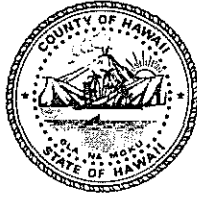


Harry Kim
Mayor



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

December 12, 2001

Mr. & Mrs. Jeffry Fear
73-4196 Eluna Place
Kailua-Kona, Hawaii 96740

Dear Mr. & Mrs. Fear,

Ohana Dwelling Permit 3874 (OHD 2001-08)

Applicant: Jeffry and Donna Fear

Land Owner: Jeffry and Donna Fear

Proposal: Construct A New Attached Ohana Dwelling Unit

Tax Map Key: 7-3-011:042

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 November 30, 2001):

“We have reviewed the subject application forwarded by your memo dated November 15, 2001 and have no comments or objections to the request.

Questions may be referred to Kelly Gomes at (961) 8327.”

2. The Department of Water Supply (DWS) (memorandum dated November 21, 2001):

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

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 4-inch waterline in Eluna Place, which fronts the subject parcel.

011672 *WJ*

DEC 12 2001

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. Capital Assessment Fee 500.00
 - c. Service Lateral Installation Charge 2,250.00Total (Subject to change) \$7,100.00

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 November 20, 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 is not allowed due to lack of land area.”

4. The Hawaii County Fire Department (HFD) (memorandum dated November 28, 2001):

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

There were no comments received from the surrounding property owners regarding this application for an Ohana Dwelling Unit Permit:

The original and notarized affidavits of **Jeffry C. Fear and Donna H. Fear** dated September 26, 2001 included with the Ohana Dwelling application state in part:

“We hereby certify that we, ..., is (sic) the title holder of said property ..., TMK 3-7-3-11-42.”

Further affidavit dated October 16, 2001 states in part:

Mr. & Mrs. Jeffry Fear
Page 3
December 12, 2001

“We, ... , have made reasonable effort to ascertain that there is no restriction or covenant applicable to the building site, contained in any deed, lease or other recorded document which prohibits the construction or placement of an ohana dwelling or a second dwelling unit on the building site.

Further your affiants 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.
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 4, 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 thirty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 12,015 square feet is zoned Agricultural, 5 acre (A-5a) 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.

- c) The respective minimum open space, front, rear, and side yard requirements for the proposed attached 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;
 - Open space from other main structures – Not Applicable, Attached Unit.
- 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.

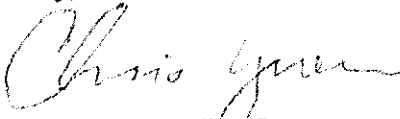
Mr. & Mrs. Jeffry Fear
Page 5
December 12, 2001

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.

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

Sincerely,

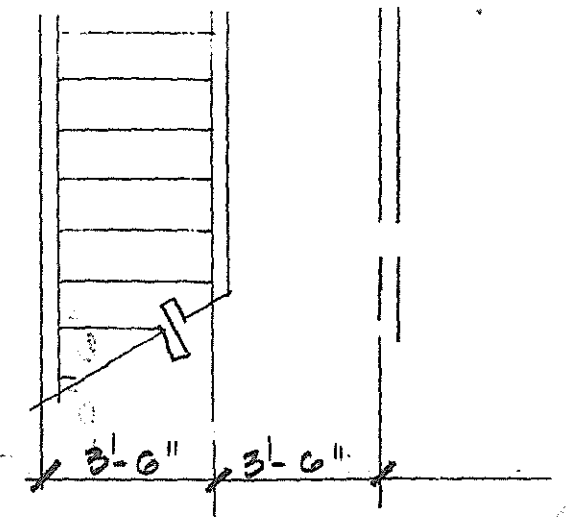
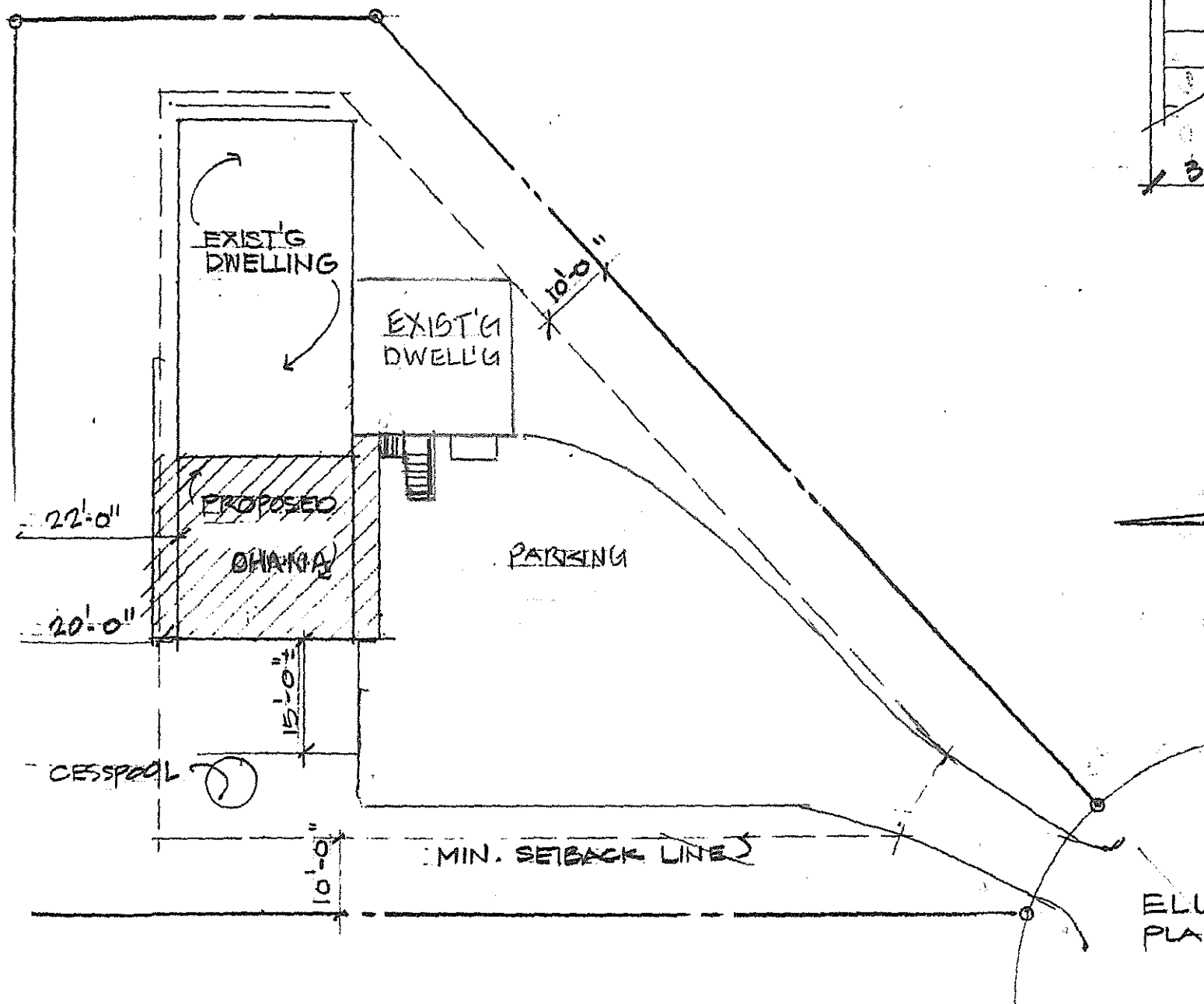


CHRISTOPHER J. YUEN
Planning Director

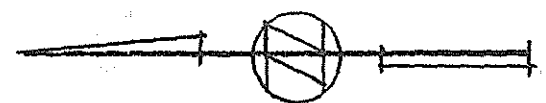
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xc: Department of Health, Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply
Planning Department - Kona



LOWE
SCALE: 1/4"



PLOT PLAN
SCALE IN FEET

T.M.K.: 7-3-11--
LOC: KONA HI
KALADA
AREA: 12,018

ELUNA PLACE