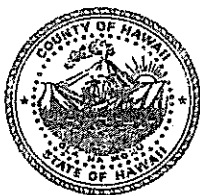


Harry Kim
Mayor



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

Mr. Victoriano Bautista
P.O. Box 663
Kapaau, Hawaii 96755

Dear Mr. Bautista:

SUBJECT: Ohana Dwelling Permit Application 3883 (2002-012)
Applicant: Victoriano Bautista
Land Owner: Victoriano Bautista
**Proposal: Construct A New Attached
Ohana Dwelling Unit**
Tax Map Key: (3) 5-3-010:060

The subject Application for an Ohana Dwelling Unit Permit and supporting submittals was reviewed by this Department and our decision is as follows:

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

The original and notarized affidavit of **Victor B. Bautista** dated May 28, 2002 included with the Ohana Dwelling application states:

“I am the lone title holder of the property Tax Map Key – 5-3-10-60.”

Also stated on this warranty deed:

‘ That the said property in question has no restriction, covenant or any other restriction that prohibit the construction of ohana dwelling or second dwelling.’ ”

02822:1
DEC 04 2002

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 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 State Department of Health and comply with any requirements they might have.**
- 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 any requirements of the Department of Public Works.**
- d) **The applicant shall comply with any requirements of the County of Hawaii Fire Department.**
- 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 **thirty-five (35'-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 (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, the State Department of Health and the Department of Water Supply and other reviewing agencies/divisions listed on the Building Permit Application.

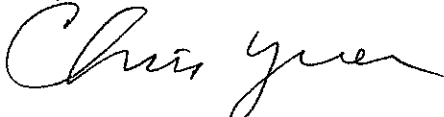
Mr. Victoriano Bautista
Page 4
December 2, 2002

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

p:\ohana\jrhohana\apvl\bautista53010060apvl.doc

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

