4. The Hawaii County Fire Department (HFD) (memorandum dated January 5, 2001):

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

No comments from surrounding property owners were submitted regarding this application for an Ohana Dwelling Unit Permit:

The original and notarized affidavit of Eve S. Fass, dated July 12, 2000, included with the Ohana Dwelling application states:

“I, Eve S. Fass, owner of #8-A Kapaau Village, Kapaau, Hawaii, Tax Map Key #5-4-005-079 hereby state: provisions of any restriction, covenant or other land use restrictions applicable to the lot by way of a deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.”

“I, Eve S. Fass, applicant for Ohana Dwelling Permit is the title holder of the following property: #8-A Kapaau Village, Kapaau, Hawaii. Tax key: #5-4-005-079, per the attached recorded Deed.”

In view of the above, by this letter, you are hereby granted permission to construct a detached single family 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.
2. 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.
3. 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.
4. Building Permit: The applicant is required to secure a building permit from the Department of Public Works, Building Division, for the construction of an ohana dwelling unit on or before January 16, 2002.

Please bring or attach a copy of this Permit to assist the reviewing agencies in understanding and expediting the review and processing of the building construction plans and building permit application for the additional building improvements necessary to establish the Ohana Dwelling on the subject parcel.

- a) The applicant is required to comply with the State Department of Health requirements.
 - b) The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
 - c) A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written request for a time extension 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 request for a time extension prior to the expiration date of the permit.
 - d) 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.
5. 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 21,034 square feet is zoned Single-Family Residential (RS-15) by the County and is situated within the State Land Use Urban district.
 - c) Minimum Yards (Setbacks) and Open Space: The proposed dwelling unit is required to comply with the yards and open space requirements of the Hawaii County Zoning Code. The respective minimum open space, front, rear, and side yard requirements for the proposed detached ohana dwelling unit to be located on the subject TMK property shall be as follows:

- Front yard – minimum **twenty-five (25)** feet required;
 - Rear yard – minimum **twenty-five (25)** feet required;
 - Side yard(s) – minimum **fifteen (15)** feet required;
 - Open space from other main structures – minimum **fifteen (15)** feet required.
- d) Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.
6. 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.
7. Ohana dwelling units are prohibited on a building site that 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.

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

Sincerely,

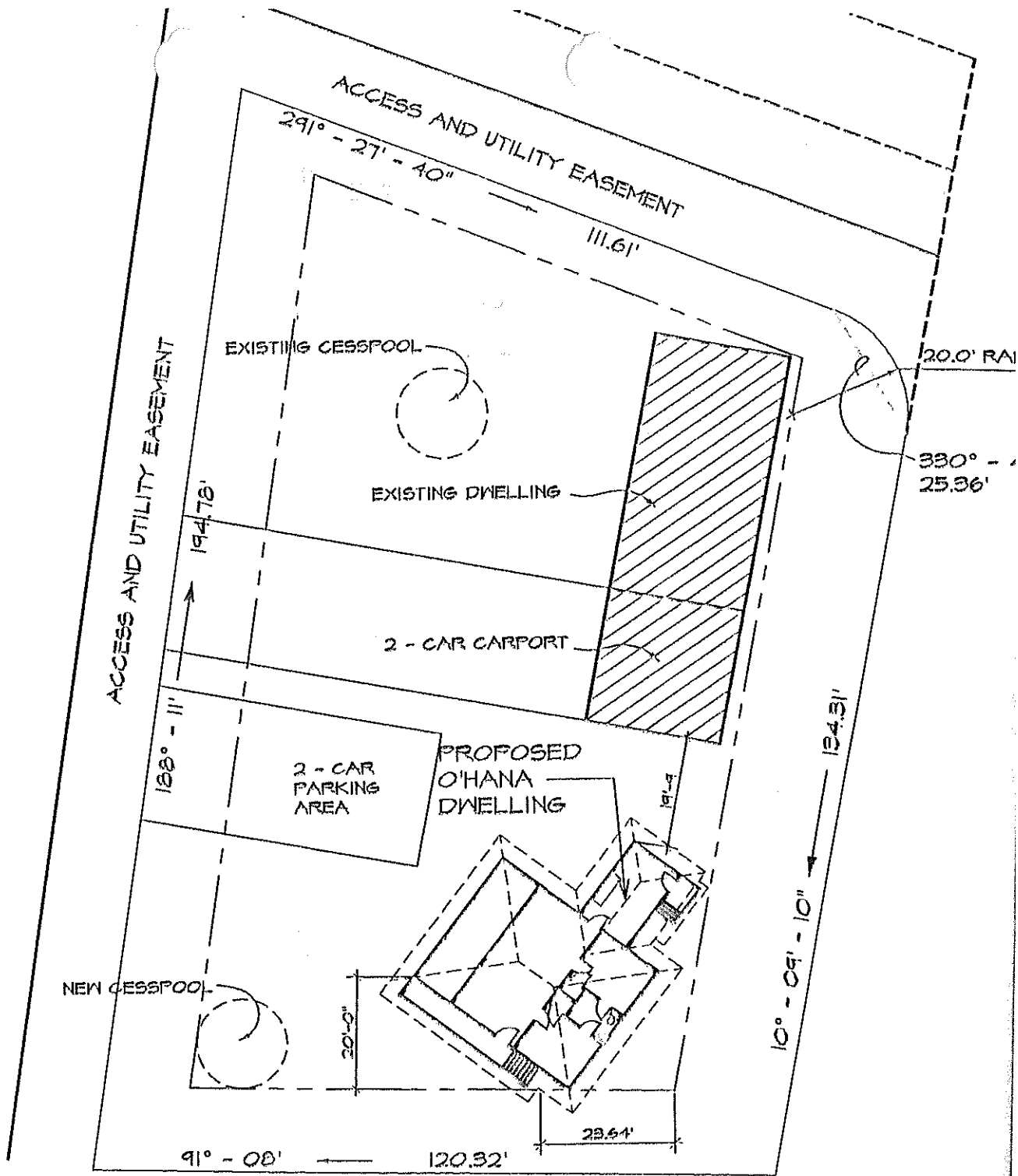


CHRISTOPHER J. YUEN
Planning Director

LMB:cps

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



SITE PLAN
NOT TO SCALE

