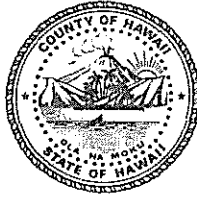


Harry Kim  
Mayor



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

February 21, 2002

Ms. Arleen E. Tamura  
88 Lama Street  
Hilo, Hawaii 96720

Dear Ms. Tamura:

*3879*

**Ohana Dwelling Permit (OHD 2002-01)**  
**Applicant: Arleen E. Tamura**  
**Land Owner: James & Jane Tamura**  
**Proposal: Construct A New Detached Ohana Dwelling Unit**  
**Tax Map Key: 2-2-052:008**

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 February 11, 2002):

“We have reviewed the subject application and have the following comment:

A driveway permit will be required from the Department of Public Works for the new driveway of the ohana dwelling.”

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2. The Department of Water Supply (DWS) (memorandum dated January 22, 2002):

“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 6-inch waterline in Lama Street, 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 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 2<sup>nd</sup> 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”

The Department of Water Supply (DWS) (memorandum dated February 1, 2002):

“This memorandum supersedes our previous memorandum dated January 22, 2002.

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 an existing service lateral off of Lama Street located on the northwest corner of 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 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
2. Remittance of the following deposit to our Customer Service Section:

Temporary Deposit to install one 5/8-inch meter and meter box      \$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 January 29, 2002):

“The proposed Septic Tank System would need to be designed by a Registered Professional Engineer licensed by the State of Hawaii. Please submit the plans to our office for approval.”

4. The Hawaii County Fire Department (HFD) (memorandum dated January 29, 2002):

“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:

No Comments were received from the surrounding property owners.

The original and notarized affidavits of **James Jitsuo Tamura and Jane Sueme Hayashi Tamura** dated June 27, 2001 included with the Ohana Dwelling application states:

“We, James Jitsuo Tamura and Jane Sueme Hayashi Tamura are the sole landowners of lot 63, area 1.96 acres Panaewa Houselots, Panaewa Waiakea, District of South Hilo TMK 2-2-052-008.

A notarized (sic) affidavit stating that provisions of any restrictions, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provisions do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.”

In view of the above, by this letter, you are hereby **granted** permission to construct a detached 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 February 19, 2003.**

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 deposit charges to the DWS.
- c) The applicant is required to comply with the DPW requirements for the new driveway.
- d) 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.
- e) 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.

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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 detached ohana dwelling unit shall be twenty-five (25'-0") feet
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 1.96 acres is zoned Agricultural, three acres (A-3a) 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

- 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(s) – minimum **thirty-five (35)** feet required;
    - Rear yard – Not Applicable for a corner lot per Section 25-4-42;
    - 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.

Ms. Arleen E. Tamura

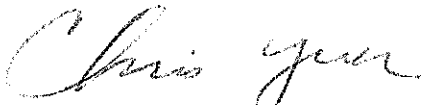
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7. Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code (Chapter 25), and property where a second dwelling unit is specifically prohibited by a change 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.

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

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:cps

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

