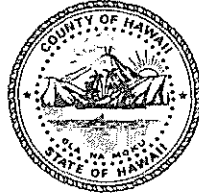


Harry Kim
Mayor



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 2213

August 21, 2001

Dale and Tracy Leverone
73-1186 Ahikawa Street
Kailua-Kona, Hawaii 96740

Dear Mr. and Mrs. Leverone:

OHANA DWELLING PERMIT NO. 3870 (OHD 2001-002)

Applicants: Dale and Tracy Leverone
Land Owners: Dale and Tracy Leverone
Request: Construct a second detached single-family dwelling
Tax Map Key: 7-3-022:016

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 April 25, 2001):

"No comments."

2. The Department of Water Supply (DWS) (memorandum dated June 6, 2001):

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

For your information, the parcel does not have an existing service with the Department. Water availability for this area is such that the parcel may receive only one service (a 5/8-inch meter) from the Department. Inasmuch as this application is proposing an additional detached dwelling, the installation of a separate 5/8-inch meter by the applicant would normally be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed ohana dwelling at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps,

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and distribution facilities must be constructed. Currently, sufficient funding is not available and no time schedule is set.

However, the primary dwelling may receive the first service and the ohana dwelling will need to have another source for water.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that only the primary dwelling may receive water service from the Department with the following conditions:

1. Execute a "Policy & Conditions for Water Service (Premises no within service limits of the Department)" Form.
2. Installation, by the Department of Water Supply, of a 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
3. Remittance of the following charges, which are subject to change, to our Customer Service Section:

a. Facilities Charge (1 st connection)	\$ 940.00
b. Service Lateral Installation Charge (Install one meter on Mamalahoa Highway, a State Highway)	<u>4,000.00</u>
Total (Subject to Change)	\$4,940.00

Should there be any questions, please call our Water Resources and Planning Branch at 961-8070."

4. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated May 8, 2001):

"The subject proposal is located in a Critical Wastewater Disposal Area. 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 individual wastewater system will not be allowed to be constructed due to lack of land area."

5. The Hawaii County Fire Department (HFD) (memorandum dated May 15, 2001):

"Fire extinguisher shall be in accordance with UFC Standard 10-1."

Dale and Tracy Leverone
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Surrounding property owners submitted the following comments regarding this application for an Ohana Dwelling Unit Permit:

"On 4/15/01, I received a letter from Mr. & Mrs. Dale Leverone, [included.] I own a house across and a little down, which I rent but am saving for my kids in the same neighborhood.

I'm in favor of Ohana dwellings that house one family. It seems that a lot of people misuse the privilege, especially in this subdivision. There are Ohana homes that look like apt. buildings on the same street.

The proposed ohana is described as having three bedrooms and three baths. I haven't seen the floor plan but if the bedrooms all have private entrances from the outside it would seem another apt. building would be in order and not following zoning codes.

Another problem is water; I would like to see a county approved water system put in this subdivision. I don't know if that has any bearing on this subject.

Please keep this letter confidential, as I don't want to cause trouble with neighbors. Also again I'm in favor of legal ohanas that don't tax the environment of the subdivision or areas."

The original and notarized affidavit of **Dale Leverone and Tracy Leverone** dated April 16, 2001, included with the Ohana Dwelling application states in part:

"Affiant, being first duly sworn on oath, deposes and says that:

1. He and his wife, Tracy Leverone, are the titleholders or owners of the real property located at 73-1186 Ahikawa St, Kailua-Kona, Hi. This property is comprised of 18,000 square feet, more or less, and further identified as Tax Map Key No. 7-3-22-16 (hereinafter "Subject Property").
2. The Covenants, or any other land use restrictions applicable to the Subject property do not prohibit the construction or placement of an ohana/second dwelling unit upon the Subject Property."

In view of the above, by this letter, you are hereby granted permission to construct a duplex 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 August 1, 2001.**

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.

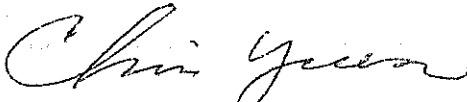
- a) The applicant is required to comply with the State Department of Health requirements, including the limitation on the total number of bedrooms allowed for both dwelling units.
 - b) The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges 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 18,282 square feet is zoned Agricultural (A-5a) 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.

Dale and Tracy Leverone
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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

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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

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Due to Size

See File

