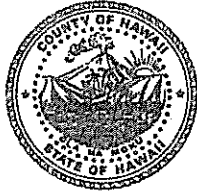


Harry Kim  
Mayor



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

February 20, 2003

Mr. Klaus D. Conventz  
Baumeister Consulting  
P.O. Box 2308  
Kailua-Kona, Hawaii 96745-2308

Dear Mr. Conventz:

**SUBJECT: Ohana Dwelling Permit Application 3888 (2002-018)**  
**Applicant: Klaus Conventz – Baumeister Consulting**  
**Land Owner: Noah Brustin and Abbe Boone**  
**Proposal: Construct A New Detached  
Ohana Dwelling Unit**  
**Tax Map Key: (3) 7-6-010:032**

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 November 26, 2002):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated December 4, 2002):

“We have reviewed the subject application, and our records show that the subject parcel does not have water service with the Department. Therefore, the Department will wait to comment on the aforementioned application until the applicants notify the Department on how they are getting their water for the existing dwelling and how they propose to provide water service to the ohana dwelling.

The applicant will be informed, through a copy of this letter, and shall respond by December 10, 2002, to the Department of Water Supply to enable your department to make a decision by January 9, 2003. Should there be any questions, please call our Water Resources and Planning Branch at 961-8070.”

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The Department of Water Supply (DWS) (second memorandum dated December 12, 2002):

“We received your letter dated December 8, 2002, stating that the parcel receives water from Kona Ranch Water Supply Hui. Although, they are a private water system, they do receive their water from the Department through a master meter. Therefore, we require that each dwelling has its own meter or, in the case of a master meter, it’s own unit of water. This application is proposing an additional detached dwelling, so the purchase of an additional unit of water by the applicant is required in accordance with Department regulations.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that they must remit a \$4,350.00 facilities charge and \$500.00 capital assessment fee, which are subject to change, for the additional unit of water to our Customer Service Section. Further this additional unit of water is restricted to a daily maximum usage of 600 gallons.

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 December 18, 2002):

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

4. The Hawaii County Fire Department (HFD) (memorandum dated January 30, 2003):

“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.

We note the following documents that accompanied your application. The original and notarized affidavit of **Noah Brustin and Abbe Boon** dated October 21, 2002 included with the Ohana Dwelling application states:

“Noah Brustin and Abbe Boon, herein called the affiants, being first duly sworn, depose and say:

FIRST: That the affiants are both over the age of eighteen (18) years and competent to testify as to the matters hereinafter set out.

SECOND: That the affiants are the co-owners of the property described in Exhibit “A” attached hereto and made a part hereof, each holding an undivided 50% interest in the subject property.

THIRD: That the provisions of any restriction, covenant or any other land use restrictions applicable to the lot by way of deed or lease or other provision

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do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.

FOURTH: That all matters herein stated are true to the personal knowledge of the affiants.

EXHIBIT 'A'

All of that certain property identified by TMK (3) 7-6-10:32, Lot 4-A, being a portion of R.P. 7819, L.C. Aw. 8559-B, Ap. 8 to Lunalilo, and a portion of the partition of Holualoa 1 & 2, makai section, R.P. 4475, L.C. Aw. 7713, Ap. 43 to Knamalu at Holualoa 1&2, North Kona, Island, County and State of Hawaii.

END EXHIBIT 'A''

Letter of authorization dated October 24, 2002 for Klaus D. Conventz as representative.

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 January 8, 2004.**

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 capital assessment fee charges to the DWS.
  - b) The applicant shall conform to the Department of Health requirements as to number of bedrooms.
  - c) 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 29,251 square feet is zoned Residential and Agricultural (RA-.5a) by the County and is situated within the State Land Use Rural 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 **thirty** (30) feet required;
  - Rear yard – minimum **thirty** (30) feet required;
  - Side yard(s) – minimum **twenty** (20) 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.

- 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

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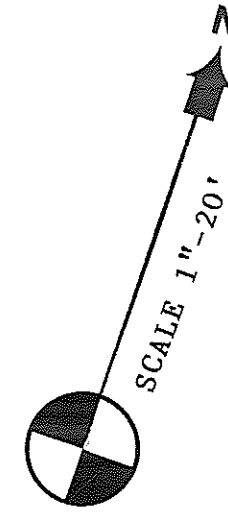
xc: Dept. of Health, Chief Sanitarian  
Dept. of Public Works  
Real Property Tax  
Dept. of Water Supply  
Planning Dept. - Kona



OHANA APPLICATION  
NOAH BRUSTIN & ABBE BOON  
TMK: (3) 7-6-10:32

REPRESENTATIVE:  
KLAUS D. CONVENTZ  
DBA BAUMEISTER CONSULTING  
PHONE 329-0898 FAX 326-7609

# PLOTPLAN



TMK 7-5-16: 54

TMK 7.

