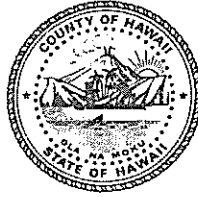


Harry Kim
Mayor



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 16, 2002

Keith and Sharmai Amber
P.O. Box 400
Kapaau, Hawaii 96755

Dear Mr. and Mrs. Amber:

Ohana Dwelling Permit 3880 (2002-11)
Applicant: Keith and Sharmai Amber
Land Owners: Keith and Sharmai Amber
Proposal: Construct A New Detached Ohana Dwelling Unit
Tax Map Key: 5-5-009:067

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 July 8, 2002):

“We have reviewed the subject application and have the following comment.

Two driveways will not be permitted on the subject parcel. Chapter 22 of the Hawaii County Code requires a lot’s street frontage to be at least 106 feet wide to accommodate two driveways.”

2. The Department of Water Supply (DWS) (memorandum dated July 3, 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 6-inch waterline in Keawe Iki Place, which fronts the subject parcel.

JUL 17 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 2,250.00
(Install one meter on Keawe Iki, 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 July 8, 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 cesspool is not allowed because of lack of land area.”

4. The Hawaii County Fire Department (HFD) (memorandum dated June 28, 2002):

“Fire apparatus access roads shall be in accordance with UFC Section 10.207:

‘Fire Apparatus Access Roads

‘Sec. 10.207. (a) General. Fire apparatus access roads shall be provided and maintained in accordance with this section.

‘(b) Where Required. Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

‘EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

'2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

'3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

'More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

'For high-piled combustible storage, see Section 81.109.

'(c) **Width.** The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

'(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

'**EXCEPTION:** Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

'(e) **Permissible Modifications.** Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

'(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.' (20 tons)

'(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief.' (45 feet)

'(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

‘(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

‘(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.’ (15%)

‘(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

‘(l) **Signs.** When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

Fire extinguisher shall be in accordance with UFC Standard 10-1.”

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 **Keith Amber and Sharmai Amber** dated April 29, 2002 included with the Ohana Dwelling application state:

“Warranty Deed #2702653 Dated May 4,2001 shows sole Titleholders of the property at 55-469 Keawe Iki Place, Hawi Hi 96719 TMK 3-5-5-9-67 as Keith Amber and Sharmai Amber.

Also stated on this warranty deed:

‘ Together with all and singular the building, improvements, rights, tenements, hereditaments, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection therewith. To have and to hold the same unto the Grantee, as tenants by the entirety, their assigns and the survivor of them, and the heirs, personal representatives, and assigns of the survivor of them, in fee simple forever.’ ”

“ ... It is further stated that according to this Warranty Deed there are no provisions of any restriction, covenant, or other land use restriction applicable to the lot by way of a deed or lease or other provision which prohibit the construction placement of an ohana dwelling unit or a second dwelling unit.”

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 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 as stated above (no additional wastewater system is allowed).
- 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 requirement of the Department of Public Works (no second driveway allowed).
- d) The applicant shall comply with the requirements of the County of Hawaii Fire Department pertaining to fire apparatus access roads.
- e) 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.

- f) 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 **twenty-five (25'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,030 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 attached 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.

Keith and Sharmai Amber
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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 at 961-8288.

Sincerely,

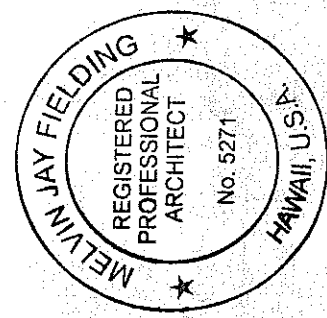
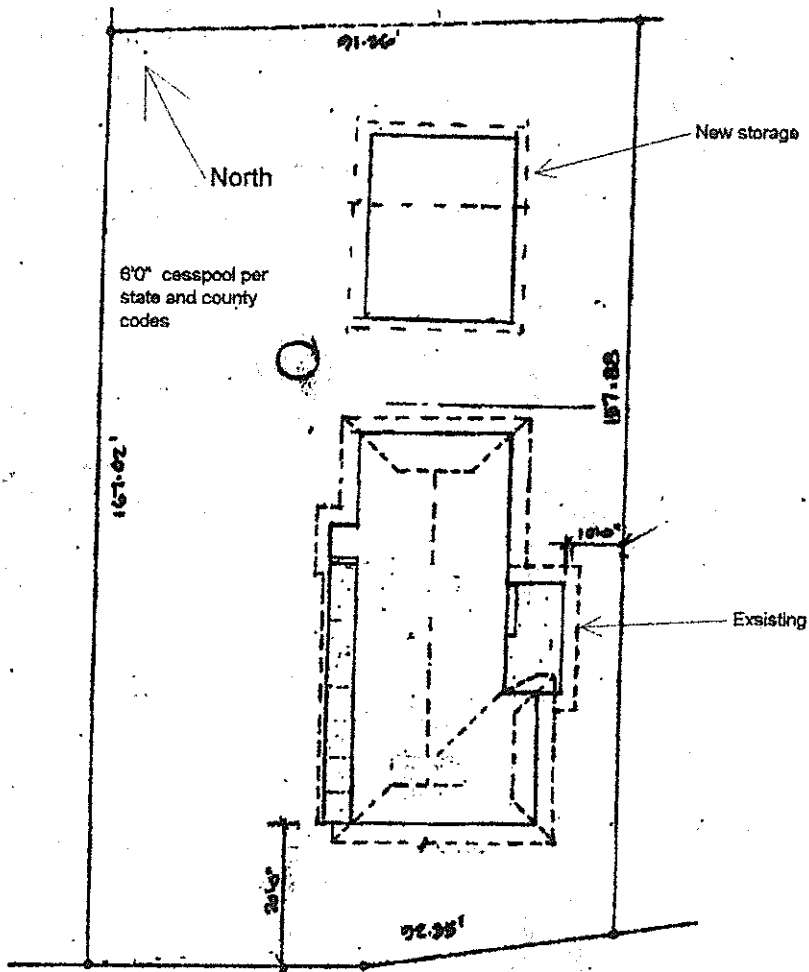


CHRISTOPHER J. YUEN
Planning Director

JRH:cps

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



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

[Handwritten Signature]
Signature

Plot Plan