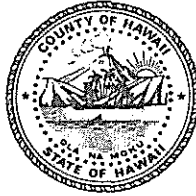


Harry Kim
Mayor



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

May 21, 2002

Mr. Stanley Cypriano
P.O. Box 815
Honokaa, Hawaii 96727

Dear Mr. Cypriano

Ohana Dwelling Permit 3878 (OHD 2002-007)
Applicant: Stanley Cypriano
Land Owner: Stanley and Beverly Cypriano
Proposal: Construct A New Detached Ohana Dwelling Unit
Tax Map Key: 4-5-013:020

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 April 4, 2002):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated April 11, 2002):

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

The property does not have an existing water service with the Department. Water is currently available for the first dwelling from the waterline ending at Parcel 9 in Maile Street. Inasmuch as this application is proposing an additional detached dwelling, the installation of a separate 5/8-inch meter by the applicant would normally be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed ohana dwelling at this time. Extensive improvements and additions, including source, storage, transmission and distribution facilities, must be constructed. Currently, sufficient funding is not available and no time schedule is set.

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Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that the Department cannot provide water service to the proposed ohana dwelling. Further, should the application be approved, both dwellings must not share the single meter for the parcel.

For the applicant's information, the following conditions are for the first service:

1. Sign a "Policy & Conditions for Water Service (Premises not within Service Limits of the Department)" as the parcel does not front the waterline.
2. The applicant is responsible to obtain all necessary permits, clearances, or easements from the Department of Public Works and/or any other agency or party for the installation of the consumer's supply pipe.
3. Installation by the Department of Water Supply of a 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.
4. Remittance of the following charges, which are subject to change, to our Customer Service Section:
 - a. Facilities Charge (One 1st service at \$9400.00 each) \$ 940.00
 - b. Service Lateral Installation Charge 2,250.00
(Install one meter on Maile Street, a County road)
Total (Subject to change) \$ 3,190.00
 - c. A minimum deposit of \$50.00 shall be collected from each customer who has not previously established satisfactory credit with the Department. The deposit shall be returned with interest to the depositor after a 12-month period and when credit experience has been determined 50.00
Total (Subject to Change) \$ 3,240.00

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 April 16, 2002):

"The subject lot(s) are located in a Non-Critical Wastewater Disposal Area where cesspools are allowed under current rules. More than one cesspool is allowed provided 10,000 sq. ft. per cesspool is available. Each cesspool can dispose of 1,000 gallons per day of wastewater."

4. The Hawaii County Fire Department (HFD) (memorandum dated April 12, 2002):

"We have no comments to offer at this time regarding the above-referenced ohana dwelling unit permit."

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There were no comments received from the surrounding property owner(s) regarding this application for an Ohana Dwelling Unit Permit.

The original and notarized affidavits of **Stanley Cypriano & Beverly Cypriano** dated March 25, 2002 included with the Ohana Dwelling application state:

“We are writing this letter to inform you that we are the titleholders of that certain parcel of land being parcel “B-1”, (consolidation of parcels “A-2 and B”, portion of grant 2465 to Olepau, et al.) situated at Papaanui, Hamakua, State of Hawaii. This consolidation dated August 28, 2001 was recorded September 25, 2001 as instrument NO. 2001-150714, in the bureau of conveyances. TMK 3-4-5-013-020-000”

“We are writing this letter to inform you that we are the titleholders of that certain parcel of land being parcel “B-1”, (consolidation of parcels “A-2 and B”, portion of grant 2465 to Olepau, et al.) situated at Papaanui, Hamakua, State of Hawaii. This consolidation dated August 28, 2001 was recorded September 25, 2001 as instrument NO. 2001-150714, in the bureau of conveyances. TMK 3-4-5-013-020-000

There are NO provisions of any restrictions, covenant or other land use restrictions applicable to this 32,150 square foot lot by way of deed or lease or other provisions that prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.”

The subject parcel is located in the RS-10 zoning district with a land area of 32,150 sq.ft. The following is excerpted from the Hawaii County Zoning Code in regards to the RS zoning district:

Article 5 Section 25-5-2 Designation of RS districts.

Each RS (single-family residential) district shall be designated on the zoning map by the symbol "RS" followed by a number which specifies the **required minimum building site area in thousands of square feet.** (emphasis added)

Section 25-5-3. Permitted uses.

- (a) The following uses shall be permitted in the RS district:
(5) Dwellings, single-family.

Section 25-5-8. Other regulations.

- (a) **There may be more than one single-family dwelling** on each building site in an RS district **provided there is not less than the required minimum building site area for each dwelling.** (emphasis added)

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Further, as regards Ohana dwellings, the code reads in part:

Article 6 Division 3 Section 25-6-32. Prohibited areas.

Ohana dwelling units shall be prohibited in the following areas:

- (d) **Any building site where more than one dwelling unit is permitted** in the zoning district, **including building sites that permit more than one dwelling unit in the RS ...** (emphasis added)

In view of the above, by this letter, you are hereby **denied** permission to construct a detached single family **Ohana Dwelling Unit** because of the following reason:

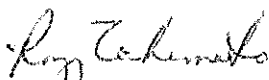
1. The proposed Ohana Dwelling unit is being requested on a parcel of land that, by virtue of the land area and the County Zoning designation, would be allowed to have up to three single-family dwellings located on it. The Ohana section of the code, as excerpted above, forbids an ohana dwelling to be located on this property.

Should you desire to erect another dwelling on this parcel, the Zoning Code would allow that as presently written. You should note, however, the comments listed above from the agencies that reviewed the ohana application as they would still be applicable to the additional dwelling.

In addition to the agency requirements noted above, the dwelling would be required to conform to all aspects of Chapter 25, the Hawaii County Zoning Code. These requirements include but are not limited to height restrictions, setbacks and open space between main structures.

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

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
Planning Department - Kona