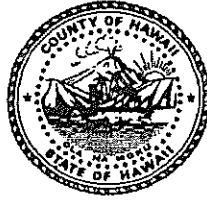


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
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

7000 0600 0024 2904 1070

February 27, 2001

Mr. Philip Reiter
P.O. Box 1395
Kailua-Kona, Hawaii 96740

Dear Mr. Reiter:

OHANA DWELLING PERMIT NO. 3867 (OHD 00-017)

Applicant(s): Philip Reiter

Land Owner(s): Philip Reiter

Request: Duplex Conversion Ohana Dwelling Unit

Tax Map Key: 7-4-009:034

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 4, 2001):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated December 26, 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 8-inch waterline in Palani Road, a distance of approximately 200 feet away.

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This location is such that the applicant's existing meter and the required second meter both do not front the subject property.

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.
2. Submit a copy of the Department of Water Works' approval/permit to install the private consumer waterline in Iwalani Place to connect the new water meter on Palani Road to the proposed ohana dwelling.
3. 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 Palani Road, a County road) | |
| <u>+1,200.00</u> | |

Total (Subject to Change) \$5,075.00

4. Execution of a *Policy and Conditions of Water Service* form since the parcel does not front our waterline and is considered *out of bounds*.

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):

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“The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. A second cesspool is not allowed because of the lack of land area.”

4. The Hawaii County Fire Department (HFD) (memorandum dated December 21, 2000):

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

Surrounding property owners submitted the following comments regarding this application for an Ohana Dwelling Unit Permit.

1. Carmen W. Spencer (letter dated October 28, 2000):

“I received a letter from Phil Reiter who is submitting an application for an Ohana dwelling at 74-860 Iwalani Place in Kailua Kona. I live next door at 74-858 and am absolutely against it.

Mr. Reiter is renting the house now to two families that have two dogs, five puppies and a pig.

Phil Reiter is only concerned with selling his house with Ohana as enticement. Please allow no Ohana.”

2. Mrs. C. Nobriga (letter dated November 4, 2000):

“Regarding Phil Reiter's request for an Ohana dwelling at (TMK) (3) 7-4-009-034-0000, St. address 74-860 Iwalani Place, I live at (TMK) 7-4-009-033-0000, St. address 74-859 Iwalani Pl.

I oppose it – my reasons to this:

- 1) Would increase traffic in this all ready crowded culdesac.
- 2) (Phil) himself does not live there, he's renting it. As it is there's two family's living there now.
- 3) Increase of pets that these people would bring with them. As it is there's a pig, dogs – puppies – plus smells. Dog do on my yard – really don't need any more.”

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3. Mrs. Carmen Spencer (undated letter received November 21, 2000):

"In a recent phone call to your office, I was advised that the request for Ohana by Phil Reiter, 74-860 Iwalani Pl., was not resolved yet. So I will use this opportunity to again beg you not to allow the Ohana. The traffic on Palani Rd., which is our only entry and exit, is difficult now. With more cars it will be impossible.

Phil Reiter has never lived in this house and will use the Ohana as a selling point he is planning. Peter Hoog, 74-857 Iwalani Pl., Carolyn Nobriega, 74-859 Iwalani Pl., Chris and Chandra Rutledge, 74-851 Iwalani Pl., join me, Carmen Spencer 74-858 Iwalani Pl., in voicing our request for no Ohana.

A site inspection for the intersection of Iwalani Pl. and Palani Rd. would help in your decision making."

The original and notarized affidavit of Philip Reiter, dated October 14, 2000, included with the Ohana Dwelling application states:

1. "The tax map key (T.M.K.) of my property is (3) 7-4-009-034.0000 and the street address is 74-860 Iwalani Place Kailua-Kona HI 96740.

This affidavit states that I am the titleholder of the affected property listed above."

2. "The tax map key (T.M.K.) of my property is (3) 7-4-009-034.0000 and the street address is 74-860 Iwalani Place Kailua-Kona HI 96740.

This affidavit states that there are no restrictions, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provision that prohibit the construction or placement of an ohana dwelling."

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

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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 (duplex conversion) on or before January 8, 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 duplex conversion 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 (35'-0") feet

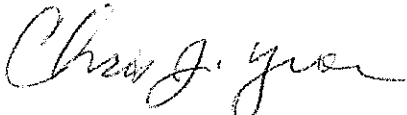
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- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 13,000 square feet is zoned Single-Family Residential (RS-10) by the County and is situated within the State Land Use Urban district.
- c) Minimum Yards (Setbacks) 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 duplex conversion ohana dwelling unit to be located on the subject TMK property shall be as follows:
- Front yard – minimum **twenty** (20) feet required;
 - Rear yard – minimum **twenty** (20) feet required;
 - Side yard(s) – minimum **ten** (10) 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

Scanned Map
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Due to Size

See File

