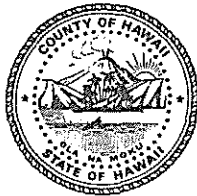


Harry Kim
Mayor



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 5, 2002

Mr. Herbert L. Jensen
P.O. Box 4787
Hilo, Hawaii 96720

Dear Mr. Jensen:

(040 2002-03)

**SUBJECT: Clarification Of Requirement For An
Ohana Dwelling Unit Permit Application
Tax Map Key (TMK) (3) 1-4-069:029 (:030)**

This is in response to your inquiry regarding the requirement of obtaining an Ohana Dwelling Unit Permit for the subject parcel.

This parcel is situated in the County RS-10 (Residential Single-Family) district and the State Land Use designation is Urban. The property contains 16,007 sq.ft. and is the result of a consolidation action of two lots (194 and 195) that was issued final approval by this Department on February 26, 1997.

On or around November 16, 2000, you or your agent presented Building Permit Applications for additions to the two existing structures. At that time it was discovered that there was a non-conforming use of the property (inadequate land area per dwelling unit). Planning Department personnel noted that to correct the non-conformity, an Ohana Dwelling Unit Permit should be applied for.

On January 23, 2002 you attempted to file an Application for the above-mentioned permit. That action leads us to this clarification of the status of the use of your property and any further requirements to remedy this situation.

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Mr. Herbert L. Jensen

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February 5, 2002

Our records indicate that a building permit was issued for a dwelling on parcel 029 (lot 194) in November of 1964. A permit was subsequently issued for a dwelling on parcel 030 (lot 195) in October of 1989. These dwellings obtained the necessary agency approvals.

As noted above, these two parcels were consolidated in 1997. The consolidation of these "non-conforming" lots created a conforming parcel in regards to land area (minimum 10,000 sq.ft. land area). The action, however, created a non-conforming use of the land (minimum 10,000 sq.ft. of land area per dwelling unit) by virtue of the two single-family dwellings being situated on the same lot.

The submittals that accompanied the consolidation application did not represent any existing structures located on the lot(s). The application should have identified those structures and should have been considered incomplete at the time of submission. This oversight is deemed to be an unintentional misrepresentation on your part.

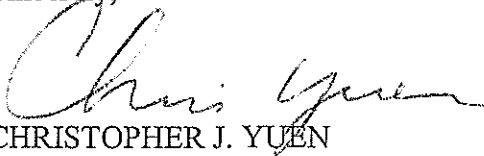
The facts in this case show that this Department made an error. By allowing the incomplete Consolidation Application and subsequent approval of said, we find that there was no fault on your part, and that further action by you is not required.

In light of the above and to legitimize the non-conformity created with the consolidation, you are hereby granted an Ohana Dwelling Permit. Your Ohana Dwelling Permit number is 3876.

As for the Building Permit Applications for miscellaneous improvements that you were initially walking through the various reviewing agencies, you may come into this office and continue the process of agency approval if you still desire to permit the work you had in mind.

We apologize for the confusion and inconvenience this has caused you. Should there be any further questions regarding this matter, please feel free to contact Rodney Nakano or Jonathan Holmes of this office.

Sincerely,



CHRISTOPHER J. YUEN

Planning Director

JRH:cps

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Due to Size

See File

