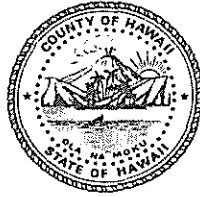


Harry Kim
Mayor



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

November 21, 2001

Mr. Anthony R. Giasolli
P.O. Box 433
Paauilo, Hawaii 96776

Dear Mr. Giasolli:

OHANA DWELLING PERMIT NO. 3873 (OHD 01-05)

Applicant: Anthony R. Giasolli
Land Owner: Anthony R. Giasolli
Request: Construct A New Detached Ohana Dwelling Unit
Tax Map Key: 6-5-008:026

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 October 24,2001):

“No comments”

2. The Department of Water Supply (DWS) (memorandum dated):

“For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at 600 gallons per day. Therefore, a second 5/8-inch meter should be installed. Water is available from the 2½-inch waterline in the private roadway, which leads to the subject parcel.

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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
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:
 - a. Facilities Charge (One 2nd service at \$4,350.00 each) \$4,350.00
 - b. Service Lateral Installation Charge 2,250.00

Total (Subject to change) \$6,600.00

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

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated October 3, 2001):

“The Health Department found no environmental health concerns with regulatory implications in the submittals.”

4. The Hawaii County Fire Department (HFD) (memorandum dated):

No Comments Received.

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

“Enclosed please find a copy of a letter sent us regarding an application for Ohana Dwelling Unit.

The owner is in the process of building a residence which I am assuming has passed all County and State regulations. The property is directly above us on a very steep hill. Having lived on our property since 1964, we are all very aware of the runoff on this hill when the heavy rains come. There has been flooding that has gone thru (sic) several homes throughout the years. There also has been much debris that has come with it.

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I would like some reassurance that the stabilization of the hill has not and will not be compromised by excessive building. The area has gone thru (sic) considerable 're-

Arranging' with dirt being moved from one place to another with the construction that has already been done.

Believe me, I have nothing against Dr. Giasolli wanting a home for and a place for the parents to reside but I really am concerned with the problems that overbuilding on that site could cause.

Thank you for your consideration in this matter.

Linda (Marilyn) Nesting
P.O. Box 849
Kamuela, Hi. 96743"

The original and notarized affidavits of **Anthony R. Giasolli** dated June 27, 2001 included with the Ohana Dwelling application states in part:

"I, Anthony Giasolli, do attest to the fact that ...

1. Affiant is the titleholder of the affected property bearing Tax Map Key (3) 6-5-8:26.
2. Affiant states there are no C. C. & R.'s restricting the building of an ohana unit on TMK (3) 6-5-8:26.
3. Affiant has attached hereto a true and correct copy of the current legal description to the subject parcel that shows that there are no restrictions or covenants affecting the subject property regarding construction of an Ohana Unit (Per opinion of Corporation Counsel dated September 10, 1987 and restated December 13, 1988).

Further affiant sayeth naught."

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

Mr. Anthony R. Giasolli

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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 November 24, 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

Mr. Anthony R. Giasolli

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- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 112,407 square feet is zoned Agricultural, one acre (A-1a) by the County and is situated within the State Land Use Urban district.

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 lot in question has been determined to be a "flag" lot. Per the County Zoning Code, Article 4, Division 1 Section 25-4-14. Flag lots, A flag lot shall be permitted when sufficient street frontage is not available for more than one building site, provided the following conditions are met: The access drive connecting the building site with the street shall have a minimum width of fifteen feet. The access drive shall be the sole access for only one building site ... The minimum yards for a flag lot, excluding the access drive, shall be the minimum side yards required for a building site in the applicable zoning district.

- c) 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 **thirty-five (35)** feet required (front of access drive);
- Rear yard – Not Applicable per above;
- Side yard(s) – minimum **twenty five (25)** 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.

Mr. Anthony R. Giasolli

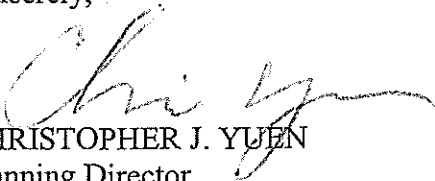
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- a) No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an Ohana Dwelling unit.
- b) An Ohana Dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

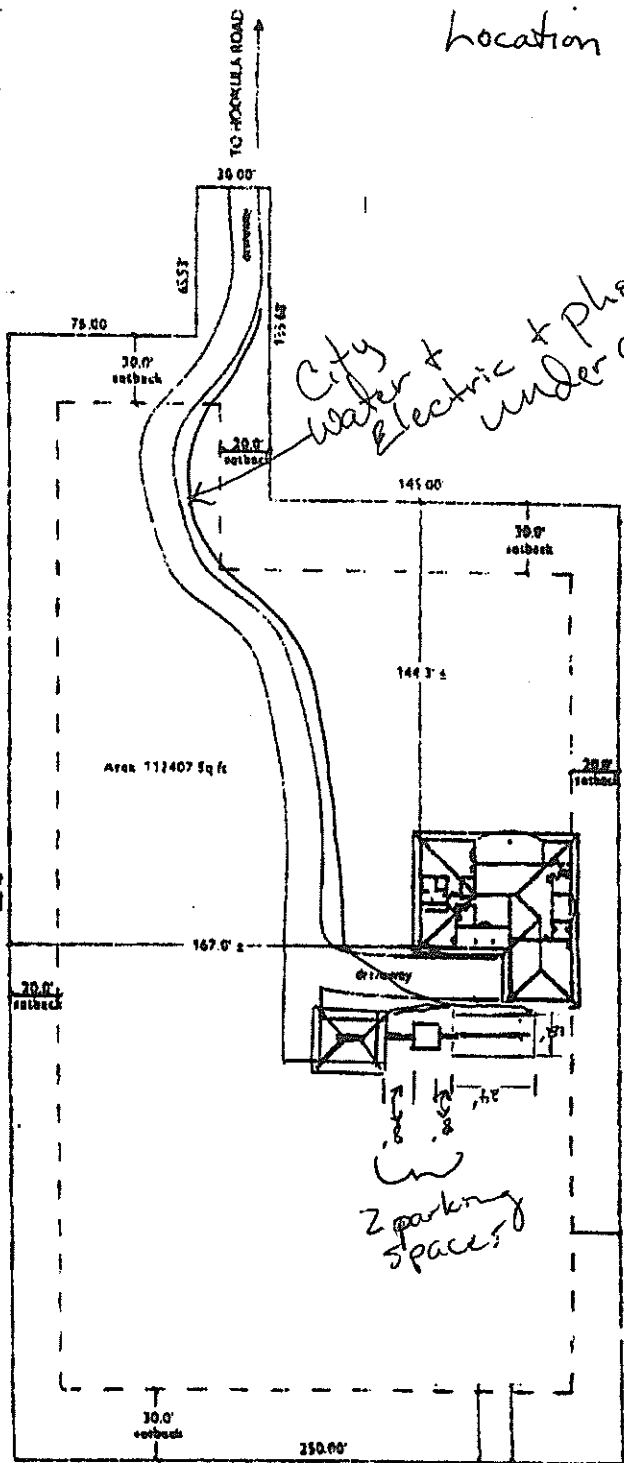
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xc: Department of Health, Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply

Location of Septic System

2001 JUL 2 PM 4 1
 PLANNING DEPARTMENT
 COUNTY OF HAWAII



Site Plan for TMK# (3) 6-5-9: 26

SCALE: 1" = 40'-0"