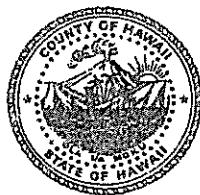


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**  
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

December 2, 2002

Ms. Lorna A. Gatica  
P.O. Box 186  
Hawi, Hawaii 96719

Dear Ms. Gatica:

**SUBJECT: Ohana Dwelling Permit Application 3884 (2002-008)**  
**Applicant: Lorna A. Gatica**  
**Land Owner: Lorna A. Gatica**  
**Proposal: Construct A New Detached  
Ohana Dwelling Unit**  
**Tax Map Key: (3) 5-5-016:012**

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 August 12, 2002):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated August 14, 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 3-inch waterline in Hawi Road, which fronts the subject parcel.

028820  
*(Signature)*

DEC 04 2002

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. Service Lateral Installation Charge 4,000.00  
(Install one meter in Hawi Road, a State right-of-way)

Total (Subject to change) \$8,350.00

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 August 7, 2002):

“The Health Department found no environmental health concerns with regulatory implications in the submittals.”

4. The Hawaii County Fire Department (HFD) (memorandum dated August 14, 2002):

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

The following comments were received from the surrounding property owner(s) regarding this application for an Ohana Dwelling Unit Permit:

“We are neighbors of the above-named ohana permit applicant and would like to express our concerns about the planned ohana unit. We have spoken to a clerk at the Hilo office of the Planning Department and were informed that, essentially, our objections to the planned ohana unit would be futile. However, after much thought, we would still like to express our objections to this planned construction.

Our first concern is whether this unit will be to house family members or whether it will become a rental unit. We had been informed by a former tenant that the owner had planned to construct rental units on the property. We were also advised by the clerk at the Planning Department that once the construction is completed, the ohana unit can become a rental unit and there is nothing which can be done about it. It also seems rather ironic that the property owner is applying for a building permit when there has already been construction to the original home for which it appears no permit was obtained. This building-on was what gave us concern about a long-term plan to have rental units.

We are also concerned about the possible increase in cars, parking, and traffic this additional unit will cause. Hawi Road is a very heavily used roadway with no shoulders and no pedestrian walking lane. There is for parking along the roadway, except for a narrow frontage which most of the residences have in order to allow for a clear line of vision to exit their driveways. Will there be sufficient parking for the new occupants of the additional ohana unit?

We believe that this additional ohana unit is not appropriate in this residential area. The homes within 300 feet of the planned unit are single family residences. Unless there is a method to ensure that ohana unit do not become rental units and that the intent of the ohana permits are not abused by homeowners, there should not be allowances for ohana buildings. Our neighbors have also expressed concern about the additional ohana unit, but when informed of the situation as per the Planning Department clerk, have decided it would be useless to voice their concerns.

We realize that our objections to the planned ohana construction are futile and will not stop the construction but we do want to express them. Thank you for taking the time to read this letter.

Sincerely, Harold and Corinne Higa”

The original and notarized affidavit of **Lorna A. Gatica** dated March 18, 2002 included with the Ohana Dwelling application states:

“Lorna A. Gatica, whose residence and mailing address is 575 Camrose Court, Colorado Springs, CO 80911 being sworn on oath deposes and says:

1. That I am the titleholder of the property located at 55-609 Hawi Road, North Kohala, Hawaii 96719, Tax Map Key (3) 5/5/016/012, having all powers sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all interests therein.

2. That no provision of any restrictions, covenant of other applicable land use restriction by way of any deed or lease or other provision restrict the construction or placement of an Ohana unit or a second dwelling unit on the property.”

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 the ohana dwelling unit on or before November 28, 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 shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
- 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.
- 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.

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 15,092 square feet is zoned Residential, Single-Family (RS-15) 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 detached ohana dwelling unit to be located on the subject TMK property shall be as follows:
  - Front yard – minimum **twenty-five** (25) feet required;
  - Rear yard – minimum **twenty-five** (25) feet required;
  - Side yard(s) – minimum **fifteen** (15) feet required;
  - Open space from other main structure(s) – 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.

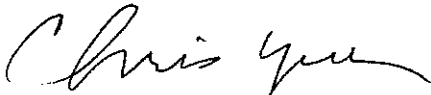
Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.

Ms. Lorna A. Gatica  
Page 6  
December 2, 2002

- 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.

Sincerely,

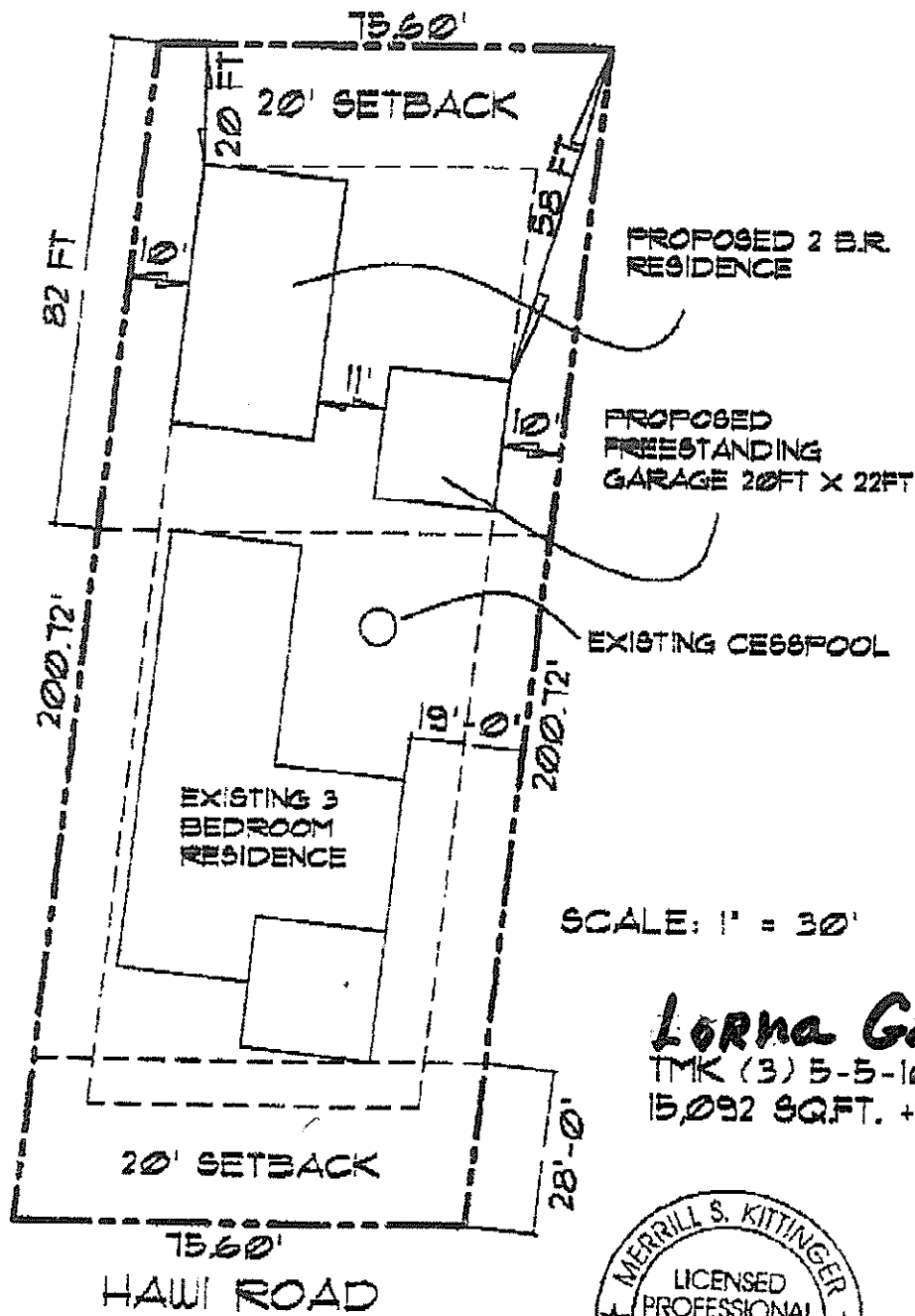


CHRISTOPHER J. YUEN  
Planning Director

JRH:cps

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

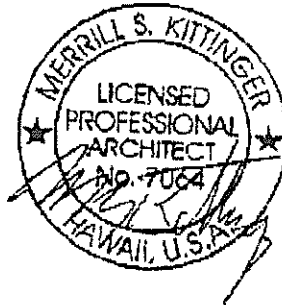


SCALE: 1" = 30'

**Lorna Gatica**

TMK (3) 5-5-16 : 12

15,092 SQ.FT. + OR -



THIS WORK WAS  
 PREPARED  
 BY ME OR UNDER MY  
 SUPERVISION  
 CONSTRUCTION OF THIS  
 PROJECT  
 WILL BE UNDER MY  
 OBSERVATION