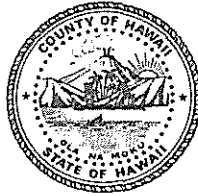


Harry Kim  
Mayor



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

June 18, 2002

Ms. Kathy Clarke  
P.O. Box 2245  
Kamuela, Hawaii 96743

Dear Ms Clarke:

**SUBJECT: Ohana Dwelling Permit (OHD 2002-009)**  
**Applicant: Kathy Clarke**  
**Land Owner: Kathy Clarke**  
**Proposal: Construct A New Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 6-6-007:044**

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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 11, 2002):  
"No comments."
2. The Department of Water Supply (DWS) (memorandum dated April 24, 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 8-inch waterline in Alaneo 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:

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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  
(Install one meter on Captain Cook Road, a County road)

Total (Subject to change) \$6,600.00

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 17, 2002):

“The existing cesspool may service a total of 1,000 gallons per day of wastewater. A total of five bedrooms are allowed in the two dwelling units. A second individual wastewater system is not allowed because of lack of land area.”

4. The Hawaii County Fire Department (HFD) (memorandum dated May 16, 2002):

“Fire extinguishers shall be in accordance with UFC Standards 10-1, Standards for portable Fire Extinguishers, NFPA 10-1984.”

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 **Kathy Clarke** dated March 19, 2002 included with the Ohana Dwelling application state:

“Under penalty of perjury, I declare that the applicant, Kathy Clarke, is the titleholder of the affected property at 66-1805 Alaneo St. Kamuela, HI., 96743, TMK 3-6-6-7-44.”

“As titleholder of the affected property and under penalty of perjury, I, Kathy Clarke, declare that the provisions of any restriction, covenant or other land use restrictions applicable to the lot by way of a deed or lease or other provisions do not prohibit the construction or placement of an ohana dwelling unit or second dwelling unit at the affected property, 66-1805 Alaneo St. Kamuela, HI., 96743, TMK 3-6-6-7-44.”

In view of the above, by this letter, you are hereby **granted** permission to construct an attached duplex 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 Current Date plus one day, 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 required facilities charge and service lateral installation charges to the DWS.
- c) The applicant shall comply with the requirements of the County of Hawaii Fire Department.
- 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.

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 ohana dwelling unit shall be **thirty-five (35'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 14,769 square feet is zoned Residential, Single-Family (RS-10) 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 attached ohana dwelling unit to be located on the subject TMK property shall be as follows:
- Front yard – minimum **twenty (20)** feet required;
  - Rear yard – minimum **twenty (20)** feet required;
  - Side yard(s) – minimum **ten (10)** feet required;
  - Open space from other main structure(s) – not applicable, attached ohana dwelling unit.
- 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.

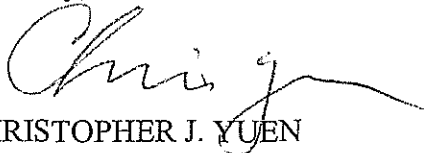
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Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second dwelling unit is specifically prohibited by a change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

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  
Mr. Jeffrey W. Darrow, Zoning Inspector

Scanned Map  
Unavailable  
Due to Size

See File

