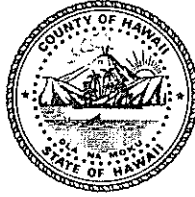


Harry Kim
Mayor



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

July 15, 2002

Mr. Robert Tucker
P.O. Box 6097
Hilo, Hawaii 96720

Dear Mr. Tucker:

Ohana Dwelling Permit Application (OHD 2002-004)

Applicant: Robert Tucker
Land Owner: Robert Tucker
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: 1-5-011:040

In a letter dated June 19, 2002, we denied the subject application because the proposed ohana unit did not meet the setback requirements for a detached ohana unit pursuant to 25-6-33(b). On July 8, 2002, you and your attorney, Martin Berger, met with Deputy Planning Director Roy Takemoto and Zoning Clerk Jonathan Holmes to discuss options. Two options were identified: 1) attach the ohana unit to the main residential dwelling; or 2) redesignate the main dwelling as the ohana unit.

The structure originally designated, as the ohana unit is an existing legal nonconforming structure with building permits. It is smaller (360 sq.ft.) than the main dwelling (1,768 sq.ft.), and logically considered the accessory dwelling on the site, which is the reason you designated that structure as the ohana unit in the original application. The main dwelling is a replacement structure of an existing dwelling with the intent to rebuild within the footprint of the former structure. This rebuilt dwelling meets the minimum setbacks of the zoning district.

In order for the ohana dwelling to meet minimum setback requirements, at the meeting you agreed to designate the main dwelling as the ohana unit. Based on this understanding, we approve your ohana dwelling unit application, subject to the conditions set forth in this letter. We reviewed the agency comments received for the original application and find them applicable to this redesignation; therefore, the comments and related findings recited in the previous letter are incorporated by reference.

021549

JUL 16 2002

This approval is subject to the following conditions:

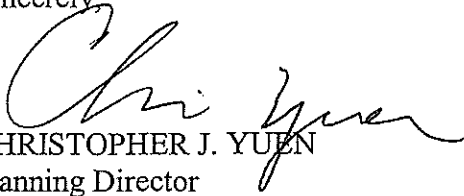
- 1) The legal nonconforming structure that is now considered the main dwelling is subject to all constraints and requirements under the zoning and building codes applicable to nonconforming structures.
- 2) In accordance with Department of Health requirements, the total bedrooms among the two dwellings shall not exceed five bedrooms in order not to exceed the capacity of the existing cesspool.
- 3) 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
 - i) permit shall not be transferable or assignable to any other person prior to its completion.
 - ii) 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 the ohana dwelling unit on or before July 16, 2003.**
 - a) 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.
 - b) 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.
 - c) 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 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 11,772 sq. ft. is zoned Residential Single Family (RS-10) by the County and is situated within the State Land Use Urban district. 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:
 - i) Front yard(s) – minimum **twenty-five (25)** feet required;
 - ii) Rear yard – minimum **twenty-five (25)** feet required;
 - iii) Side yard(s) – minimum **fifteen (15)** feet required;
- 6) Open space from other main structures – minimum **fifteen (15)** feet required.
- 7) 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.
- 8) 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.
- 9) 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.

Mr. Robert Tucker
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July 15, 2002

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

REVIEWED BY: *[Signature]*

DATE: FEB 8 2002

DRIVEWAY: IN ACCORDANCE WITH CHAPTER 22 OF THE HAWAII COUNTY CODE, A PERMIT SHALL BE OBTAINED FOR DRIVEWAY CONSTRUCTION WORK WITHIN THE COUNTY ROAD RIGHT-OF-WAY.

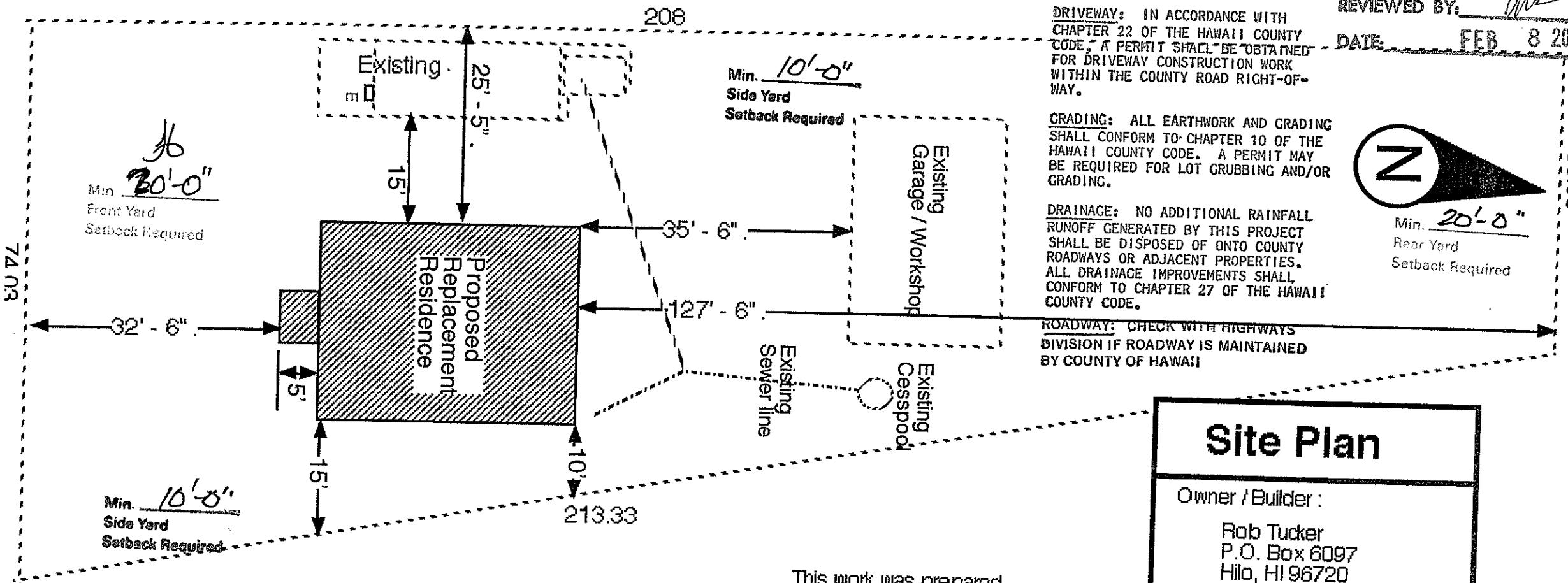
GRADING: ALL EARTHWORK AND GRADING SHALL CONFORM TO CHAPTER 10 OF THE HAWAII COUNTY CODE. A PERMIT MAY BE REQUIRED FOR LOT GRUBBING AND/OR GRADING.

DRAINAGE: NO ADDITIONAL RAINFALL RUNOFF GENERATED BY THIS PROJECT SHALL BE DISPOSED OF ONTO COUNTY ROADWAYS OR ADJACENT PROPERTIES. ALL DRAINAGE IMPROVEMENTS SHALL CONFORM TO CHAPTER 27 OF THE HAWAII COUNTY CODE.

ROADWAY: CHECK WITH HIGHWAYS DIVISION IF ROADWAY IS MAINTAINED BY COUNTY OF HAWAII



Min. 20'-0"
Rear Yard
Setback Required

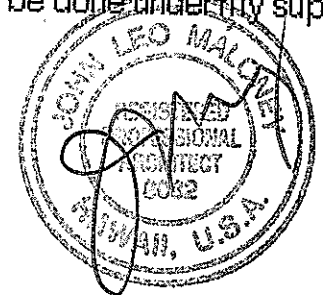


Site Plan	
Owner / Builder:	
Rob Tucker P.O. Box 6097 Hilo, HI 96720 808-965-1555	
Tax Map Key	
3 / 1 / 5 / 1011 / 040	
Lot Area = 11,772 s.f.	
Existing Structures = 950 s.f.	
Proposed Structure = 1,768 s.f.	
Total structures = 2,716 s.f.	

APPROVED
[Signature]
 Hawaii County Planning Department
 Date: 4-18-02

Scale: 1" - 16'

This work was prepared by me or under my supervision. Construction of this project will be done under my supervision



A1