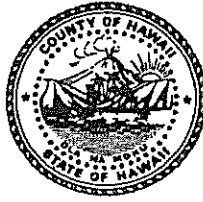


Harry Kim  
Mayor



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 3219

January 3, 2001

Ms. Nesta R. Feher  
P.O. Box 2775  
Kamuela, Hawaii 96743

Dear Ms. Feher:

#### **OHANA DWELLING PERMIT NO. 3865 (OHD 00-016)**

**Applicant(s):** Nesta R. Feher

**Titleholder(s):** Nesta R. Feher

**Request:** Construct a separate two-bedroom ohana dwelling

**Tax Map Key:** 5-5-009:048

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 December 21, 2000):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated December 13, 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.

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Water is available from the 6-inch waterline in Hawi 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 <sup>nd</sup> service at \$3,375.00 each)	\$3,375.00
b. Service Lateral Installation Charge (Install one meter on Hawi 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 11, 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."

4. The Hawaii County Fire Department (HFD) (in part, letter dated December 7, 2000):

"Fire apparatus access roads shall be in accordance with UFC Section 10.207:"

(See enclosed copy of entire letter for all HFD comments)

Surrounding property owners submitted no comments regarding this application for an Ohana Dwelling Unit Permit:

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The original and notarized affidavit of Nesta R. Feher dated October 27, 2000, included with the Ohana Dwelling application states in part:

“Nesta R. Feher, whose residence and mailing address is 64-215 Wailani Place, P.O. Box 2775, Kamuela, Hawaii, being duly sworn on oath, deposes and says:

1. That Nesta R. Feher is the owner and titleholder of that certain property located in Hawi, Island of Hawaii, identified as 55-474 Hawi Road, Hawi, Hawaii 96719, TMK: (3) 5-5-009:48; having all power to sell, convey, exchange, mortgage, lease, assign, or otherwise deal with and dispose of that certain property.
2. That no provisions of any restrictions, covenant or other applicable land use restriction by way of any deed or lease or other provision, restrict the construction or placement of an ohana unit or second dwelling unit on the property.”

In view of the above, by this letter, you are hereby granted permission to construct a 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 December 27, 2000.**

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

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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 23,637 square feet is zoned Single-Family Residential (RS-15) by the County and Urban "U" by the State.
  - 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;

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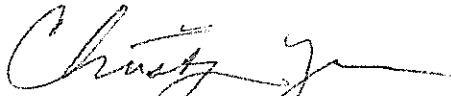
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- Rear yard – minimum **twenty-five (25)** feet required;
  - Side yard(s) – minimum **fifteen (15)** feet required;
  - Open space from other main structures – minimum **fifteen (15)** feet required.
- d) Off-Street Parking: The Ohana Dwelling unit 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 YUEN  
Planning Director

LMB:cps

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Enclosure

xc: Department of Health, Chief Sanitarian  
Department of Public Works  
Real Property Tax Division  
Department of Water Supply

Scanned Map  
Unavailable  
Due to Size

See File

